1	Matthew Bergman (admitted <i>Pro Hac Vice</i>)		
2	matt@socialmediavictims.org Laura Marquez-Garrett, SBN 221542	FILED Superior Court of California	
3	laura@socialmediavictims.org	Superior Court of California County of Los Angeles	
	Sydney Lottes, SBN 345387	07/20/2023	
4	sydney@socialmediavictims.org SOCIAL MEDIA VICTIMS LAW CENTER	David W. Slayton, Executive Officer / Clerk of Court	
5	520 Pike Street, Suite 1125	By: T. Bivins Deputy	
6	Seattle, WA 98101		
	Ph: 206-741-4862		
7	Hannah Meropol, CA Bar No. 340095		
8	hannah@cagoldberglaw.com		
9	C. A. GOLDBERG, PLLC		
9	16 Court Street, 33 rd Floor		
10	Brooklyn, NY 11201 Ph: 646-666-8908		
11	T II. 040-000-6506		
12	Attorneys for Plaintiffs		
	[Additional counsel appear on signature page.]		
13			
14	IN THE SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		
15	COUNTY OF E	OS ANGELES	
16			
17	AMY NEVILLE; AARON NEVILLE; JAIME PUERTA; MARIAM HERNANDEZ; CINDY	CIVIL ACTION NO. 22STCV33500	
18	CRUZ-SARANTOS; BRIDGETTE		
	NORRING; JAMES MCCARTHY;		
19	KATHLEEN MCCARTHY; SAMANTHA	SECOND AMENDED COMPLAINT	
20	MCCARTHY; MATTHEW CAPELOUTO;		
21	CHRISTINE CAPELOUTO; PERLA MENDOZA; SAMUEL CHAPMAN; DR.		
	LAURA ANN CHAPMAN BERMAN;		
22	JESSICA DIACONT; E.B.; AND P.B.,		
23	DI : ./.00	JURY TRIAL DEMAND	
24	Plaintiffs,		
	v.		
25			
26	SNAP, INC.,		
27	Defendant.		
28			

COMES NOW PLAINTIFFS 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, Samuel Chapman, Dr. Laura Ann Chapman Berman, and Jessica Diacont and bring this Second Amended Complaint and action for wrongful death and survivorship against Defendant Snap, Inc. ("Snap") for the deaths of Alexander Neville, Daniel Puerta, Jeffrey ("Jeff") Steven Johnston, Jr., Dylan Kai Sarantos, Devin Norring, Jack McCarthy, Alexandra ("Alex") Capelouto, Daniel Elijah ("Elijah") Figueroa, Samuel Berman "Sammy" Chapman, and Jacob Robertson respectively; Plaintiffs E.B. and P.B. bring this Second Amended Complaint and action for personal injuries and injunctive relief against Snap for injuries caused to themselves and their 16-year-old child, A.B., arising from A.B.'s use of the Snapchat social media product.

I. INTRODUCTION

- 1. This case is about a social media product, Snapchat, that has caused thousands of American teens to die from fentanyl overdoses. Despite Snap promoting and portraying Snapchat as a "goofy" app for kids to use to send each other silly pictures, its known common use is as an "open-air drug market." As detailed below, Snap and Snapchat's role in illicit drug sales to teens was the foreseeable result of the designs, structures, and policies Snap chose to implement to increase its revenues. Worse, as the predictable use of Snapchat for drug sales—and deaths from fentanyl poisoning—took off, Snap not only failed to make feasible changes to Snapchat to make the app safer for kids, but it also engaged in a concerted corporate campaign to delay and dissuade legal action. Snap falsely claimed it was taking meaningful and effective steps to protect kids when using the app, lying to regulators and to grieving parents.
- 2. Despite the fact that other social media products are equally—or more—popular than Snapchat among teen users, Snapchat is the go-to means to distribute drugs to children, teens, and young adults through social media and is involved in a far greater number of fentanyl poisoning deaths of U.S. teens than other social media apps. The prevalence of Snapchat's involvement in these deaths is unrelated to its popularity among adolescents; rather, it is

specifically chosen for dangerous drug activity because of how Snap designs, markets, distributes, programs, and operates its Snapchat social media product.

- 3. As detailed below, Snapchat originated with its founders' desire to create an application that would automatically erase evidence of illicit conduct—such as organizing events for underage drinking, sex, and illicit drug use. It was foreseeable—if not intended—that with its many data deletion features and functions, Snapchat would become a haven for drug trafficking. That is, Snapchat does not simply make messages disappear as between users, it makes those messages disappear on the back end of its product as well. This combination of practices and multiple features Snap chose to build into its Snapchat product—such as implementing ineffective age and identity verification, facilitating easy creation of multiple, fake accounts, connecting kids with strangers and drug dealers in-app through the "quick add" feature, and further connecting kids with strangers and drug dealers in real life through a live mapping feature—makes Snap an inherently dangerous product for young users and has predictably caused it to become a haven for trafficking drugs to kids.
- 4. Long before the children at issue in this case died, Snap was on notice that Snapchat was facilitating an enormous number of drug deals. Both Snap and the drug dealers were and are targeting and making money from keeping kids using the Snapchat product and the various features that facilitate drug trafficking. Despite its public statements and supposed policies, Snap's business goals are, in this material way, aligned with those of the Snapchat drug dealers.
- 5. Snap could use its considerable technological and business resources to shut Snapchat's door to drug dealers. Instead, it has chosen to brush off the obvious safety defects in its products, downplay how its policies and practices put kids at foreseeable risk of grievous harm and death, and callously tell grieving parents that they have no recourse for Snapchat's role in their children's deaths. For years, Snap has knowingly aided and abetted drug distribution to kids through its platform.
- 6. This lawsuit seeks to hold Snap and its leadership morally and legally responsible for Snapchat's material role in and contribution to the deaths of and harms to the children named

below, and the epidemic of fentanyl deaths among American youth, thereby forcing Snap to implement design and policy changes that will make Snapchat safer for millions of young people still at risk.

II. PARTIES

- 7. Plaintiffs Amy Neville ("Amy") and Aaron Neville ("Aaron") are the parents of Alexander Neville ("Alexander") who died at the age of 14 on June 23, 2020. Amy and Aaron reside in Arizona. Amy is the successor-in-interest of her child's estate and maintains this action 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.
- 8. Plaintiff Jaime Puerta ("Jaime") is the parent of Daniel Puerta ("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.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.

- 13. 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 Estate, as well as individually on his own behalf. Christine maintains this action individually on her own behalf.
- 14. Plaintiff Perla Mendoza ("Perla") is the parent of Daniel Elijah ("Elijah") Figueroa who died at the age of 20 on September 16, 2020. Perla resides in Seal Beach, California. Perla is in the process of being appointed as the Representative of Daniel Elijah Mendoza's Estate, which petition was filed and accepted by the Court in September 2022. Perla maintains this action in a representative capacity, for the benefit of Elijah's Estate, as well as individually on her own behalf.
- 15. Plaintiffs Samuel Chapman ("Sam") and Dr. Laura Ann Chapman Berman are the parents of Samuel Berman ("Sammy") Chapman who died at the age of 16 on February 7, 2021. Sam resides in Santa Monica, California. Sam is the successor-in-interest of his child's estate and maintains this action in a representative capacity, for the benefit of Sammy's Estate, as well as individually on his own behalf.
- 16. Plaintiff Jessica Diacont ("Jessica") is the parent of Jacob Robertson ("Jacob") who died at the age of 15 on April 3, 2021. Jessica resides in Waynesboro, Virginia. Jessica is the successor-in-interest of her child's estate and maintains this action in a representative capacity, for the benefit of Jacob's Estate, as well as individually on her own behalf.
- 17. Plaintiffs E.B. and P.B. are the parents and legal guardians of A.B. E.B., P.B., and A.B. reside in New Mexico. A.B. is currently 16 years old and began suffering harms caused by the Snapchat product before she turned 13. A.B. was exposed and encouraged by Snap to begin using drugs, was connected to and recommended by Snap to Snapchat drug dealers and sexual predators and was targeted by Snap with excessive and excessively violent, sexual, and drug-

themed content, which content Snap selected without A.B. searching for, requesting, or wanting it. Snap encouraged and fostered drug use by A.B., resulting in a near-fatal Fentanyl overdose in December of 2021, and continues to expose and encourage A.B. to use drugs, despite her efforts to stay clean.

- 18. Plaintiffs did not enter into a User Agreement or other contractual relationship with Snap in connection with their children's use of the Snapchat social media product and allege that any such agreement is further void under applicable law as unconscionable and/or against public policy. Plaintiffs additionally disaffirm all "agreements" into which their child may have entered with Snap concerning their children's use of the Snapchat social media product, and such disaffirmation was made either prior to their children reaching of the applicable age of majority in their state of residence or within a reasonable time thereafter under the facts and circumstances of this case. As such, Plaintiffs are not bound by any arbitration, forum selection, choice of law, or class action waiver set forth in any such "agreement."
- 19. Defendant Snap, Inc. is a Delaware corporation with its principal place of business in Santa Monica, CA. Defendant Snap owns and operates the Snapchat social media platform, a platform that is widely marketed by Snap and available to users throughout the United States.
- 20. At all times relevant hereto, Defendant Snap Inc. was acting by and through its employees, servants, agents, workmen, and/or staff, all of whom were acting within the course and scope of their employment, for and on behalf of Snap Inc.

III. JURISDICTION AND VENUE

- 21. 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.
- 22. Venue is proper in Los Angeles County because Defendant Snap Inc. is headquartered here.

IV. STATEMENT OF FACTS¹

A. More Young Americans Die from Fentanyl Poisoning than Any Other Cause.

- 23. Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine. It is a major contributor to fatal and nonfatal overdoses in the U.S. Most recent cases of fentanyl-related overdose are linked to illicitly manufactured fentanyl, which is distributed through illegal drug markets for its heroin-like effect. It is often added to other drugs because of its extreme potency, which makes drugs cheaper, more powerful, more addictive, and more dangerous.
- 24. The estimated lethal dose of fentanyl is about 2 milligrams but depending on where the fentanyl comes from (i.e. illicit or prescription), the lethal dose may be even lower. This is a much smaller lethal dose compared to heroin, which can be fatal at 30 mg to 500 mg. By way of comparison, an average grain of sand weighs between 5 to 50 milligrams.
- 25. Fentanyl-laced drugs are extremely dangerous, and many people may be unaware that their drugs are laced with fentanyl.
- 26. Powdered fentanyl looks just like many other drugs. It is commonly mixed with drugs like heroin, cocaine, and methamphetamine and made into pills that are made to resemble other prescription opioids. These other drugs may contain deadly levels of fentanyl, and individuals are unable see it, taste it, or smell it. It is nearly impossible to tell if drugs have been laced with fentanyl unless an individual tests the drugs with fentanyl test strips.
- 27. Illicitly manufactured fentanyl can prove fatal within minutes.² Individuals who experience fentanyl poisoning suffer in their final moments. Fentanyl lowers the rate and depth of breathing. The lungs fill with fluid and cannot oxygenate the blood. The diaphragm and other muscles in the chest seize up, leading to "wooden chest syndrome." A telltale sign of fentanyl

¹ Attached hereto as **Exhibit A** is a document Plaintiffs prepared, titled "Snapchat Homicide Timeline," which tracks some of the key events in this Complaint and dates of death of Plaintiffs (in this and other pending cases) and some additional clients represented by Plaintiffs' counsel – but on whose behalf complaints have not yet been filed.

² Laura Sanders, *Fentanyl's death toll is rising*, SCIENCENEWS (Aug. 19, 2016), https://www.sciencenews.org/article/fentanyl-death-toll-rising.

³ Laura Sanders, Opioids kill. Here's how an overdose shuts down your body, SCIENCENEWS, https://www.sciencenews.org/article/opioid-crisis-overdose-death (last visited Apr. 18, 2023).

poisoning is the frothy fluid around the nose and mouth. Fentanyl and other synthetic opioids are the most common drugs involved in overdose deaths.

- 28. Fentanyl kills one person in America every 8.57 minutes, killing 175 people every single day.⁴
- 29. The epidemic of fentanyl overdose cases has been particularly acute among young people. According to the Centers for Disease Control (CDC), more teenagers and young adults in the United States have died from fentanyl overdoses in the last two years than COVID, car accidents, or even suicide.⁵ And while overall drug use among America's youth has decreased or stayed the same since the start of the pandemic,⁶ overdose deaths by fentanyl among this age group have more than doubled during the same period of time.⁷

⁴ See Press Release, Gregory F. Murphy, Congressman, House of Representatives, Fentanyl is killing more young Americans than COVID-19 (Feb. 15, 2022), https://murphy.house.gov/media/press-releases/murphy-fentanyl-killing-more-young-americans-covid-

19#:~:text=Unfortunately%2C%20an%20open%20border%20means,more%20important%20now%20than%20ever.

⁶Percentage of adolescents reporting drug use decreased significantly in 2021 as the COVID-19 pandemic endured, NATIONAL INSTITUTE ON DRUG ABUSE (Dec. 15, 2021), 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 many substances, despite increased feels of boredom and anxiety since the beginning of the pandemic); see also Adolescent marijuana, alcohol use held steady during COVID-19 pandemic, NATIONAL INSTITUTE ON DRUG ABUSE (June 24, 2021), https://www.nih.gov/news-events/news-releases/adolescent-marijuana-alcohol-use-held-steady-during-covid-19-pandemic (noting consistent rates of marijuana and alcohol use); Scott LaFee & Michelle Franklin, How Adolescents Used Drugs During the

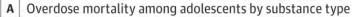
COVID-19 Pandemic, UC SAN DIEGO HEALTH (Aug. 24, 2021), https://health.ucsd.edu/news/releases/Pages/2021-08-24-how-adolescents-used-drugs-during-the-covid-19-pandemic.aspx (finding that the overall rate of drug use among children aged 10-14 remained "relatively stable," with decreases in alcohol consumption and increases in nicotine and prescription drugs); Morgan Sherburne, *Teen use of illicit drugs decreased in 2021, as the COVID-19 pandemic continued*, UNIV. OF MICHIGAN (Dec. 15, 2021), https://news.umich.edu/teen-use-of-illicit-drugs-decreased-in-2021-as-the-covid-19-pandemic-continued/ ("Declines in adolescent use of illicit drugs reporting in

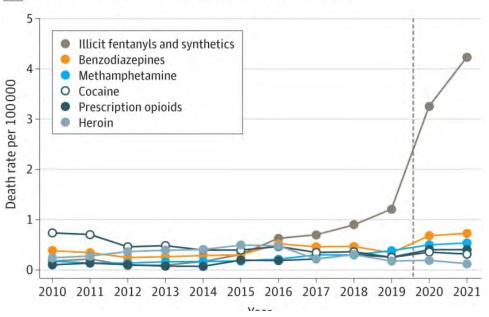
2021 were the largest and most sweeping ever recorded in the past 46 years ...").

⁵ Alicia Naspretto, *CDC: Fentanyl overdoses now leading cause of death for Americans aged 18 to 45*, 25ABC (Dec. 20, 2021), https://www.kxxv.com/cdc-fentanyl-overdoses-now-leading-cause-of-death-for-americans-aged-18-to-45. *See generally* AMERICAN MEDICAL ASSOCIATION, ISSUE BRIEF: NATION'S DRUG-RELATED OVERDOSE AND DEATH EPIDEMIC CONTINUES TO WORSEN (Dec. 22, 2022), https://www.ama-assn.org/system/files/issue-brief-increases-in-opioid-related-overdose.pdf (an index of state-by-state reports discussing the fentanyl crisis).

⁷ Aria Bendix, Fentanyl drives spike in teen overdose deaths, even as drug use falls to new low, NBC NEWS (Apr. 12, 2022), https://www.nbcnews.com/health/health-news/teen-overdose-deaths-spiked-low-drug-use-rcna23103 ("[N]early 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."); New ADAI Report: Dramatic Increases in Opioid Overdose Deaths Due to Fentanyl Among Young People in WA, UNIV. OF WASHINGTON https://adai.uw.edu/new-report-youth-fentanyl/ (last visited Apr. 18, 2023) ("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,

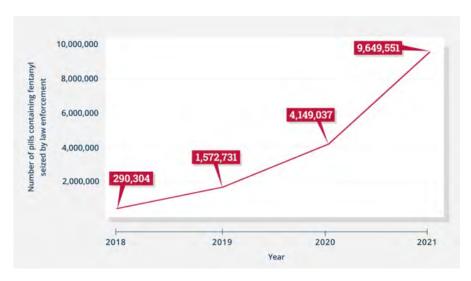
30. Opioid overdose deaths in adolescents rose far more rapidly than the general population between 2019 and 2021. The CDC study found that deaths from opioid overdoses in teens ages 14 to 18 increased by 94% between 2019 and 2020 and by an additional 20% between 2020 and 2021. The specific driver of these deaths was fentanyl. The CDC found that adolescent fentanyl-related overdose deaths leapt 350% over the study period. Overall, fentanyl was associated with 77% of adolescent overdose deaths in 2021.





- 31. The vast majority of fentanyl deaths among young people do not involve kids who knowingly ingest fentanyl as a drug of choice. Rather, they purchased marijuana, MDMA, or disguised prescription drugs such OxyContin or Percocet, which were contaminated with fentanyl and died from fentanyl.
- 32. The following chart by the National Institute of Drug Abuse illustrates the exponential grown in fentanyl contaminated drugs showing the number of fentanyl-laced pills seized by law enforcement since 2018.

fentanyl-involved deaths started climbing in 2016.") (emphasis in original); Andrew Joseph, *Driven by fentanyl*, rates of fatal teen overdoses doubled in 2020, STAT (Apr. 12, 2022), https://www.statnews.com/2022/04/12/driven-by-fentanyl-rates-of-fatal-teen-overdoses-doubled-in-2020/ (stating the overdose death rate among U.S. adolescents "nearly doubled" from 2019 to 2020); Steven Ross Johnson, *Teen Overdose Deaths Have Soared, Even Though Drug Use Hasn't*, U.S. NEWS (Apr. 12, 2022), https://www.usnews.com/news/health-news/articles/2022-04-12/teen-overdose-deaths-have-soared-but-drug-use-hasnt ("[E]ven 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.").



B. Background on Snap and Snapchat.

- 33. Snap is an American social media company founded in 2011 by three Stanford college students, Evan Spiegel, Bobby Murphy, and Reggie Brown and first released for iPhones in September 2011. Snap develops and maintains the wildly popular flagship Snapchat product, among others. Snapchat is a feature-packed photographic and social media app that allows users to send text, picture, and video messages called "snaps" that disappear after being viewed by the recipients.
- 34. Snapchat is one of the four most popular social media products among tweens, teens, and young adults in the United States, and Snap works hard to market to and target this demographic from product designs and features to commercials and merchandise to its logo. Snap's well-known logo is a ghost against a brightly colored background.







35. Snap marketed Snapchat as "temporary social media" that would allow users to show a more authentic, unpolished, and spontaneous side of themselves.⁸

⁸ Jenna Wortham, *A Growing App Lets You See It, Then You Don't*, NEW YORK TIMES (Feb. 9, 2013), https://www.nytimes.com/2013/02/09/technology/snapchat-a-growing-app-lets-you-see-it-then-you-dont.html?_r=0.

- 36. Within five months of launching, Snapchat had 40,000 users.⁹ By May 2012, less than eight months after launching, Mr. Spiegel reported that the company was "thrilled" to learn that most of Snapchat's users were high school students.¹⁰
- 37. Snap immediately focused on the product's frequency of use¹¹ and designed features that appeal to minors and encourage their use of the Snapchat product.
- 38. By late 2012, Snapchat had over a million active users sending over 20 million snaps per day¹² and by 2013, Snapchat users were sending over 60 million snaps per day.¹³
- 39. As Snap developed add new features, the number of Snapchat's Daily Active Users ("DAUs"), the number of users who open Snapchat at least once during a 24-hour period, rapidly increased. In 2017, Snap reported that its users engaged with the product more than 18 times a day on average and, by 2019, users were engaging with the product an average of 30 times per day.
- 40. Today, Snapchat is one of the world's largest apps. By Snap's own estimates, Snapchat has 100 million daily users in North America.¹⁴ Snapchat reaches nearly half of all smartphone users in the United States.¹⁵
- 41. This explosive growth is driven by Snapchat's key user demographic, 13–17-year-olds. As of 2019, Snapchat was estimated to have over 17 million users under age 18, and 69% of 13–17-year-olds nationwide were using the product. Snapchat even claims to have an influence

⁹ Ken Auletta, Get Rich U, NEW YORKER (Apr. 30, 2012), https://www.newyorker.com/magazine/2012/04/30/getrich-u

¹⁰ Team Snapchat, *Let's Chat*, SNAPCHAT BLOG (May 9, 2012), available at https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/ (last visited Apr. 18, 2023).

¹¹ Billy Gallagher, *You Know What's Cool? A Billion Snapchats: App Sees Over 20 Million Photos Shared Per Day, Releases On Android*, TECHCRUNCH (Oct. 29, 2012), https://techcrunch.com/2012/10/29/billion-snapchats/.

¹³ Billy Gallagher, *Snapchat Raises \$13.5M Series A Led By Benchmark, Now Sees 60M Snaps Sent Per Day*, TECHCRUNCH (Feb. 9, 2013), https://techcrunch.com/2013/02/08/snapchat-raises-13-5m-series-a-led-by-benchmark-now-sees-60m-snaps-sent-per-day/.

 ¹⁴ SNAP INC., OCTOBER 2022 INVESTOR PRESENTATION AT 5 (Oct. 20, 2022), available at https://s25.q4cdn.com/442043304/files/doc_financials/2022/q3/Snap-Inc.-Q3-2022-Investor-Deck-(10.20.2022).pdf (last visited Apr. 18, 2023).
 ¹⁵ Id. at 6–7.

¹⁶ See Snapchat statistics 2020, SMART INSIGHTS (Mar. 18, 2020), https://www.smartinsights.com/social-media-marketing/social-media-strategy/snapchat-statistics/.

over what it calls the "Snapchat Generation" ("Gen Z"), with the product changing the way young people connect and communicate going forward.¹⁷

- 42. In 2014, Snap began running paid third-party advertisements on Snapchat. Since then, Snapchat's business model has revolved around its advertising revenue. According to internal company records, advertisements were pervasive on Snapchat by 2015 and, by 2018, 99% of Snap's total revenue came from advertising. By 2021, global advertising revenue surpassed \$4 billion; in 2022, it reached 4.6 billion.
- 43. On March 2, 2017, Snap became a publicly traded company, with more than 200 million shares changing hands over the course of the day, accounting for roughly 10 percent of the total volume of trading on the New York Stock Exchange.
- 44. Snap has tremendous resources at its disposal. As of October 2022, Snap had a market cap of 16.19 billion.
 - 45. In 2021, Snap employed 5,661 people and made 4.12 billion in revenue.²⁰
 - 46. An average of over 5 billion Snaps are sent every day.²¹

C. Snapchat Has Evolved into a Digital Open-Air Drug Market.

47. The widespread accessibility and distribution of deadly, counterfeit narcotics to American youth is not a social media issue in general, but a Snapchat specific issue. Snap has contributed to the severity of this crisis through its own design, marketing, distribution, and programming decisions.

 $^{^{17}}$ See, e.g., The Snapchat Generation 2022,

 $https://downloads.ctfassets.net/inb32lme5009/4jTkSAv5M29ttZ5Fu4tvJC/d11c7ed91b6d8d99801854856dfad7ab/The_Snapchat_Generation_2022_.pdf; https://www.socialmediatoday.com/news/snapchat-shares-new-insights-intogen-z-consumption-and-engagement-trends/595256/.$

¹⁸ Angela Moscaritolo, *Snapchat Adds 'Geofilters' in LA, New York*, PC MAG. (July 15, 2014), https://www.pcmag.com/news/snapchat-adds-geofilters-in-la-new-york.

¹⁹ S. Dixon, Snap worldwide annual revenue 2015-2021, STATISTA (Feb. 15, 2022),

https://www.statista.com/statistics/552702/snapchat-annual-revenue/. See also, Bhanvi Staija, TikTok's ad revenue to surpass Twitter and Snapchat combined in 2022, REUTERS (Apr. 11, 2022),

https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined 2022-report-2022-04-11/.

²⁰ Investor Relations, News Details (Feb. 3, 2022), *Snap Announces Fourth Quarter and Full Year 2021 Financial Results*, https://investor.snap.com/news/news-details/2022/Snap-Inc.-Announces-Fourth-Quarter-and-Full-Year-2021-Financial-Results/default.aspx.

²¹ Jack Shepherd, *24 Essential Snapchat Statistics You Need to Know in 2023*, SOCIAL SHEPHERD (Jan. 3, 2023), https://thesocialshepherd.com/blog/snapchat-statistics.

- 48. Snap's product designs and features, discussed below, including its choice to adopt and promote ineffective age verification methods and parental controls, and its choice to adopt protocols that make it easy for users to open multiple and fake accounts have transformed Snapchat into an open-air drug market that operates with impunity.
- 49. Snap's Quick Add and Snap Map features affirmatively connect and assist in the facilitation of connections between minors and predatory adults, and provide those predatory adults users with means to advertise and distribute illicit and illegal products all with the (reasonable) expectation and belief that Snap's product designs, policies, and prioritization of revenue over human lives will result in the destruction of the most critical categories of evidence of their crimes.
- 50. Moreover, Snap targets and markets to minors, despite well-known dangers of its product, encouraging minors to engage with its product.
- 51. A current member Snap's Safety Advisory Board, Ed Ternan, described how Snapchat functions as open-air drug market and referred to Snapchat as the most dangerous among social media products when it comes to American Youth.²²

SnapChat actively markets its product to young people ... Sharing pills and shopping for them on SnapChat is socially acceptable ... SnapChat's differentiating feature is that posts are temporary ... The app also has a geolocation feature so users can find one another on a map ... Drug dealers know this. They actively target SnapChat users by posting their goods and arranging meetups for transactions ... Many victims are minor children ... SnapChat gives drug dealers easy, risk-free access to their target market. Its features make it THE IDEAL distribution channel for their drugs.

The above scenario creates a perfect storm that results in the deaths of thousands of young people each year. Deadly fentapills are widely available on SnapChat, a platform designed to hide all evidence of questionable activity. High demand plus easy access equals death.

52. In a more recent letter to the Justice Department, the National Crime Prevention Council (NCPC) singled Snapchat out as a product "of particular concern" when it comes to the sale of fentanyl to young Americans.²³ NCPC Executive Director Paul DelPonte said,

²² A true and correct copy of the correspondence sent by Mr. Ternan on November 11, 2020, with attachments, is attached hereto as **Exhibit A-1** (emphasis in original, redactions added).

²³ Greg Wehner, *National Crime Prevention Council claims Snapchat used to sell fentanyl to kids*, FOX BUSINESS (Dec. 22, 2022), https://www.foxbusiness.com/technology/national-crime-prevention-council-claims-snapchat-used-sell-fentanyl-kids.

... that Snapchat is a "digital open-air drug market" that allows dealers to advertise and distribute fake pills to tweens and teens who are unsuspecting and that they may be lured into obtaining dangerous and deadly drugs.

"The platform gives drug dealers the ability to hide behind encrypted technology and posts that disappear from public view within 24 hours or less," DelPonte said. "This is not protection of free speech. It is aiding and abetting of the worst kinds of criminal acts."

53. At the latest, in July 2017, Snap leadership was aware that its product was facilitating drug distribution to American youth. Snap acknowledged the issue of illegal drug sales happening on Snapchat after targeted media coverage, claiming Snap had a "dedicated team" in place to prevent the platform from being utilized to facilitate "illegal activity."²⁴

D. Snapchat Was Designed to Conceal Illicit Activity.

- 54. The concept for Snapchat arose from a 2010 incident in which one of Snap's founders, Reggie Brown, sent a photo that came back to haunt him. He told his friends, Evan Spiegel and Bobby Murphy, that he wished there was a way to send disappearing photos. Evan Spiegel recognized this to be "a million dollar idea." Evan Spiegel is one of the youngest billionaires in the world because of Snapchat. ²⁶
- 55. Evan Spiegel, Reggie Brown, and Bobby Murphy sought to create a platform that could be used to facilitate the types of conversations and activities that people would not want to exist in digital perpetuity. For them, this included activities like underage drinking and sexual activity. As noted by Evan Spiegel, "[t]he norm of the internet age is to create platforms in which everything is saved—everything is stored and documented digitally. Snapchat went the opposite direction…"²⁷
- 56. The celebrated origin stories of Snapchat, while easily dismissed as college hijinks, illustrate how central the transmission of illicit and illegal activity was to the product at inception.

²⁴ Saskia Courtney, *Snapchat, Instagram, cocaine and MDMA*: How 'digital dealers' boast of making £13k a day selling drugs to kids, THE MIRROR (July 17, 2017), https://www.mirror.co.uk/news/uk-news/snapchat-instagram-cocaine-mdma-how-10812890
²⁵ *Id.*

²⁶ Avery Hartmans & Paige Leskin, *The life and career rise of Snap CEO Evan Spiegel, one of the youngest billionaires in the world*, BUSINESS INSIDER (Jan. 29, 2020), https://www.businessinsider.com/fabulous-life-and-career-of-snap-ceo-evan-spiegel.

²⁷ Gary Vaynerchuk, *The Snap Generation: A Guide To Snapchat's History* (Jan. 28, 2016), https://www.garyvaynerchuk.com/the-snap-generation-a-guide-to-snapchats-history/.

Indeed, the desire to delete evidence of illicit and illegal activities was a design imperative to Snapchat's creators. For example, as an officer of Kappa Sigma fraternity at Stanford in 2009 and 2010, using traditional email and social media, Mr. Spiegel discussed "making 300 Jell-O shots to get sorority girls drunk, urinating on one conquest and shopping for cocaine and marijuana."²⁸ One such emails describes purchasing spirits, beer, marijuana, and cocaine for a fraternity party for underage pledges, while another ruminates on a fraternity pledge party fueled by illegal drugs and underage drinking and lauds the resulting the sexual conquests.²⁹

- 57. In 2014, Mr. Spiegel told Business Insiders that he was "mortified" and a "jerk," adding that the emails "in no way" reflect how he views women today.
- 58. Plaintiffs agree that the youthful indiscretions and college hijinks of corporate leaders and government officials generally are beyond the legitimate scope of civil litigation or politics. However, Mr. Spiegel's communications promoting the purchase of cocaine, marijuana, and alcohol to ply upon minors occurred at the same time he was designing the Snapchat product.
- 59. On information and belief, a motivation for Snapchat's disappearing feature not just disappearing as between users but permanently destroyed on the back end as well was to facilitate such activity and provide cover for those engaged in illicit and illegal conduct.
- 60. One of Snapchat's most robust value propositions, which has remained intact since its inception, is its ability to provide users with a means of sending photos, messages, and videos to their friends that disappear. The initial iteration of the app was created with a focus on reducing the possibility of users taking screenshots.
- 61. Early feedback Snap's founders received from third parties also confirmed that people could not think of any reason users would need or want to destroy all evidence of their online activities outside of illicit and/or otherwise problematic conduct. "Everyone said, 'That is a

²⁸ Andrea Chang, *Snapchat CEO Evan Spiegel 'mortified' by leaked frat emails*, Los Angeles Times (May 28, 2014), https://www.latimes.com/business/technology/la-fi-tn-snapchat-evan-spiegel-20140528-story.html.

²⁹ Sam Biddle, "Fuck Bitches Get Leid," the Sleazy Frat Emails of Snapchat's CEO, VALLEYWAG (May 28, 2014), https://valleywag.gawker.com/fuck-bitches-get-leid-the-sleazy-frat-emails-of-snap-1582604137.

terrible idea," [Spiegel] recalls. 'Not only is nobody going to use it, they said, but the only people who do, will use it for sexting."30

- After its launch in 2011 and initial lack of popularity, Snapchat founder Bobby 62. Murphy proposed targeting Snapchat to mature audiences for its most obvious purpose – as a sexting tool. A draft of a press release he wrote in 2011 reads, "Picaboo lets you and your boyfriend send photos for peeks and not keeps!"31
- 63. The consequences of these design decisions have encouraged and facilitated illicit drug sales and an epidemic of resulting deaths across the socioeconomic spectrum, from elite prep schools to the poorest barrios and rural communities.
- 64. Despite all of this knowledge and the foreseeability of how Snapchat could and would be misused, Snap's founders pushed forward and decided to target and market their product to high schoolers, and eventually, other children, teens, and young adults.³²

Ε. **Snapchat Targets Minor Users.**

Since its inception, Snap recognized minor users as its clear demographic. Snap 65. knew "App usage peaked between 9 a.m. and 3 p.m. – school hours." [citation].³³

23

26

³⁰ Jacob Goldberg, *How Evan Spiegel transformed a "terrible idea" into the Snapchat generation*, CEO MAGAZINE (June 10, 2020), https://www.theceomagazine.com/business/coverstory/snapchat-evan-spiegel/ ("We were working on this idea of ephemerality and the ability to communicate visually, and at the time, everyone told us it was ridiculous," Spiegel said. "People said it was for sexting or they said it was stupid."). According to Mr. Spiegel, the idea for Snapchat was met with questions. Specifically, "[m]any wondered why anyone would want to send a disappearing photo." J.J. Colao, The Inside Story of Snapchat: The World's Hottest App Or A \$3 Billion Disappearing Act?, FORBES (Jan. 6, 2014), https://www.forbes.com/sites/jjcolao/2014/01/06/the-inside-story-ofsnapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=3c52f29467d2.

³¹ Colao, supra note 30. See also Nick Bilton, Disruptions: Indiscreet Photos, Glimpsed Then Gone, THE NEW YORK TIMES (May 6, 2012), https://archive.nytimes.com/bits.blogs.nytimes.com/2012/05/06/disruptions-indiscreetphotos-glimpsed-then-gone/? r=0 ("The app's description in the Apple App Store does not mention sexting. But the accompanying images are of scantily clad women, and Apple has designated the app as being for users 12 and older, warning of 'mild sexual content or nudity.' Mentions of the app on Twitter indicate that many young people use it for photo-based banter with friends, though there are references to its less innocent potential.").

³² See Colao, supra note 30 (explaining that by Fall of 2011, Snap's founders noticed that its userbase were schoolaged kids who used the app primarily between the school hours of 9:00 a.m. and 3:00 p.m.).

67. Snap markets to children and teens, promoting the misrepresentation that its product is safe and fun for young users. Children and teens are Snap's most valuable demographics – kids who are vulnerable, trusting, and more easily manipulated by Snap's design choices, such as Quick Add – and make Snap lucrative and highly competitive in the cutthroat social media market.

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



³⁴ Aran Ali, *Snapchat: The Most Popular Social Media Among U.S. Teens*, VISUAL CAPITALIST (Dec. 16, 2020), https://www.visualcapitalist.com/snapchat-the-most-popular-social-media-among-us-teens/ (hosting a graphic that shows "over 75% of the 13-34 year old U.S. population uses Snapchat" and stating that Snap "has emerged as the most popular social media app for U.S. teens").

69. Another Snapchat commercial focuses on Snap's photo filters, which is one of Snap's most popular and appealing products when it comes to children and teens,



70. 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.



71. Snap is considered a leader even among its competitors when it comes to effectively marketing and appealing to minors, to the point where Meta Platforms Inc. (formerly, Facebook) ("Meta") has studied Snap's success.

- 72. Meta documents refer to Snapchat as "fun, funny, silly and creative seemingly made just for [tweens]." Meta discusses unique Snapchat features that appeal particularly to children and teens, such as Snap Streaks, Bitmoji, and silly photo filters. Meta even interviewed children as young as ten about the popularity of Snapchat and why they love it³⁵:
 - a. "I don't like making accounts on stuff except for Snapchat ... I feel safer with just one thing." 10-year-old child
 - b. "Some of the filters are silly so some of the adults are like, 'What is this? This is like too silly and stuff."" 11-year-old child
 - c. "I found out about Snapchat because most of my friends use it." 12-year-old child
- 73. Snap's founders did not decide to target American youth because they believed that their product was in any way appropriate or safe for children and teens; but rather, because this was their path to riches in an industry dominated by only one or two other social media products at the time. Snap had to do something big and different to succeed.

F. Snap Misrepresents the Safety of its Product.

- 74. Snap has worked hard to maintain the kid-friendly image that makes it so popular among children, lulling consumers and parents into a false sense of security.
- 75. Snap's false and/or misleading representations are addressed in more detail in Section IV.H.4, *infra.*, but to name one example, in April of 2021, Snap published a "Safety"-related Blog touting its many alleged efforts to protect minor users. Snap published this one week before it met with a group of parents whose children died of fentanyl poisoning from counterfeit drugs distributed on Snapchat and worked to convince those parents that they had no legal recourse against Snap in connection with their children's deaths. *See* Section IV.H.2-3, *infra*.
- 76. In an April 2021 Blog, Snap's Vice President of Global Policy, Jennifer Stout, identified herself as a parent equally concerned with the safety of Snapchat, "I spend a lot of time having these conversations with my own children ..." Ms. Stout further claimed that Snap's

³⁵ TWEENS AND SOCIAL MEDIA (October 9, 2017), https://www.documentcloud.org/documents/23322940-copy-of-tweens-and-social-media_sanitized_opt.

products are "designed differently" than other social media platforms, including in that its "purpose is to design products and build technology that nurtures and supports real friendships in a healthy, safe, and fun environment." Snap claimed that it is "an inherently different kind of platform," stating "[f]or us, nothing is more important than the safety of our Snapchat community, and we have always believed that we have a responsibility to help our community learn about how to protect their security, privacy, and wellbeing when using our products."³⁶

- 77. In truth, Snap ensures that there is no real way for parents to even learn what Snap is doing what products it is distributing to their children, how it has designed and programed those products to target children (its most valuable asset), and the fact that Snap is the one facilitating, encouraging, and making connections between its youngest users and adult Snapchat users that they have never met in real life.
- 78. Snap may *look* different from some social media products. For example, it does not utilize a publicly viewable bulletin board format like Instagram or Facebook. However, Snap's use of this visual difference between products to claim that Snapchat is safer than Instagram and Facebook when, in fact, Snap actively is connecting children to predatory Snapchat users to increase its own engagement, is unfair, deceptive, false, and misleading.

G. Snapchat is a Product

79. Snapchat identifies itself as "product" and is treated as a product by ordinary consumers. Snap has repeatedly and consistently acknowledged that Snapchat is a "product." For example, Snap's 2022 Annual Report states as follows:

Snap Inc. is a technology company. We believe the camera presents the greatest opportunity to improve the way people live and communicate. Our flagship product, Snapchat, is a visual messaging application that enhances your relationships with friends, family, and the world.³⁷

³⁶ See Snapchat, Privacy & Safety: The Basics, Snap Inc., (Apr. 21, 2021), available at https://snap.com/en-US/safety-and-impact/page/4 (last visited Apr. 18, 2023).

³⁷ Snap, Inc. Form 10-K at 6, https://s25.q4cdn.com/442043304/files/doc_financials/2022/q4/SNAP-2022.12.31-10K.pdf.

- 80. In public statements, Snap's founder and CEO Evan Spiegel has admitted that Snapchat is a product: "In terms of the execution, we have to continue to evolve and iterate the product to get the result we are looking for." 38
- Snap designed, coded, engineered, manufactured, produced, assembled, and placed Snapchat into the stream of commerce. Snapchat is made and distributed with the intent to be used or consumed by the public as part of the regular business of Snap, the seller or distributor of Snapchat. Snapchat is uniform and generally available to consumers. An unlimited number of copies can be obtained in Apple and Google stores, and it is available on the internet.
- 82. Snapchat is mass marketed. Snapchat is designed to be used and is used by hundreds of millions of consumers. In fact, Snapchat would have little value if used by one or only a few individuals. Snapchat is advertised in a variety of media in a way that is designed to appeal to the general public and in particular adolescents.
- 83. Snapchat is akin to a tangible product for purposes of product liability law. Snap can be heard and seen. It takes up memory and depletes battery life. Snap can be turned on and off. It can be moved from one screen to another. When installed on a consumer's device, it has a definite appearance and location and is operated by a series of physical swipes and gestures. It is personal and moveable. Downloadable software such as Snapchat is a "good" and is therefore subject to the Uniform Commercial Code. It is not simply an "idea" or "information."
- 84. Snap is available at two main retailers, Google Play and Apple's App Store. At these retailers, the copies of Snapchat available to the public are uniform and not customized by the manufacturer in any way.
- 85. Snap developed images for users to decorate the pictures or videos they post. Snap also developed Lenses which are augmented reality-based special effects and sounds for users to apply to pictures and videos posted on Snapchat. Snap acquired publication rights to music, audio, and video content that its users can incorporate in the pictures and videos they post on Snapchat. These images, Lenses, and licensed audio and video content supplied and created by Snapchat

³⁸ Recode Staff, *Full video and transcript: Snap CEO Evan Spiegel at Code 2018*, Vox (June 8, 2018), https://www.vox.com/2018/5/30/17397120/snap-ceo-evan-spiegel-transcript-code-2018.

frequently make a material contribution to the creation or development of the user's Snapchat posts.

- 86. Indeed, in many cases, the *only* content in a user's Snapchat post are images. When users incorporate images, Lenses, music, audio, and video content supplied by Snapchat posts, Snapchat makes a material contribution to the creation and/or development of their Snapchat postings and becomes a co-publisher of such content. When malign users incorporate images, Lenses, music, audio, and video content supplied by Snapchat to their posts, this enhances the psychic harm and defamatory sting that minor users experience from third-party postings on Defendant's platform.
- 87. Snap also contracts for legal rights in its users' content, such that it is not "third-party content." Snap's current Terms of Service, for example, grant Snap several, sweeping sets of legal rights, from licensing to ownership. Snap directly profits from the videos and pictures and other content its users create in collaboration with Snap.
- 88. The public has an interest in the health and safety of widely used and distributed products such as Snapchat. This is because Snap invites the public, especially adolescents, to use Snapchat. Justice requires that losses related to the use of Snapchat be borne by Snap, the manufacturer and creator of the product. Snap is the only entity with the ability to spread the cost of losses associated with the use of Snapchat among those advertisers who benefit from the public's use of the product.

1) Snap Has Ineffective Age Verification and Parental Controls

- 89. Snap claims in its Terms of Service that it does not distribute to anyone under the age of 13, and that parental consent is required for users under 18.³⁹
- 90. At the same time, however, Snap's operations for verifying age, identity, or confirming parental consent fail. Snap regularly distributes its products to users it knows or should know to be under 13 and/or under 18 and without consent.

³⁹ SNAP INC. TERMS OF SERVICE (effective Nov. 15, 2021), *available at* https://www.snap.com/en-US/terms (last visited Apr. 18, 2023).

91. 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+." ⁴⁰

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

- 92. When a user signs up for Snap, they are prompted to enter their birthday. If a user enters a birthday under the age of 13, Snap notifies the user that they need to be older to be eligible for Snapchat; so then Snap allows the child to enter a new date of birth and frictionlessly proceeds to create an account for them.
- 93. Though Snap says it's for kids 13+, Snapchat allows users to lie about their age adults to pretend they're kids and kids to pretend they're older. Snapchat's method of age verification asking users to self- report is botched and dangerous. Likewise, even though Snapchat is targeted at and marketed for children, Snap fails to actually obtain consent of parents or legal guardians for minors to use the product.
- 94. Moreover, Snap could but does not verify the phone number or email address used to create accounts. As a result, underage and unauthorized users can disable and temporarily close their accounts, and even create secondary or successive accounts with the same phone number or email address.

⁴⁰ See Snapchat Apple App Store Preview, available at https://apps.apple.com/us/app/snapchat/id447188370 (last visited Apr. 18, 2023).

- 95. Snap's executives have admitted that Snapchat's age verification "is effectively useless in stopping underage users from signing up to the Snapchat app."⁴¹
- 96. Snap claims that parents should be responsible for their kids' use of the Snapchat product, however, Snap ensures that parents have no reasonable or actual means to prevent such use. Despite a substantial portion of Snapchat's user base being under the age of 18, the platform did not have any parental control features from its launch in 2011 until August 2022.
- 97. Specifically, in August of 2022, Snap introduced the "Family Center" feature. However, the Family Center fails to protect teen and pre-teen users from predatory conduct and exploitation.
- 98. The Family Center purportedly allows a parent or guardian to install Snapchat on their phone then link to the child's account. The parent or guardian can then see who the child user communicates with, however, the content of the communications where illicit drug distribution and sexual exploitation abound remains hidden and still disappears after the allotted time.
- 99. In addition, the Family Center does not allow a parent or guardian to block minors from sending private messages, control their child's use or engagement with many of Snapchat's product features, control their child's use of Snapchat's geolocation feature, or control who their child may add to their friend list.
- 100. The Family Center also fails to help a parent monitor their child's account entirely when the child has secretly created a Snapchat account without the parents' knowledge in the first place. On information and belief, there are millions of minors including minors under the age of 13 to whom Snap is distributing its product without parental knowledge or consent.
- 101. But also, in July 2022 just one month before Snap launched the "Family Center" it announced, "Snapchat for Web."⁴² This new distribution method allows minors to access

⁴¹ Isobel Asher Hamilton, Snapchat admits its age verification safeguards are effectively useless, Bus. Insider (Mar. 19, 2019), https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3

⁴² See, e.g., Gabrielle Pickard-Whitehead, Snapchat Now Available on Chrome Web Browser, SMALL BUSINESS TRENDS (Oct. 17, 2022), https://smallbiztrends.com/2022/07/snapchat-for-web.html; Jennimai Nguyen, The Snapchat experience is coming to your web browser, MASHABLE (July 18, 2022), https://mashable.com/article/snapchat-for-web-browser.

Snapchat without having to download the app onto their mobile device at all, making it even easier to minors to access Snapchat without parental knowledge or consent.

- 102. Snap also does not stop distributing its Snapchat social media product when it has actual notice of the lack of parental consent. At least one recent Magistrate Judge Report (in a lawsuit pending in the District of Oregon) noted that Snap does not even stop distributing its Snapchat social media products as required if nothing else by Snap's own terms of service after receipt of actual notice of non-consent and the filing of a civil complaint.⁴³
- 103. With failed systems to (a) detect underage users (b) users without parental consent, and (c) facilitate parental controls, parents are left with no tools to effectively stop or monitor their child's activity on Snapchat.
- 104. Moreover, Snap provides little instructions or visuals on its website about how its product functions. Snap provides no warnings to parents about the risks of harms their children are exposed to on Snapchat. of the product if their children use it.
- 105. 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 on how the product works and no warnings relating to the harms its product causes.
- 106. Moreover, Snap designs, distributes, programs, and operates its product in a manner that actively prevents most parents from discovering its defects and inherent dangers even when they open an account for this purpose. For example, many parents and children report that the Snapchat product functions very differently with child accounts than it does with adult accounts, creating further obstacles to parents being able to find out the truth about the Snapchat product. Plaintiffs provide at least two examples of this herein, but also, there are several other lawsuits that allege the same, simply in different contexts. For example, Plaintiffs in the District of Connecticut

⁴³ See Doffing v. Meta Platforms Inc, Snapchat Inc., pending in the United States District Court for the District of Oregon (Medford Division), Case No. 1:22-cv-00100-CL, Findings and Recommendation filed July 20, 2022, p. 11-12 ("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.").

case, <u>V.V. v. Meta Platforms, Inc.</u>, District of Connecticut, No. 3:23-CV-284 (SVN), allege that,

... Snap's algorithms, as currently designed, developed, programmed, and operated by them, suffer from algorithmic discrimination. That is, their product-related decisions are disproportionately harming certain protected classes of users — in this case, young girls — as compared to their male and adult counterparts ...

C.O.'s experiences with Snap illustrate this point: ... when C.O. first started using Snapchat she did not have her own account. She used her grandmother and aunt's accounts and when Snap's product thought she was an adult woman it operated as advertised — that is, C.O. had fun messing around with goofy photo filters, added friends she knew in real life, and exchanged silly Snaps with them to pass the time. On those accounts, she was not approached by strangers, no one attempted to exploit or abuse her, and no one sent her explicit Snaps and messages. When C.O. opened her own account, however, everything changed. The product Snap provided to C.O. when it identified her as a teen or tween girl was very different from (and far more harmful than) the product Snap provided to C.O. when it believed that she was an adult woman and that it provided to her male counterparts whom it knew were boys. This product—the one Snap provides to a significant number of young female users—was inherently dangerous and exploitative.

Complaint filed in *V.V. v. Meta Platforms, Inc.* on January 24, 2023, at ¶¶ 176-177; see also 2023 WL 3613232, at *2 (D. Conn. May 24, 2023) (order granting Plaintiffs' Motion to Remand, and reciting certain factual allegations that also are at issue in this case, *i.e.* "According to the complaint, ... the algorithms that recommended other users with whom C.O. could connect, and the direct messaging features of the social media platforms resulted in several alleged sexual predators contacting and exploiting C.O. ... when C.O. was twelve years old, she connected with Individual Defendant Sharp via Snapchat's "Quick Add" feature, which implements an algorithm that collects user activity and data and recommends other users with whom that user can connect. *Id.* ¶¶ 68, 198–99. Sharp was a registered sex offender at that time. *Id.* ¶ 199."). In essence, in contrast to the way Snapchat deals with millions of American children who open Snapchat accounts, Snap typically does not target adult users or send/connect adult accounts to drug advertisements and predatory adults. On information and belief, the difference in experience can be attributed to Snap's recommendation and connection technologies and how Snap programs and operates those technologies, all of which have made it harder for parents to track, trace, or even know about their child's Snapchat use.

107. Nor does Snap provide parents with an accessible and/or staffed reporting mechanism to report unauthorized use by minor children. Snap did not sufficiently disclose or

notify consumers about the existence of a reporting mechanism or how to utilize it. As a result, numerous parents were unaware of its availability, thereby hindering them from reporting incidents of underage use and other associated harms.

- 108. Indeed, according to Snap's Privacy and Safety website, Snap provided its first video instruction on in-app reporting in February 2022.
- 109. A UK report from March 2023 supports Plaintiffs' allegations that Snap is turning a blind eye to underage and unauthorized users. Ahead of Britain's planned Online Safety Bill, TikTok and Snapchat were asked how many suspected users under the age of 13 they had removed from their platform in a year. TikTok reported that between April 2021 and 2022 it had blocked an average of around 180,000 suspected underage accounts in Britain alone every month (totaling around 2 million, in Britain, for a 12-month period). For this same period of time, "Snapchat had disclosed that it had removed approximately 60 accounts per month, or just over 700 total."
- 110. A source inside Snapchat confirmed that "It makes no sense that Snapchat is blocking a fraction of the number of children that TikTok is."⁴⁵ On information and belief, the reason is that Snap often turns a blind eye to the issue of underage and/or unauthorized use of its platform enforcing its own terms would mean less revenue for Snap and its leadership.
- 111. Snap's age verification systems and policies are so ineffective—and the volume of its users under the age of 13 is so high—that it is reasonable to conclude Snap deliberately chose to adopt and maintain these ineffective policies to facilitate underage use.
- 112. Some of the children involved in this complaint were underage and should not have been allowed to use Snapchat. If Snap had taken appropriate measures to prevent distribution of the product to these children or provided parents with sufficient warnings and resources to exercise control, the children would not have been harmed.
- 113. Snap designs its products in a manner that encourages and aids its youngest users in the evasion of and interference with parental and/or law enforcement oversight, including but

⁴⁴ Martin Coulter, *Exclusive: Snapchat kicks few children off app in Britain, data given to regulator shows*, REUTERS (Mar. 5, 2023), https://www.reuters.com/technology/snapchat-kicks-few-children-off-app-britain-data-given-regulator-shows-2023-03-03/.

not limited to features and practices such as (a) disappearing evidence, (b) the hard to find My Eyes Only encrypted data vault feature, (c) failure to provide customers with information on how to monitor and/or limit their children's use, (d) failure to close accounts and block access to minors when lack of parental consent or underage status is or should be known to Snap, (e) failure to notify parents or provide product features or tools for tracking the amount of time minor users spend on the Snapchat product, what hours of the day they are using the Snapchat product, and when they are contacted and/or solicited by adult users, (f) failure to verify user emails or phone numbers, (g) allowance of multiple accounts, despite claiming to prohibit multiple accounts, and (h) otherwise refusing to enforce its own age limitations in any reasonable or meaningful manner.

2) <u>Snapchat's Automatic Message Deletion Feature Facilitates Illicit Drug</u> Sales and is Unreasonably Dangerous.

114. Snapchat's foundational and best-known feature is its patented ephemeral messaging product, which allows users to form groups and to share photos or "Snaps" that disappear after being viewed by the recipient, ⁴⁶ or after a set period of time if not viewed. ⁴⁷

⁴⁶ Vaynerchuk, *supra* note 27. Snap attributes much of its popularity among "younger social media users" to this feature. *See* Brian O'Connell, *History of Snapchat: Timeline and Facts*, THE STREET (Feb. 28, 2020) https://www.thestreet.com/technology/history-of-snapchat ("In a 2013 interview with *The Telegraph*, Spiegel honed in on the real reason Snapchat was such a hit with younger social media users – they didn't want their social media history coming back to haunt them.").

⁴⁷ Alan Daniel, *Snapchat: The Disappearing App?*, MEDIUM (Dec. 16, 2018), https://medium.com/absolute-zero/snapchat-the-disappearing-app-910af2e3d7f9.

According to <u>Snapchat</u>, Delete is its default <u>**</u> This means most messages sent over Snapchat will be automatically deleted once they've been viewed or have expired.

- Snapchat servers are designed to automatically delete all Snaps after they've been viewed by all recipients.
- Snapchat servers are designed to automatically delete all unopened Snaps after 30 days.
- Snapchat servers are designed to automatically delete unopened Snaps sent to a Group Chat after 24 hours.

Several other actions within the application are also designed to automatically disappear from the servers.

- 115. Snap's direct ephemeral messaging provides users—including anonymous and semi-anonymous adult users and drug dealers, and any other stranger for whom a parent would not allow access—with unrestricted and unsupervised access to minor users.
- set period of time, has become a popular tool for drug dealers to facilitate sales. Because the messages disappear, it becomes more difficult for law enforcement to track down evidence of illegal activity. The feature also allows dealers to provide their customers with a false sense of security, as they believe that their conversations and transactions are being erased and cannot be traced. This has made it easier for drug dealers to operate in the shadows, putting young and vulnerable Snapchat users at risk of harm.
- 117. Prior to 2018, Snap had a feature called Snapcash which permitted minors and other users to send and receive money through Snapchat's ephemeral messaging section. Snapcash facilitated illicit sales by enabling users to conceal any traces of money transactions similar to how their conversations were erased. One or more Plaintiffs may have used Snapchat in connection with drug distributing activities during the period of time when SnapCash was offered to minors.
- 118. At all times relevant Snap could have restricted direct messaging products so that minor users could only send or receive direct messages with persons approved by their parents

and/or already on a list of known contacts or the equivalent through effective parental controls. However, Snap's limited and ineffective parent controls failed to do so.

- 119. Snap also does not provide users with complete or usable data in connection with their own accounts and makes it difficult for users to obtain such information. When a user downloads their own historical account data (also called "My Data"), Snapchat only provides limited information to the user. With regard to chat messages, for example, only those conversations that have been manually saved by the user will be visible.
- 120. A review of the Snapchat-provided chat history only offers messages that the user received and manually saved and does not include messages the user sent or any attachments.
- 121. These limitations make the preservation of potentially important conversations or threads impossible, even for the user themselves, without the use of specialized third-party tools or software. However, even then, the third party-tools or software encounter difficulties in obtaining data due to Snapchat updates and/or system changes.
- 122. Snap frequently implements updates and changes that prevent third-party parental monitoring software or applications from working with Snapchat. For example, at least one of the parents at issue in these cases purchased parental monitoring software for their child's devices, only to learn that those products were ineffective and/or became ineffective over time due to Snap's updates. Unlike other social media products that his child was using which he was able to monitor Snap's product changes began stripping the parental monitoring tool of its ability to capture and report on the minor's Snapchat activities, until it could not report at all.
- 123. While Snap's destruction of data on the back end is well known among the children and criminals that use its app, it is not well-known or disclosed to parents, and many of the parents at issue in these cases were unaware that Snap was deleting their child's communications on the backend until it was too late.

3) <u>Snapchat's Screenshot Notification and Blocking Features Discourage</u> <u>Reporting of Illicit Drug Sales and are Unreasonably Dangerous.</u>

124. Had Snapchat's goal been to simply enable users to communicate via disappearing photos – like moments in real life – rather than the destruction of potentially incriminating

24

25

26

27

28

1

2

evidence, then disappearing photos would have been enough. Even where data is preserved on the backend, disappearing photos would allow for the user experience of ephemerality and such data would only have the potential to resurface when necessitated and warranted by legal process.

- But disappearing photos were not far enough for Snap's founders. Snap's founders 125. proceeded to design and implement multiple, additional features and tools to ensure permanent deletion and to actively discourage users from trying to retain any data, including their own.
- Snap's early iterations had what its founders perceived to be "a fatal flaw" to its 126. ephemeral nature – namely, that users could take a screenshot rendering a disappearing image permanent.⁴⁸ Snap designed a work-around to screenshots "by building in a notification if your picture has been captured, a potential social deterrent."49
- 127. This automatic notification feature is unique to Snapchat, and is inherently dangerous, has caused harms, and continues to cause harms to young Snapchat users. For example, at least one parent at issue in these cases obtained access to their child's Snapchat account and attempted to protect their child and report illegal conduct occurring on Snapchat by taking a screenshot of drug dealer communications. Snapchat then immediately notified the dealer(s) of the screen capture, resulting in threats and the risk of physical harm by the dealer to their child. These threats did not occur because of any third party or user communication, but because of Snap's own communication to the Snapchat Drug Dealer.
- 128. In April of 2021, Plaintiff Bridgette Norring sent an email to Song for Charlie founder Ed Ternan - who already was working extensively with Snapchat⁵⁰ and went on to be appointed to Snap's Safety Advisory Board. Bridgette explicitly spelled out and identified the reason why the automatic notification feature is, in itself, dangerous and dissuades many young users from reporting the harms occurring on Snapchat, explaining that,

⁴⁸ Colao, *supra* note 30.

⁵⁰ By May 6, 2021, Mr. Ternan reported in written correspondence having weekly meetings with Snap executives.

Good Morning Ed.

Another thought popped into my head this morning as I was talking to my 20-year old daughter who has used Snapchat since its birth and it's an important one.

Hayley reminded me that many of the kids Tom and I have come in contact with have mentioned to us in the past that when it comes to passing information along to police they are reluctant to do so because of one of Snapchats features. Currently, if you take a screenshot of someone's post or story it sends a notification to the person or dealer in this case that a screenshot was taken by you. When that happens the dealer tends to block a person.

I know for us with Devin's case we would have someone else use their phone to take a picture or video of the story they posted to forward to police so it didn't notify the dealer that screenshots were taken. Is that a feature Snapchat would consider ever removing? I think if that were removed that would make it 100x easier for these kids to come forward in anonymity to send that information to the appropriate authorities without fear of retaliation.

Thanks again for including us. I hope you have a great day.

Bridgette Norring

- 129. Moreover, minor Plaintiff A.B. confirms that this feature Snap's notification to other users when a minor user tries to take a screenshot discourages and dissuades young Snapchat users from reporting and trying to protect themselves from harms occurring on the platform. This feature is part of what makes Snapchat particularly and uniquely unsafe for minors.
- 130. Snapchat also prevents or interferes with its user's ability to take screenshots on certain devices and/or access points. For example, Snapchat will blur a conversation when it detects a screenshot is being taken from a web browser and send users a pop-up notification chastising them for the attempt.

Looks like you're trying to take a screenshot! Click anywhere to return to the conversation

- 131. Moreover, Snap designed and initially operated the interface for snaps in a way meant to make preservation of data more difficult. For example, "[t]o view a snap users hold a finger on their phone screens, a feature designed to make it still more difficult for people to photograph the image with another camera." Snap asserts that it, at some point, changed this interface design such that users currently do not have to hold a finger on their phone screen. Plaintiffs do not know precisely when that change was made, nor does it change the fact of how Snap originally designed its product and why.
- 132. These obstacles are not disclosed to consumers or parents, and these design features and tools the ones that are meant to make evidence disappear are not about user privacy, as

⁵¹ Colao, *supra* note 30.

Snap claims. Privacy is a concept guarded across all industries through tools such as locked doors and legal process, not paper shredders and self-destructing data vaults. Snap's design features and tools are about creating a place where users act with impunity, without fear of parents or law enforcement protecting and/or holding them accountable.

4) Snapchat's "Quick Add" Feature Facilitates Drug Dealers' Targeting of Minors with Drug Menus and Solicitations and is Unreasonably Dangerous.

- 133. Snapchat's user recommendation feature is known as Quick Add. A Quick Add request is not generated by the recommended account, or in response to any user input, but rather is a communication generated by Snapchat itself in order to increase usage of its product—in other words, it is not third-party content, nor can it be characterized as such.
- 134. Once a user adds an account as a "friend," the user can send and receive chat, photo, and video messages that disappear once viewed. As well as view "Stories" that appear in a user's "Stories" feed.⁵² Snap further Snap designed, programs, and operates Quick Add to use a variety of methods to identify accounts that it recommends users add as "friends." For example, and according to at least one third-party source, criteria Snap uses to connect its users includes.⁵³
 - You have mutual friends—the people your friends on the app have added will be in your Snapchat Quick Add list. Since the users you communicate with know them, the platform assumes you might too.
 - You have similar profiles and interests—if you constantly post Stories about a particular topic, the app will recommend adding users who are interested in the same thing.
 - They're in your phone contact list—if you've granted the platform permission to access your contacts, the ones who have accounts will be suggested to you.
 - Location—assuming you've allowed access to your location, the platform could suggest people you might've met at places you frequent.

Quick Add will search the contacts library on a user's phone to identify people the user may want to add as a friend on Snapchat. Quick Add will also suggest "friends of friends," accounts that are

⁵² The length of time direct messages or snaps remain visible can be configured by the sender. Previously, the default value was "delete after viewing." At one point, the default value was changed to "delete 24 hours after viewing." Direct messages and Snaps can also be saved by the recipient or sender; however, the sender has the ability to delete the saved message from both the sender's and recipient's account.

⁵³ See, e.g., Deyan Georgiev, What Is Quick Add on Snapchat? [All You Need To Know], TECHJURY (Oct. 16, 2022), https://techjury.net/blog/what-is-quick-add-on-snapchat/.

friends to accounts the user has already friended. These "friends of friends" may be known to the user, or they may be a complete stranger. For example and discussed *infra* in connection with the Snap Map product, dealers will sometimes use the Stories and Snap Map features to find minor Snapchat users in their vicinity. All they need is to get one or two of those children to accept the resulting friend request – which Snap's Snap Score and other gamification and social rewards features make simple – and then Snap provides access to those children's' friends, friends of friends, and so on. On information and belief, an experienced Snapchat drug dealer can travel to a new area and collect dozens of new and underage Snapchat "friends" through these Snapchat offerings – Snap Map, Stories, and Quick Add – in a matter of hours.

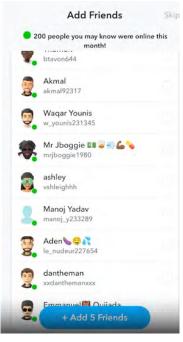
- 135. At all times relevant, Quick Add also employed an algorithm to make additional friend recommendations. As third-party sources explain, the Quick-Add algorithm would recommend and connect strangers if, for example, it detected that the two users had similar interests or followed the same accounts.⁵⁴ Likewise, Snap is alleged to have utilized data it collects, such as geographical or gender and age demographics, to make a "friend" recommendations to its users as well. ⁵⁵
- 136. Plaintiffs allegations in both their original and First Amended Complaints concerning Snap's design and operation of its Quick Add connecting product, were based on investigation, first-hand account from the two surviving children in these Related Cases, as well as accounts from Plaintiffs' siblings and/or friends and complaints pending in other courts that also involve the Snapchat social media product and the allegations, made here, that Snap is intentionally pairing strangers together to serve its own economic benefit.
- 137. Regardless, Snap denies that this is how it operates its Quick Add product and has urged Plaintiffs' counsel (here and in at least one other lawsuit) to simply open new Snapchat accounts and confirm Snap's claims for themselves. For example, in *L.W. v. Snap Inc.*, S.D. Cal., Case No. 3:22-cv-00619-LAB-MDD, Dkt. No. 67, Snap alleged that for two users to appear as friend suggestions under "Quick Add' [they] must either (1) have mutual friends on Snapchat or

⁵⁴ SnapChat Quick Add Friend Suggestions: Why No Mutual Friends?, TECH WITH TECH (Sept. 17, 2022), https://techwithtech.com/snapchat-quick-add-friend-suggestions-why-no-mutual-friends/.
⁵⁵ Id.

(2) one must have the other's phone number or email address in their phone's contact book. ([Doyle Decl.] at ¶ 16.) ... This set of allegations could have easily been verified by Plaintiffs' counsel conducting rudimentary testing with the Snapchat app." *Id.* at 10:21-11:6; *see also id. at* 1:14-21, 7:26-27 ("As anyone who has ever opened the Snapchat platform and looked at the Quick Add feature would know, these allegations are false."). So that is what Plaintiffs did. At Snap's urging, Plaintiffs purchased new cell phone devices and opened new accounts. These devices each were purchased with a new phone number, and then a new Snapchat account was opened – identifying as a sixteen-year-old female – using an email address that had just been created on the new cell phone and the newly obtained phone number. To be clear, this means that the device did not have any contacts whatsoever (or even contacts associated in any way with the email account that was used) and the self-identified sixteen-year-old, female user did not have any Snapchat friends at all – unless, of course, Snap is counting the cell phone service provider as a mutual contact and/or itself as a mutual Snapchat "friend."

138. The first of Plaintiffs' three Quick Add test accounts was opened on June 2, 2023, and the second and third were opened on June 12, 2023. These efforts, along with information Snap's My AI feature provided to two other, existing users about how it makes Quick Add connections, support Plaintiffs' allegations that Snap is utilizing user data and/or other data points to intentionally pair strangers together, including minor users with predatory adults.

139. Upon opening of the test account on June 2, 2023, the self-identified sixteen-year-old, female user disallowed Snap's request to sync contacts, then received more than 200 Quick Add recommendations from Snap within minutes of account opening. Many of the usernames to whom Snap connected her appeared on their face to belong to predatory users, which Plaintiffs allege based on terms and emojis indicating sexual solicitation and drug distribution. For example, the following is a screenshot of just some of the Quick Add request recommendations Snap generated and directed to this self-identified, sixteen-year-old user (with no contacts or Snapchat friends):



A few days later, the user accepted several of Snap's Quick Add recommendations and began rapidly receiving requests to know whether she was real or fake, users asking her for nude photos, and numerous other explicit photos from adult male users. In one instance, one of Snap's Quick Add connections attempted to reach the user via a Snapchat video call. She did not answer, and subsequently received a video of that adult, male Snapchat user masturbating. The user never responded to any of the snaps she received, she only opened what was sent to her based on Quick Add connections Snap made. b. On June 12, 2023, Plaintiffs conducted a second test to make sure that the results of the first would be replicated. This time, when the self-identified sixteen-year-old, female user went to open an account she observed a change in how Snapchat operated, specific to the Quick Add feature (as compared to the June 2 account opening). This time, after the user disallowed Snap's request to sync contacts, Snapchat no longer provided access to its Quick Add product from that account (though the user was still given the option to re-select and choose yes). The Quick Add option on the second account was simply gone. (Note, however, when the user re-opened this second account on June 27, 2023,

the app directed her to Quick Add, even though she did not select yes to syncing contacts and still had no Snapchat "friends").

- c. That same day, on June 12, 2023, Plaintiffs conducted a third test to see whether the aforementioned Snapchat change (which appeared to have been made between June 2 and June 12) was merely cosmetic or if Snap actually made a product change to now limit its Quick Add connections to mutual contacts and Snapchat friends. On information and belief, that product change if in fact, it was a change and not simply a glitch of some sort was cosmetic. As soon as the user clicked "yes" to syncing contacts on the third account and even though she once again had no contacts and no Snapchat friends Snap again sent her over 200 Quick Add connection requests.
- d. In addition, during the second Quick Add test, the user asked Snap's My AI (Snap's AI technology, which Snap recently integrated into Snapchat accounts) "How does snap recommend quick add friends," and My AI responded, "Snap recommends Quick Add friends based on mutual friends, your phone contacts, Snap Map activity, and other factors." (emphasis provided).



e. In another instance, on June 15, 2023, an existing Snapchat user asked Snap's My AI "How does quickadd work on a new Snapchat account," and My AI responded, "When you create a new Snapchat account, Quick Add will suggest friends based on the contacts in your phone. If you don't have any contacts saved in your phone, Quick Add may suggest <u>random Snapchatters</u> or people who are popular on Snapchat." (emphasis provided).

ME
How does quickadd work on a new snapchat account

MY AI
When you create a new Snapchat account, Quick Add will suggest friends based on the contacts in your phone. If you don't have any contacts saved in your phone, Quick Add may suggest random Snapchatters or people who are popular on Snapchat.

ME
What if your phone has no contacts, Quick Add may suggest random Snapchatters or people who are popular on Snapchatters or search for friends by name or username, scan Snapcodes, or subscribe to public profiles.

140. Plaintiffs do not yet know the details of how Snap's My AI works, other than the fact that the information provided is coming from Snap and not a third party. More discovery will be required on this, however, and for purposes of this complaint, the tests Plaintiffs ran to verify allegations concerning Snap's Quick Add product only confirmed that Snap is connecting minors to adult Snapchat users – sometimes randomly, and other times, via other information Snap has collected from its minor users, such as location, age, gender, and mutual interests (either as a matter of specific programming, or as the result of algorithmic discrimination defects in Snap's product). Plaintiffs are entitled to discovery on these matters, while Snap is not entitled to any benefit of the doubt when it comes to representations as to how it does or does not operate its Snapchat social media product. As alleged throughout this complaint, Snap and its current leadership have made clear that they are willing to mislead consumers, parents, the government, and now, even courts, to conceal the harms they have caused and continue causing to them.

141. Snapchat also encourages and incentivizes users to add new "friend" accounts in several ways. For example, Snap exploits adolescents' need for social validation by incorporating social metrics into its product, such as the "Snap Score" (a numerical rating visible to a user's friends of how popular a user is on Snapchat).⁵⁶ Adolescents are incentivized to add users they may not know in real life in hopes to increase their Snap Score or Story views. Further, once a user obtains a pre-determined quantity of friends and Story views, Snap promotes the user to a public

⁵⁶ Videos focusing on "How to Quickly Raise Your Snap Score" are popular across Snapchat and all social media. One video on YouTube, for example, has 4.3 million views. FozTech, *How to Increase Snapchat Score Fast!* (100% Works in 2023), YouTube (Oct. 1, 2019), https://www.youtube.com/watch?v=m7s0hvQdTok.

profile, allowing them to obtain maximum visibility on Snapchat's "Discover" feed, an algorithmically derived feed similar to Instagram's "Discovery" feed or TikTok's "For You Page."

- 142. By incorporating social metrics into its products, Snap connects adolescents' vulnerabilities—social validation through comparison—to a dangerous feature that compels younger use to connect with strangers at an alarming rate, as some Quick Adds may include as many as 20 accounts. In fact, to further encourage users to add these new friends, prior versions of Quick-Add included a single-button option to "Add All," which added all of the Snap recommended accounts to a user's account without the need to individually review and decide on which accounts to add.
- 143. Snapchat encourages these connections between young users and what often are strangers (people they have never met and do not know outside of the Snapchat platform) but does not provide any sort of warning when a user signs up and/or is presented with Quick Add recommendations. There is nothing to suggest that a user should carefully review the proposed new "friends," that some recommended accounts could seek to exploit the user,⁵⁷ or that the recommended accounts might be Snapchat drug dealers pushing dangerous adulterated drugs.
- 144. In January 2022, Snap announced a change to its Quick Add feature such that users who self-identified as 13 to 17 years of age would need to have "multiple" "friends" in common before the user would be suggested as a "friend" through Quick Add.⁵⁸ Snap did not specify how many "Friends" they would need to have in common before being algorithmically "matched" ⁵⁹
- 145. Because of Snap's defect and/or inherently harmful designs, savvy drug dealers need only find one middle or high school student to add in order to gain access to all of their friends and friends of friends via Snap's unique and helpful connectivity features. Moreover, while Snap claims that "users under the age of 18 cannot be directly contacted on Snapchat by unknown users

⁵⁷ One commentator estimated that more than 50% of the "random" Quick Add friend requests he accepted immediately sent him explicit photos, tried to get him to sign up for websites selling explicit photos, or otherwise tried to scam him. James McAllister, *Why Random People Are Adding You On Snapchat (And How To Stop It)*, JAMES MCALLISTER ONLINE, https://jamesmcallisteronline.com/random-people-snapchat/ (last visited Apr. 18, 2023).

⁵⁸ See, e.g., Andrew Hutchinson, Snapchat Adds New Limits on Adults Seeking to Connect with Minors in the App, SOCIALMEDIATODAY (Jan. 18, 2022), https://www.socialmediatoday.com/news/snapchat-adds-new-limits-on-adults-seeking-to-connect-with-minors-in-the-ap/617310/.

who simply obtain their usernames," that statement also appears to be misleading. For example, Snap sent the following Snapchat communication to a self-identified minor (test account),



More than one test account received a message like this, which Snap-generated message both encourages the adding of these strangers "so they can see your Story!" and provides children with a tool that allows strangers to obtain direct access to them, even when not accepted as a "friend."

146. As described by Plaintiff A.B., a 16-year-old child who began using Snapchat and suffering resulting harms when she was only 12 years old, after Snap exposed her to drug-related subject matters through its Stories feature (including a recommended Stories features Snap, on information and belief, had in place at the time) and began recommending and making her available as someone with whom predatory users, including drug dealers, might want to connect, via Snap's Quick Add feature. Plaintiff A.B. received numerous Quick Add requests from drug dealers she did not know in real life. Many of those she accepted as a matter of course and because Snap's features incentivize those connections; and in other instances, when she did not accept right away, the Snapchat drug dealers often would follow up with her via the direct messaging features

- 147. Plaintiff Michael Brewer in *Brewer v. Snapchat* (Case No. 23STCV0806223) describes the same experience with the Snapchat product. Specifically, Snap began recommending and making him available as someone with whom Snapchat Drug Dealers might want to connect via the Quick Add feature and exposed him to drug-related subject matters through its Stories product. He received numerous Quick Add requests from drug dealers he did not know in real life, accepted them as a matter of course, and would not have met those predatory users but for Snap directing and/or connecting them to him.
- 148. More than one of the siblings of children at issue in these cases also can confirm that adult strangers on Snapchat including dealers obtain their information from Snap itself. These are persons these children did not ask to be connected to, did not search for, and would not have met but for Snap making their information publicly available and/or affirmatively recommending them to adult strangers on the Snapchat platform.
- 149. Snap also knows that its young users do not and cannot appreciate these dangers. In fact, because of their age and vulnerabilities, they do not even understand that Snapchat is the source of these harms after they occur, but instead, believe Snap's representations that it is a safe product which could not be further from the truth.
- 150. On information and belief, most if not all, of the children at issue in this Complaint were connected to the Snapchat Drug Dealer who sold them deadly, counterfeit drugs via Snap's Quick Add product.

5) <u>Snapchat's "Stories" Feature Facilitates Drug Dealers' Engagement</u> with Minors and is Unreasonably Dangerous.

151. In 2013, Snap added its "Stories" feature – "changing the face of social media timelines forever." The Stories product enabled Snapchat users to post a series of snaps, publicly or to a designated group, that would remain active and viewable for 24 hours.

⁶⁰ The History of Snapchat and the Future of Disappearing Photo Apps, FROZEN FIRE, https://frozenfire.com/history-of-snapchat/ (last visited Apr. 18, 2023).

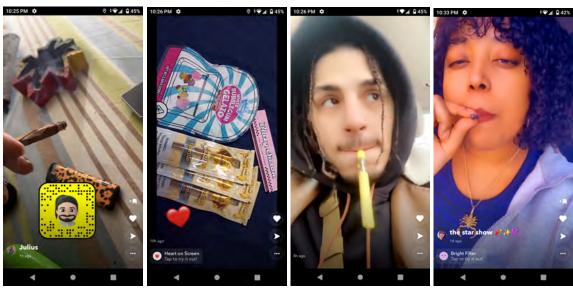
152. Snap's "feed" based Stories product operates similarly to Meta's News Feed, Explore, and Reels products, TikTok's For You Page, and other social media companies' user "feed" products. It is possible that Snap does not internally refer to this technology as an "algorithm," "content recommendation system," or similar, however, at all times relevant to this Complaint Snap utilized some form of individualized ranking technologies, which were designed, operated, and programmed by Snap itself and in connection with each of its users, including children, teens, and young adults.

- 153. Snap programmed these recommendation technologies for engagement over user safety and, on information and belief, continued operating them despite a degree of algorithmic discrimination that resulted in the targeting of and disparate impact on Snap's youngest users, and others based on protected class characteristics.
- 154. The Stories product has been identified as particularly popular among and helpful to drug dealers. Specifically, Snapchat drug dealers use the Stories product to advertise and openly publish their drug menus, knowing that because of Snap's designs and operational decisions they can reach a large audience and then the evidence will simply disappear.⁶¹ The following is one example of advertising that proliferates on Snapchat Stories,

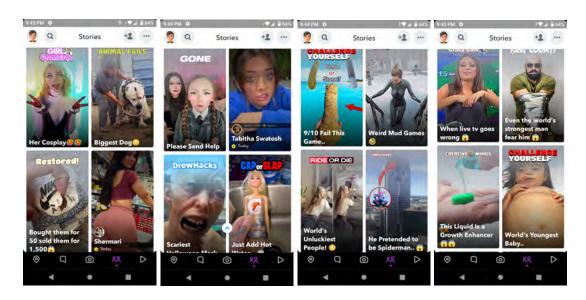
⁶¹ See, e.g., Are People Using Snapchat to Deal Drugs, EVOKE WELLNESS (Apr. 8, 2022), https://evokewellnessma.com/blog/using-snapchat-to-deal-drugs/; Snapchat Drug Dealers, BANYAN TREATMENT CENTERS, https://www.banyantreatmentcenter.com/2022/07/25/snapchat-drug-dealers-massachusetts/ (last visited Apr. 18, 2023).

- 155. Drug dealers use the Stories product to identify and engage young Snapchat users, while Snap uses its Stories product to target and engage young Snapchat users.
- 156. Plaintiff A.B. and Michael Brewer (plaintiff in another pending lawsuit) allege that when they were 12 years old Snap exposed them to accounts maintained by drug dealers which glorified illicit activities and illegal drug use. These accounts were targeted at them without having ever requested, searched for, or shown any interest whatsoever in these subject matters.
- 157. On information and belief, Snap targeted all of the children at issue in these cases in the same manner, recommending drug themed connections and advertisements to increase their engagement, and not because these young users ever asked for or were interested in such harmful connections and exposures. When Plaintiffs use the term "advertisements" (*see also, infra.*, at ¶ 307, 349, 382, 410, 411, 413, 414, 442, 444, 496, 529, 568, 597, 603, 628, 636, 643, 713, 935, 942(i), 963) they are referring to things like Snapchat drug dealer menus and related Stories and other user Stories glorifying and/or encouraging vaping, marijuana use, and, over time, prescription and/or designer drugs. Though, on information and belief, Snap likewise and at times relevant to this Complaint was targeting young users including Plaintiffs' children, all of whom were minors when their Snapchat use began with paid advertisements promoting harmful, substance-related products, such as e-cigarettes. *See also Study Shows Link between Using Snapchat and Vaping in College Students*, George Mason University College of Public Health, September 14, 2021, https://publichealth.gmu.edu/news/2021-09/study-shows-link-between-using-snapchat-and-vaping-college-students (last accessed June 26, 2023).

But also, cursory investigation, such as the opening of a test Snapchat account, 158. confirms Snap's targeting of minor users in the manner described throughout, that is, Snap's own decisions and actions to target harmful and inappropriate content to children as a means to increase its own engagement, including and as relevant to this case and the Related Cases, drug content – which, in combination with Snap's own marketing efforts, gamification features, and Quick Add communications, effectively grooms and manipulates young users into believing that drugs are fun and everyone is doing them, and that Snapchat and the drug dealers Snapchat affirmatively connects to these children en masse are safe. The following are just some examples of the types of content Snap directs to minors as a matter of routine design and operation, and via its Stories and Snap Map product (as observed by a test user who self-identified as a fourteen-year-old male),



While the Stories Snap selects for and pushes to minor users via its Discover feature (also on its Stories page) are not much better, as reflected in the Discover content Snap chose for this same, self-identified 14-year-old boy,



All of the images shown in this paragraph are ones Snapchat chose for a self-identified 14-year-old boy, who had no device contacts, no Snapchat "friends," and had not yet added any of the hundreds of Quick Add requests Snapchat generated and sent just moments after opening of the account. According to Snap, this type of Discover content is "the result of collaboration with world-class leaders in media to build a storytelling format that puts the narrative first. This is not social media. ... Discover is fun and easy to use. Tap to open an edition, swipe left to browse Snaps, or swipe up on a Snap for more. Each channel brings you something unique – a wonderful daily surprise!" *See* https://newsroom.snap.com/introducing-discover (last accessed June 27, 2023). On information and belief, acceptance of Snap's Quick Add requests on this test account would only have escalated the Snapchat-caused harms, including because of the numerous unsolicited connections Snap would have made between its self-identified fourteen-year-old user and predatory Snapchat users, including and as relevant here, nearby drug dealers.

159. Snap's 2013 launch of its Stories product – the first product of its kind – skyrocketed Snapchat's popularity with American youth.⁶² What Snap did not disclose to

⁶² Nick Routley, *Timeline: Looking Back at 10 Years of Snapchat*, VISUAL CAPITALIST (July 18, 2021), https://www.visualcapitalist.com/timeline-looking-back-at-10-years-of-snapchat/ ("[T]he 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* Vaynerchuk, *supra* note 27 ("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

consumers or their parents—and still has not disclosed—was how it operates its Stories product to the detriment of those same young users.

6) <u>Snapchat's "Snap Map" Feature Provides Drug Dealers with Unique</u> Tools to Evade Detection and is Unreasonably Dangerous.

their location with their followers (and the public) on an activity-level-based, color-coded heatmap. At all times relevant, the Snap Map product was available to all users, including minors. Moreover, while Snap claims that it does not disclose usernames on the Snap Map unless the user has a public profile, and that it does not allow users under 18 to create a public profile, Plaintiffs do not know when that product change was made; and regardless, Snap purposefully designed its features with simple means of circumvention. To name only two examples, a minor user can simply add their username as text overlay on their Snap Map story or create an account with a false birthdate. Likewise, Snap claims that Snapchat, by default, will not share a user's location on the Snap Map unless the user affirmatively gives Snapchat permission to access the location information on their device. But Snap does not say whether this was always the case, or if it was a product change, and does not specify whether it discloses the risks and how such permission will be utilized or, instead, if Snap is referring simply to the standard location sharing permissions apps commonly request. These are topics on which discovery will be required.

161. Snap Map is a feature unique to Snapchat, and it is an unreasonably dangerous feature for young users, including because it provides strangers with a means to confirm their locations – for example, predatory users often will convince minors to turn on and share their location with them, which dangers minor uses are too young to appreciate and/or understand. Many Snapchat Drug Dealers rely heavily on Snap Map as it allows them to confirm the location (and thus, identity) of potential customers. That is, they can see and/or convince young users to

after Stories the platform began to take off and mature as a content destination."); Awrara Ra, *The curious history of Snapchat and its increasing importance for businesses*, BUSINESS CHIEF (May 19, 2020),

https://businesschief.com/digital-strategy/curious-history-snapchat-and-its-increasing-importance-businesses ("[P]arents 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.").

provide them with location access while at home, at work, even at school thanks to Snap's unique mapping product.

- 162. There are multiple ways in which drug dealers use the Snap Map product to identify and connect with potential customers, including and most often young Snapchat users. For example, Snap Map allows drug dealers to find young users in their vicinity through Stories on the Snap Map and reach out directly, as described above. If a Snapchat Drug Dealer is in a particular area, the drug dealer can identify Stories that correspond with their target customers (*i.e.* users who post and appear from their post and/or Bitmoji to be young). Plaintiffs tested these allegations, and the user easily was able to locate minor users via Snap Map in this manner, identify them from their Story as minors, obtain their Snapchat usernames via text overlay, search for the username, and have Snap direct them to a screen that would have then allowed them to try to add the minors as a "friend" and again, Snap does not disclose the dangers of accepting such "friend" requests to children, but instead, incentivizes them in various ways to accept such requests; and also incentivizes them to publicly post and ensure accessibility to other users.
- 163. Moreover, because of Snap's products, designs, and programming decisions, these new accounts can then not only identify these users as young children but can essentially find out where they have been and, in some cases, how to find them in real life. Further, after identifying a potential customer, the drug dealer can simply send a friend request or message directly with the user and advertise through Snap's other tools (and with Snap's recommendation technologies promoting such posts to increase engagement).
- 164. Snap Map also enables users to connect with dealers they otherwise would not know. For example, a dealer will post a story and then tag the story to a specific location on Snap Map which typically includes a menu of available drugs and prices. Snapchat users can then view the story—including ones that are not already "friends" with the dealer. The Story will often include the Snapchat drug dealers QR code, so the viewer can instantly add the dealer as a friend. After the user sends a friend request, the dealer and the user can communicate one-on-one via direct message—and both the original Story and the direct message will disappear within 24 hours, leaving no evidence of the transaction.

165. In an article published February 28, 2023, Placer County Sheriff's Detective Patrick Craven specifically "emphasize[d] Snapchat's geo-location features," and their role in facilitating and making connections to dangerous drug dealers that otherwise would not be made,

"In addition to that, it broadens the scope of people who would be able to acquire drugs," he noted. "Dealers on Snapchat will tag a location and essentially post up a menu of what they're selling. For instance, one could say like the Galleria, which is a highly populated area where there's a lot of youth and people who have cash A dealer could tag their menu to that location, and then a buyer would look at that location because it would come up in their feed, as a story, that was posted from that location – and what that does is it forms a connection that otherwise would not have ever arrived."

- 166. Children, teens, and young adults are more susceptible to manipulation and resulting harms. The Snap Map product, coupled with Snap's gamification features, amplification of social reward systems, connecting between children and adults, and lack of reasonable warnings make children an easy target. Snap makes dangerous activities seem fun. In short, the Snap Map product also allows drug dealers, once connected to a minor user, to verify and find that user's location, making drop-offs and pick-ups simple, convenient, and most importantly, difficult to trace.
- 167. Moreover, once a Snapchat drug dealer makes one new "friend," the Quick Add algorithm will continue to feed new potential customers to the dealer from the new friend's friend list. In other words, once a dealer adds one high schooler as a friend, he can quickly utilize Snap's features and tools to expand his friend list and potential customer base to dozens or hundreds of high schoolers through Snapchat's Quick Add "friend of a friend" recommendations.
- 168. Snap Map also functions as a social metric, incentivizing young users to add strangers much like the Snap Score. For example, a report by 5Rights, a United Kingdom based children's online safety advocacy group highlighted the experience of John, a 14-year-old boy, who explained that "[h]aving more connections on Snapchat makes his Snap Map look more crowded, which he can then show off to people in real life and therefore appear more 'popular.'"⁶⁴

⁶³ Scott Thomas Anderson, *Money, Snapchat and implied malice: Why a fentanyl dealer was charged with murder as Placer's deaths soared by 450%*, SACRAMENTO NEWS & REVIEW (Feb. 28, 2023),

https://sacramento.newsreview.com/2023/02/28/money-snapchat-and-implied-malice-why-a-fentanyl-dealer-was-charged-with-murder-as-placers-deaths-soared-by-450/.

⁶⁴ 5RIGHTS FOUNDATION, PATHWAYS: HOW DIGITAL DESIGN PUTS CHILDREN AT RISK 53 (July 2021), https://5rightsfoundation.com/uploads/Pathways-how-digital-design-puts-children-at-risk.pdf.

7) Snapchat's Reporting Mechanisms are Defective.

- 169. In response to widespread concerns over the safety of Snapchat, particularly in the context of illicit drug sales, Snap began telling users, parents, and the media that Snap's in-app reporting mechanisms were an effective tool to combat the illicit sales. Snap represented that it would take appropriate action on reported safety concerns.
- 170. However, Snap's in-app reporting mechanisms fail to protect users in any meaningful way.
- 171. At all times relevant, Snap did not clearly disclose or inform consumers of the availability of a reporting mechanism or how to use it. Many parents did not know that such a mechanism existed, preventing them from reporting underage use and other harms.
- 172. Snap's own disclosures further establish that Snap only enforces on a small fraction of reported drug activity, while continuously representing that Snap is taking all necessary action to protect minors on Snapchat.⁶⁵
- 173. Moreover, on information and belief, until recently the reporting mechanism did not allow users to provide any unique description of the reported issue. Nor are users able to attach any photographic or video evidence of the reports. Users only had the option to click a box indicating what type of report was being made, which design unreasonably limited the information users were able to report to Snap and the information Snap then had available to assess.
- 174. Moreover, because Snap fails to act on reported safety concerns and ensure that account information is preserved on and in connection with reported accounts, Snap's automatic deletion designs and programs result in material evidence being lost. Snap's failure to preserve reported account information, and other data relating to those users and accounts, thwarts parents' and law enforcement's efforts to protect minors including in situations where Snap is put on actual notice of a user's drug distribution activities.
- 175. Snap also does not take reasonable steps to enforce its terms or prohibit the use of its product by predatory users in connection with its reporting mechanisms. Even in the limited

⁶⁵ See, e.g., Snap Inc, Transparency Report January 1, 2022 – June 30, 2022 (Nov. 29, 2022), https://values.snap.com/privacy/transparency (reporting that Snap enforced on 270,810 of the 775,145 drug related reports it received during this recent six-month period).

instances when Snap does respond to and enforce on a safety report, Snap's inadequate identity verification allows offending users to open a new account which typically mirrors the removed account, thus allowing predatory users to continue harming minors and distributing drugs on the Snapchat platform.

176. Plaintiffs are entitled to discovery to ascertain the specifics of how and why Snap's reporting mechanisms are defective, particularly concerning Snap's failure to preserve account data on known drug dealer accounts, its failure to act on reports of drug dealing activities (of which there are specific examples in this Complaint), and knowledge Snap had or should have had due to reporting relating to the drug dealers at issue in this case prior to when Plaintiffs' children died.

8) Snapchat's "My Eyes Only" Feature Facilitates Illicit Drug Sales and is Unreasonably Dangerous Because it Serves as What Amounts to a Self-Destructing Data Vault to Evade Law Enforcement.

177. One of Snapchat's most conducive products to drug distribution and clandestine purchasing is the "My Eyes Only" feature Snap released in 2018 – an encrypted data vault feature that was quietly launched with little fanfare and certainly without informing or warning parents of its incredible dangers.

178. Snap's My Eyes Only product functions as a data vault within the Snapchat product. It offers a second layer of password protection. Located in a non-obvious location within the Snapchat app, this vault lets users to "easily hide sensitive images and videos" within the app itself. In prior a version of Snapchat – one utilized by most if not all of the young users at issue in this case – My Eyes Only was completely hidden, such that users had to know where and how to swipe on the Snapchat interface to find its access point.

179. My Eyes Only also is secured with a user-generated pin code, which Snap does not have access to. This means that the data within the vault is <u>permanently inaccessible</u> without the pin code – for example, where a user unexpectedly dies without having thought to write down their

⁶⁶ Subin B, *How to Get 'My Eyes Only' on Snapchat Account*, BEEBOM (Jan. 11, 2022), https://beebom.com/how-get-my-eyes-only-snapchat/. *See also* Daniel Barrett, *Here's What Snapchat's My Eyes Only Does*, NOVABACH (May 30, 2022), https://www.novabach.com/heres-what-snapchats-my-eyes-only-does/ (describing how to get to the My Eyes Only vault by "swip[ing] up from the camera screen top open Memories, then swip[ing] left to the "My Eyes Only" tab and enter your passcode.").

code or where a user simply refuses to provide their My Eyes Only code to their parents and/or law enforcement – and even Snap cannot retrieve it.⁶⁷

- 180. In short, minors and other Snapchat users have unfettered access to this hidden vault, while parents, law enforcement, and even Snap do not, in essence, creating a data incinerator: if a user dies or refuses to provide the passcode, that data, according to Snap, becomes irretrievable.
 - 181. My Eyes Only appeals to kids and criminals alike.
- 182. My Eyes Only is a defective and/or inherently dangerous feature. Account and device holders already have privacy features accessible to them, including their Snapchat account password and device-specific pin code. As such, Plaintiffs are not aware of any practical purpose served by this additional layer of encryption and Snap's irretrievability design, aside from being able to conceal potentially dangerous and/or illegal content from parents and/or legal owners of the devices used to access Snapchat. Moreover, while this information and evidence should be in Snap's custody and control, Snap has designed, programmed, and is still actively distributing this product in a way that causes the permanent loss of relevant, material, and incriminating evidence.
- H. Snap Relies on Misleading Messaging and Attempts to Spin, Control, and Manage
 Public Outrage on Snapchat's Status as a OpenAir Drug Market.
 - 1) Snapchat's Role in the Drug Trade Has Been Reported to Snap Within the Media and Law Enforcement Since At Least 2017.
- 183. Snap leadership has been on notice that their product was being used as the model drug distribution vehicle to American youth and had already started spinning counternarrative statements to the world press by 2017. Rather than take proactive action to protect minors, Snap relied on misrepresentations that its Trust and Safety Team and in-app reporting could tackle the issue.
- 184. In July of 2017 two and a half years <u>before</u> the earliest death at issue in this lawsuit (of Alexandra Capelouto on December 23, 2019) BBC News reported on efforts to report drug

⁶⁷ See, e.g., Sanjeev Singh, What Is Snapchat's "My Eye's Only" Feature?, DEVICE MAGAZINE https://www.devicemag.com/my-eyes-only-snapchat/ (last visited Apr. 18, 2023) ("No, Snapchat cannot look at your My Eyes 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.").

dealer accounts to Snapchat, and Snapchat's failure to take down those accounts.⁶⁸ The BBC investigator further predicted that it would "take something very tragic to happen to these kids" before Snapchat would "wake up and take action." "Until then, it will continue to be a drug dealer's paradise." ⁶⁹

- 185. The Mirror quickly followed, citing to BBC News, and explaining how Snapchat had become the go-to place for dealers, particularly dealers selling to children, and how Snapchat was contributing to their new-found success.⁷⁰ In short, business was booming for dealers distributing to "children as young as 12."
- 186. The Mirror also identified unique Snapchat features of particular appeal to dealers, including "Snap Maps" and disappearing messages noting that, "some dealers claim they are making thousands of pounds in just days selling drugs via Snapchat a method that is fast and seen as relatively without consequence" It also identified that children were the ones being harmed stating: "Social media platforms make it easier for dealers to access children, and have encouraged teenagers to turn to the apps to peddle drugs themselves, some as young as 13." ⁷²
- 187. Snap acknowledged the BBC Investigation and instead of taking action to make its product safer or to warn consumers and their parents, it opted for materially misleading statements and the appearance of concern. Specifically,

Responding to the investigation, SnapChat issued a statement: "Every single one of our policies prohibit the use of SnapChat for illegal activity.

"We have a dedicated team that work around the clock to enforce those policies and respond to requests from law enforcement."

The social media company said they encouraged users to report drug dealing activity using the in-app tool.⁷³

⁶⁸ Teens found selling drugs on Snapchat and Instagram, BBC Three investigation finds, BBC NEWS (July 14, 2017), https://www.bbc.com/news/newsbeat-40601036.

⁷⁰ Saskia Courtney, Snapchat, Instagram, cocaine and MDMA: How 'digital dealers' boast of making £13k a day selling drugs to kids, THE MIRROR (July 17, 2017), https://www.mirror.co.uk/news/uk-news/snapchat-instagram-cocaine-mdma-how-10812890. While the articles refer to Instagram in their title, the text of both focus on Snapchat – citing examples of drug distribution on Snapchat almost exclusively and calling out specific product features that were unique to the Snapchat product.

⁷¹ *Id*.

⁷² *Id*.

⁷³ *Id*.

188. In late December 2017, Snap provided additional statements in response to similar reports, including reporting by The Guardian that Snap was one of the two most popular platforms for drug distribution and that children were dying from lethal doses of drugs being distributed to them.⁷⁴ "Snap indicated that "it took its responsibility to create a safe and secure experience seriously" and has an "active trust and safety team that responded to reports and concerns within 24 hours."⁷⁵

189. The press didn't stop. In April 2018, UK publication, The Sunday Telegraph, published an article discussing how a teen user was exposed to dealers on Snapchat and his mother's attempts to protect him. "If Kate's interactions with the local police had been frustrating, her attempts to get Snapchat to close down her son's account were 'agonising.'" Once again, Snap knew what was happening on its platform, and instead of taking action to make its product safer or to warn consumers and their parents, it opted for the same materially misleading statements and the appearance of concern, ⁷⁷

When asked to comment, a spokesperson for Snapchat said: "Every single one of our policies prohibit the use of Snapchat for illegal activity. We have dedicated teams that work around the clock to enforce those policies and to respond to requests from law enforcement. We encourage all Snapchatters to report anything to us that doesn't belong on Snapchat, including by using our new in-app reporting tools."

190. In March of 2019, Snap was made aware of another study and this time the reporting highlighted both the prevalence of drug dealers using Snapchat as compared to other social media products, like Instagram, as well as the unique danger Snapchat was creating for children because

⁷⁴ Sarah Marsh, *Youth workers warn of rise in drugs purchases through social media*, THE GUARDIAN (Dec. 31, 2017), https://www.theguardian.com/society/2017/dec/31/youth-workers-warn-of-rise-in-drugs-purchases-through-social-media.

⁷⁵ *Id*.

⁷⁶ *Middle-class drug dealers: the dark side of Snapchat*, The Sunday Telegraph, Apr. 15, 2018, *available at* https://www.pressreader.com/uk/the-sunday-telegraph/20180415/282003263011141.

of the atmosphere of trust it fostered with children and parents.⁷⁸ Having surveyed more than 350 drug users, with an average age of 18, "the researchers found 76% of respondents said they regularly used Snapchat for buying drugs, while [only] 26% used Instagram."⁷⁹ "The study warned that educating young people about the risks of purchasing unknown substances from strangers on social media platforms was 'crucial and urgent' as many were in denial about the risks."⁸⁰

- 191. Again, this publication predicted the risk of tragedy, if Snap did not act nine months *before* the earliest death at issue in this lawsuit (of Alexandra Capelouto on December 23, 2019) warning that: "The risk is that people think it's safer than buying drugs from a street dealer. In reality drugs are often mis-labelled and there's no easy way to tell the purity of what you're buying. This makes it really hard to safely manage how much to take." And once again, instead of taking action to make its product safer or to warn consumers and their parents, Snap opted to stay the course, reiterating that Snap's reporting tools were addressing the issue.⁸¹
- 192. In November 2019, KUTV in Salt Lake City reported that children receive drug advertisements on Snapchat sometimes daily, while dealers utilize Snapchat features like Snap Map and Quick Add to connect with and obtain unfettered and unsupervised access to children.⁸² Snap was aware of this reporting, as well: "Snapchat did not provide an official response to questions about [its] polices, but offered links to reporting resources for users."
- 193. In February 2020, an investigative reporter with Vice opened a Snapchat account and posed as a teen, posting "young-looking" pictures and "childish captions." Within minutes, she found a "drug dealer's directory" on Snapchat, providing the usernames for 104 different

⁷⁸ Estel Farell-Roig, *Teens are turning to sites like Snapchat and Instagram to buy drugs, study claims*, WALES ONLINE (Mar. 5, 2019), https://www.walesonline.co.uk/news/wales-news/teens-turning-sites-like-snapchat-15923003.

⁷⁹ *Id*.

⁸⁰ *Id*

⁸¹ *Id.* (A Snapchat spokesman said: 'There is no place for selling drugs on Snapchat. We encourage anyone who sees something like this anywhere to always report it.'").

⁸² Jim Spiewak & Maren Jensen, *Drug dealers find potential young customers on Snapchat, social media*, 2KUTV (Nov. 19, 2019), https://kutv.com/news/addicted-utah/addicted-utah-drug-dealers-find-potential-young-customers-on-snapchat-social-media.
⁸³ Id.

 $^{^{84}\} VICE, \textit{Buying Drugs Over Snapchat}, \ YouTube\ (Feb.\ 5,\ 2020), \ https://www.youtube.com/watch?v=1Ki7d_R-t60.$

<u>Snapchat Drug Dealers</u> she could contact if she wanted to buy drugs."⁸⁵ All that was needed to purchase illegal drugs within "five minutes" was "an address and Snapchat account."⁸⁶

- 194. Once again, Snap had knowledge that the rest of the world did not, while its public-facing response made it appear both (a) as though Snap was making meaningful product changes to combat the issue of drugs including robust and "24/7" staffed in-app reporting tools and an "Online Safety Centre" and (b) that Snapchat was designed in a way that made it safer than other social media apps: "We are deeply committed to the safety of our community ... [and] the design of Snapchat encourages users to interact with their real friends and not strangers."
- 195. Current and long-standing member of Snap Safety Advisory Board, Ed Ternan, also claims to have put Snap on explicit notice of what was happening on its platform in February or March of 2021 at the latest,

And we said to them, "you have a problem. What you don't understand is that the pills being sold on your platform, they're fake," and their reaction was "what do you mean?" "Well, the Percs that are being advertised on Snapchat are not Percocet, that's one thing. These are counterfeits made of fentanyl. You need to red flag this problem. You need to make this like child sex trafficking. This is child endangerment. You need to up your game."

196. In August 2021, the Maricopa County Attorneys' Office issued a News Flash ("The Connection Between Snapchat and Fentanyl") warning residents that, "... Snapchat is the platform that gets used the most as it provides anonymity, disappearing content, and doesn't allow third-party monitoring." 88

⁸⁵ *Id*.

⁸⁶ I.A

⁸⁷ Tucker Carlson Today (July 13, 2022) at 22:45-23:12, available at https://nation.foxnews.com/watch/f341fb6d25c31b6f013bb3ffefa7b219/. Earlier in the interview, Mr. Ternan described making the decision to make Snapchat an ally "a couple months" after July or August of 2020. Plaintiffs do not know for certain when Mr. Ternan's first contact with Evan Spiegel took place, but to the extent that issue is relevant to Plaintiffs' claims, Plaintiffs allege on information and belief that it may have taken place as early as late 2020. See also Ed Ternan – Fake Meds Are Actually Killing Kids, THE ADDICTION PODCAST – POINT OF NO RETURN, available at https://www.podpage.com/the-addiction-podcast-point-of-no-return/ed-ternan-fake-meds-fentanyl-killing-kids/ ("After concluding that we had no legal recourse against Snap, we decided to see if we could make them our ally. We connected with Snap executives through our personal network and convinced them that the counterfeit pills being sold on their platform required and aggressive response, on the same level as child sex trafficking. They engaged with us quickly and together we formed a coalition of platforms and tech firms that produce and distribute awareness messaging directly to kids and parents. We also help them on the monitoring and enforcement side, serving as subject matter experts.").

⁸⁸ The Connection Between Snapchat and Fentanyl, MARICOPA COUNTY ATTORNEY'S OFFICE (Aug. 30, 2021), https://www.maricopacountyattorney.org/CivicAlerts.aspx?AID=844.

197. In October 2021, an NBC News investigation identified teen and young adult deaths in more than a dozen U.S. states traced back to the Snapchat product and the types of drug deals described in this Complaint.⁸⁹

198. In 2021, New York Times (NYT) published stories announcing that the United States had recorded a record number of drug overdoses during a 12-month period (April 2020 to April 2021), attributing it to "stealthy, steady, and deadly" fentanyl sales and identifying Snapchat as "the platform that gets used the most as it provides anonymity, disappearing content, and doesn't allow third-party monitoring."⁹⁰

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.

199. At all times relevant and years prior to the first death at issue in this lawsuit, Snap had actual knowledge that its platform was providing drug dealers with unique and effective tools for the distribution of drugs to children like and including the ones at issue in this case. Snap knew that its platform was being used for distribution far more than any other social media product, and it knew why. Snap also was given multiple warnings that if it did not act – either making its product safer for the children it targeted and marketed to or providing warnings to consumers and parents of the specific dangers being created by its product – children would die as a result.

2) <u>Snap Ignored Years' Worth of Grieving Parents' Warnings and Requests for Product Modifications.</u>

200. Snap was also put on notice of the tragedies occurring on Snapchat through outreach by grieving parents. However, rather than meaningfully engage with these parents' warnings and requests for product modifications, Snap turned a blind eye.

⁸⁹ Olivia Solon, *When one pill kills*, NBC NEWS (Oct. 1, 2021), https://www.nbcnews.com/specials/pills-bought-on-snapchat-deadly/.

⁹⁰ Sarah Maslin Nir, *Inside Fentanyl's Mounting Death Toll*: 'This is Poison', (Nov. 20, 2021). https://www.nytimes.com/2021/11/20/nyregion/fentanyl-opioid-deaths.html

- 201. By mid to late-2020, a small group of grieving parents had connected and were pursuing awareness, education, and accountability in connection with their children's deaths and the fentanyl crisis that was killing American Youth in unprecedented numbers. One such organization was the "Fentanyl Awareness Coalition" (the "Coalition"). In October 2020, members of the Coalition met in-person in Columbus, Ohio.
- 202. In October 2020, approximately twenty-five families (members of the Coalition) met with then-White House Drug Czar, James Carroll, and told him their stories, with the majority of their children having been connected to a drug dealer through Snapchat. In short, one social media platform took center stage when it came to the distribution of deadly, counterfeit drugs on its platform and that was Snapchat.
- 203. On information and belief, sometime shortly thereafter, Ed Ternan, founder of Song for Charlie and one of the Coalition parents who tragically lost his child to Snapchat and a counterfeit pill, spoke and/or met with Snap's founder and CEO, Evan Spiegel.
- 204. On November 5, 2020, Ed Ternan (current member of Snap's Safety Advisory Board) wrote to a group of parents that he "would like to share what I have learned about our recourse against Snapchat and other social media platforms." He met with some of these parents on November 9, 2020, by Zoom, and said that they could not sue Snap but needed to work with Snap from the inside to let Snap know that its product was broken.
- 205. On November 11, 2020, Ed Ternan (current member of Snap's Safety Advisory Board) circulated materials that he prepared and planned to present the following day to the Alliance for Safe Online Pharmacies (ASOP). He described these attachments as a "summary of my thoughts about Snapchat and how we might get them to join our case or at least hold them accountable." Through these materials, Ed Ternan identified Snap and its Snapchat product including several of its unique product designs as materially contributing to the deaths of thousands of American youth.
- 206. Attached to this Complaint as **Exhibit A-1** are true and correct copies of Ed Ternan's November 11, 2020 email and attached documents, "Snap and Fentapills ASOP" and "Why Target SnapChat."

27

28

1

207. Ed Ternan identified just some of Snapchat's "unique characteristics" that make it more dangerous to youth than other social media products. He wrote,

Here is a bullet point summary of the unique characteristics of fentapills+SnapChat:

- SnapChat actively markets its product to young people. 70% of Americans under the age of 24 have a SnapChat account. This demographic is their bread and butter.
- This demographic also uses prescription pills at a higher rate than any other in history. Sharing pills and shopping for them on SnapChat is socially acceptable.
- SnapChat's differentiating feature is that posts are temporary. Users can specify the duration of their posts, after which they 'vanish' from public view.
 The app also has a geolocation feature so users can find one another on a map.
- Drug dealers know this. They actively target SnapChat users by posting their goods and arranging meetups for transactions.
 - The rise of counterfeit prescription pills (fentapills) presents a clear and present danger to young people, specifically the SnapChat demographic. Many victims are minor children.
 - SnapChat gives drug dealers easy, risk-free access to their target market. Its features make it THE IDEAL distribution channel for their drugs.

The above scenario creates a perfect storm that results in the deaths of thousands of young people each year. Deadly fentapills are widely available on SnapChat, a platform designed to hide all evidence of questionable activity. High demand plus easy access equals death.

208. On information and belief, Snap told Ed Ternan that it would work with him and his foundation to provide warnings to all of its users and to otherwise design and implement product safety features that would prevent drug dealers from being able to connect with and distribute to children in the first place. At the same time, however, Snap believed that it was immunized from suit in connection with the growing number of fentanyl poisoning deaths linked to its product. Instead of taking reasonable steps to protect its young users and/or to stop drug dealers from using its digital premises to sell to them, it embarked on a strategy of making false and/or misleading representations about the safety of its product and its efforts to protect young users – while undertaking only the minimum in terms of actual product changes.

209. Then, in February 2021, Plaintiffs Sam Chapman and Dr. Laura Bergman – a public figure – lost their 16-year-old son, Sammy, to fentanyl poisoning from a counterfeit pill distributed by a Snapchat Drug Dealer. The public spotlight was turned to Snapchat in a bigger way than it had before, and Snap knew it. Snap released a statement that Snap was "constantly improving its

capabilities to detect drug related activity" and there was "no higher priority than keeping Snapchat a safe environment." ⁹¹

- 210. After the spotlight was finally on Snap, it began making a few small changes to its product that, on information and belief, its leadership believed would help stave off public criticism for the harms they were causing but with the least impact to Snap's revenue. Snap knew that there were other available and meaningful changes it could make; and the changes it did start making were unreasonable and inadequate.
- 211. By April of 2021, Snap began reaching out to parents, to the point of sending its executives to meet with grieving parents (behind closed doors and without legal counsel present), including to convince them that they could not sue.
- 212. On April 17, 2021, frustrated by lack of any movement, Plaintiff Amy Neville planned a rally at Snap's corporate offices, to take place on June 4, 2021. She posted the Snapchat rally event to Facebook that same day and received a call from Ed Ternan within a matter of hours. Mr. Ternan told her that he was "in the room with Snapchat," and invited her to a meeting between Snapchat and a select few parents. He said that this was their chance to be heard.
- 213. On April 19, 2021, Ed Ternan emailed Plaintiff Amy Neville and others the invitation to the meeting with Snap, scheduled for April 27.⁹² He asked the parents to keep all of this confidential. "We ask that you please keep this email confidential do not share or forward to anyone. Above all, DO NOT POST TO SOCIAL MEDIA."⁹³
- 214. On April 27, 2021, three Snap executives met by Zoom with a group of parents who lost their children to fentanyl poisoning after purchasing counterfeit drugs being distributed on Snapchat. The Snap executives in attendance included Jennifer Stout, Sophia Gross, and Aaron Altschuler. Ed Ternan was present, along with Plaintiffs Jaime Puerta, Amy Neville, Bridgette Norring, Cindy Cruz Sarantos, Matthew and Christine Capelouto, and others.

⁹¹ Melissa Roberto, *OWN host Dr. Laura Berman warns parents about opioid crisis following teen son's apparent fentanyl overdose*, FOX NEWS (Feb. 9, 2021), https://www.foxnews.com/health/own-host-dr-laura-berman-son-overdose-death-fentanyl-opioid-crisis.

⁹² Attached as **Exhibit A-2** are true and correct copies of the April 2021 emails (with redactions) between Ed Ternan and Amy Neville, and Ed Ternan, Amy Neville, and other parents relating to the planned April 27, 2021 meeting.
⁹³ *Id.* (emphasis in original).

215. Snap VP of Global Safety, Jennifer Stout, started the meeting by telling the parents that Section 230 of the Communications Decency Act immunized Snap from civil liability. She said that Snap is a host company and that it is not responsible under Section 230 because the creators are the ones posting content and not Snapchat. She also repeatedly referred to Snap as a "small company."

- 216. Ms. Stout claimed that the use of Snap's platform to sell drugs to teens was something Snap had only just learned about, through information brought to it by Ed Ternan, and that Snap was acting as quickly as it could to institute changes and raise awareness to help protect its young users. 94 Snap assured the parents that it intended to do everything in its power to prevent this from continuing now that it knew that there was a problem.
- 217. During the meeting, Jennifer Stout asked the parents if they were aware of Snapchat's in-app reporting mechanism to report drug dealing activity. None of them knew about it. She explained that Snap had a zero-tolerance policy and would immediately remove the accounts and content upon reporting. Sophia Gross (Snap's Head of Policy Partnerships) added that content gets preserved longer when it is reported, and that Snapchat gives prioritization to law enforcement when a subpoena is received. In response, Plaintiff Bridgette Norring noted that dealers whose accounts were being taken down were just opening new accounts and popping back up to distribute on Snapchat with little to no delay.
- 218. Jennifer Stout and Sophia Gross promised to work with the parents directly to create public service announcements (PSAs) to educate kids on the dangers of fentanyl and counterfeit drugs distributed on social media. They also said that Snap would send employees to their cities and towns to engage in outreach and education for local youth. However, Snap did not follow through on these commitments.
- 219. Jennifer Stout also informed the parents that it had hired an expert in the field, Tim Mackey. She said that they had retained and were working with Mr. Mackey and his company, and that he had developed software (machine learning technologies) and would build it out even

⁹⁴ On information and belief, Snap at other times has asserted that it knew about drug distribution happening on its platform, just not that deadly, counterfeit drugs were being distributed to children until Mr. Ternan notified them.

further in partnership with Snap, and quickly, so that Snap would be able to track, identify, and block drug dealers on the front end – before they could reach young Snapchat users.

- 220. The attending parents also shared reports of law enforcement that Snap took months to respond to subpoenas, and then often responded that it was too late and that the relevant Snapchat data already was gone. When Snap was asked why it took so long to respond to subpoenas, Snap's Director of Global Safety Operations, Aaron Altschuler, said that Snap (his department specifically) was understaffed. He said that they did not have the manpower to stay on top of things at the current rate of law enforcement requests. When one parent asked why Snap was deleting data in the first place making it impossible to get evidence unless Snap jumped on it right when someone died Snap's executives had no response or explanation.
- 221. At one point, Plaintiff Cindy Cruz-Sarantos asked the Snap executives why Snap was not doing something to "warn the public." She asked why Snap had not done a media conference, to make people aware that drug dealers were using the Snapchat platform to sell deadly counterfeit drugs to children, and that children were dying as a result. Jennifer Stout responded to Cindy's question, saying that when Snap was ready, when it had the right education pieces in place, it would release that information to the public.
- 222. Then, on May 28, 2021, Plaintiff Sam Chapman emailed Snap founder and CEO, Evan Spiegel. Sammy Chapman's death had garnered significant public attention, and Mr. Spiegel responded that same day, agreeing to meet with the Berman Chapman family on June 4, 2021. Attached hereto as **Exhibit A-3** is a true and correct copy of that correspondence.
- 223. Snap founder and CEO, Evan Spiegel, met with Plaintiff Sam Chapman on June 4, 2021. He told Mr. Spiegel that Snap was dangerous because of its lack of parental monitoring software and controls and specific product features, like disappearing messages and geolocating. He told Mr. Spiegel that his company and his product were killing children. They also discussed Snap's slow response to law enforcement and lack of cooperation (including things like technical objections), in response to which the Snap CEO admitted that they could not keep up with the volume of law enforcement requests being received.

- 224. In 2021, if not sooner, Snapchat CEO Evan Spiegel also began receiving letters from parents reporting the death of their children via a Snapchat Drug Dealer and asking Snap what it would do to make its product safer.
- 225. For example, on July 16, 2021, Hanh Badger emailed Evan Spiegel, notifying him of her daughter Brooke Badger's death and Snapchat's role in that.

I recently lost my beautiful 17-year-old daughter, Brooke, to an apparent opioid overdose after she connected with a plug via Snapchat. It is my understanding that you are aware of the hundreds of innocent lives that are lost every day due to these types of deals on a platform you created. My heart is shattered, and some days, I find it hard to breathe. As a pharmacist by training, I know we have lost the war against drugs many years ago. I'd like to understand your thoughts and what course of action you may be taking to prevent the loss of other innocent lives. What if this were your child?

226. On August 4, 2021, Kathy Klingele emailed Evan Spiegel, notifying him of her nephew Sequoyah Klingele's death and Snapchat's role in that,

Dear Evan – you probably won't read this and you probably don't care and you probably will say there is nothing you can do about it. But I want to let you know that I lost my 16 year old Nephew Sequoyah Hunter Klingele to drugs being sold on Snapchat on April 6th, 2021. He was a California Jr. Olympic Ice Hockey champion and worked for my family tree business in your neck of the woods in Silicon Valley during the summer. He had his whole life ahead of him. He was the only child of my Brother Kenny who raised him as a single father. Everything was stolen from him and our family because of the accessibility to a dangerous drugs on Snapchat. We have the Snapchat post and video yet San Mateo Sherriff can't be bothered with his case. As much as I hate you and I cannot express the anger I have towards you, I am willing to put it aside if you can find a way to work with me to find a solution so we do not [lose] more of our beautiful youth due to Snapchat's conduit for lethal drugs to minors. That's really all I have to say.

227. And on August 30, 2021, Mona Leonardi, emailed Evan Spiegel, notifying him of her son Michael Leonardi's death and Snapchat's role in that,

Dear Evan, I am writing this email with a sense of urgency regarding drug dealers selling fake pills and other drugs on your social media platform. My son Michael died February 24, 2020 in San Diego while he was away at college from taking what he thought was a Percocet pill, and it was actually a fentanyl pill. He purchased this pill from a drug dealer on Snapchat. The toxicology report shows this and his death is listed as fentanyl intoxication. His phone records show he purchased through Snapchat. We struggle everyday with the loss of my son, and we have a void and devastation in our lives that will never leave us. Our son was taken from us by a drug dealer and drug cartel that poisoned him along with so many other children and loved ones. Snapchat is negligent and complicit in allowing these drug dealers to sell these fake pills and other drugs on your platform.

Fentanyl is lethal, killing our children, and you need to act with a sense of urgency. I, along with parents and families, urge you to take down drug dealer accounts. I know Song for Charlie is working with you on ads, but you need to do more. I don't understand why you don't hire people to flag these accounts on a daily basis. If our kids have the ease of finding drug dealers on your platform, you should be ashamed of yourself and your team not being able to do so. I welcome your response from you.

- 228. Mr. Spiegel did not personally respond to these, or many other letters he received from parents and family members whose children were connected to Snapchat Drug Dealers by the Snapchat product. Instead, he sent the communications to Snapchat VP of Global Policy, Jennifer Stout, and she responded on his and Snap's behalf.
- 229. Copies of the correspondence from Jennifer Stout to Plaintiffs Hanh Badger (July 19, 2021), Kathy Klingele (August 6, 2021) and Mona Leonardi (August 30, 2021) are attached hereto as **Exhibit A-4** (with redactions).
- 230. It is unknown how many of these letters Snap received and/or answered, but Plaintiffs allege and believe that there were dozens or more, and that Snap received letters putting it on notice of the harms its product was causing even before July of 2021.
- 231. In addition to these types of letters, Snap was also communicating with parents with whom it met in April of 2021. Attached to this Complaint as **Exhibit A-5** is a true copy of emails (with redactions) exchanged between Plaintiff Amy Neville and Snap VP of Global Policy, Jennifer Stout, in September of 2021, in which Jennifer Stout admits that "As your letter mentioned, young people, in fact much of society, remain frighteningly unaware of the opioid crisis and the deadly risks posed by counterfeit pills."
- 232. Snap also apparently began reaching out to grieving parents unsolicited, in an effort to get ahead of the potential for bad press. Attached hereto as **Exhibit A-7** is a true and correct copy of an email (with redactions) a Snapchat employee sent to a plaintiff in another matter, Fran Humphreys, on February 4, 2022 (and subsequent emails), after Snap heard through third party sources of her daughter's death: "We were made aware that your daughter passed away recently." Snap stated that it was "committed to doing our part to address this devastating crisis and to keep our users safe."

- 233. Throughout the emails that followed, Fran informed Snap that she had been told by law enforcement that "many times before a detective can request a Preservation request, Snapchat has deleted chat content." Also attached hereto at **Exhibit A-7** are true and correct copy of emails (with redactions) exchanged between Fran Humphreys and Snap Safety Advisory Board member, Ed Ternan, in February and March 2022. Fran Humphreys provided Snap with several examples and recommendations as to how Snap could make its product safer and assist law enforcement upon notice of a Snapchat drug homicide all of which Snap ultimately ignored (includes some non-substantive clean-up),
 - If Snapchat changed their rules and gave Detectives live data and live locations, they could make arrests much quicker and get these Dealers off the streets faster.
 - Snapchat could also change rules on preserving the chat data on their servers for a longer period of time for "Investigative purposes," this would lead to more solid evidence and drastically increase convictions. Why have a platform that protects illegal activity?? When clearly it doesn't have to be that way??
 - For whatever reason, Snapchat doesn't seem interested at this time. Our detective overall doesn't feel that Snapchat is very helpful nor supportive in pursuing justice. He's been working with them for quite a while now. If this dealer changed his username, as mentioned in your email from Snap, I'm sure Snap could cross reference it if it's the same number and share that with the detective on an active case?

3) Snap Convinced Grieving Parents That They Had No Legal Recourse.

- 234. Snap began working formally and extensively with Ed Ternan and his organization, Song for Charlie, sometime in early 2021. By May of 2021, he was engaged in weekly meetings with Snap executives, and Snap eventually appointed him to its Safety Advisory Board.
- 235. On July 18, 2021, Mr. Ternan and his wife met by Zoom with law professor Maureen Weston, whose son Cedric died of fentanyl poisoning on May 10, 2021, after obtaining drugs on Snapchat. They discussed the issue of whether they could hold Snapchat accountable for its dangerous product and the incredible harms it was causing. Ed Ternan told her that he had

⁹⁵ See, e.g., Bereaved Parents Create Non-Profit to Combat Fentanyl Epidemic, Business Insider (July 18, 2021), https://markets.businessinsider.com/news/stocks/bereaved-parents-create-non-profit-to-combat-fentanyl-epidemic-1030616790.

consulted lawyers who counselled him that they could not, because Snapchat had Section 230 immunity. Understanding that there was no way to hold Snap accountable for facilitating illegal activity on its platform, Maureen and her husband made donations to Song for Charlie, instead, and became volunteers for the organization on outreach talks to high schools.

- 236. On information and belief, Mr. Ternan has spoken with hundreds if not thousands of parents, at least some of whom believed that they had no legal recourse against Snapchat in connection with their children's deaths as a result.
- 237. For example, in August of 2021, Snap VP of Global Safety encouraged Kathy Klingele whose nephew, Sequoyah, died on April 6, 2021, after obtaining drugs on Snapchat to speak with Ed Ternan and connected them by email. Jennifer Stout wrote that, "Ed and his wife Mary have dedicated their lives to educating young people about the dangers from drugs and they have generously educated us and partnered with us to help us spread the word to prevent more tragedies from occurring."
- 238. That same month Kathy and her brother, Plaintiff Kenny Klingele, met with Mr. Ternan and his wife in Pasadena, California. Ed Ternan told Kathy and Kenny that it's better to work with Snap and be Snap's friend, and that they could not sue Snapchat because of Section 230, *i.e.* that Section 230 protects Snap from legal liability. Kathy Klingele later heard similar statements from other grieving families (that there is no way to hold Snap legally accountable) which other parents, on information and belief, obtained this information from Ed Ternan as well.
- 239. Mr. Ternan told Kathy and Kenny that Snap was doing everything it could to prevent drug dealing on Snapchat. Towards the end of the meeting, he also told them that he had an ad agency, and that it was making money from his partnership with Snap. He asked, "Do you think it's bad I am making money off this because I feel like people think it's bad?" Kathy responded, "You lost your son. If this is the route you want to take, you take it."
- 240. Kathy and Kenny Klingele left the meeting with Ed and Mary Ternan believing that they had no legal recourse against Snap in connection with Sequoyah Klingele's death.

4) Rather than make meaningful changes to its product, Snap pursued a more than two-year strategy of false assurances and misdirection.

- 241. Snap knew the role its product was playing in the fentanyl crisis affecting America's youth and knew that there were available and effective changes it could make to its product to prevent many of those deaths but opted to stay the course.
- 242. Snap provided false assurances to consumers and parents, provided false and/or misleading testimony to the United States government, and pursued misdirection in the American press. The following are just some examples.
- 243. On April 18, 2021, Snap published its first Safety & Impact Blog, authored by Jennifer Stout.⁹⁶ The blog targeted parents explicitly and provides (false) assurances that Snapchat was safe for children to use,

For us, nothing is more important than the safety of our Snapchat community, and we have always believed we have a responsibility to help our community learn about how to protect their security, privacy, and wellbeing when using our products.

That its product was different from other social media, and safer, including because it is designed to prevent strangers from connecting with children,

Snapchat is designed differently than traditional social media platforms. As Evan laid out, our purpose is to design products and build technology that nurtures and supports real friendships in a healthy, safe, and fun environment.

. .

Snapchat doesn't have public comments or browsable profile photos -- it's one of the ways we intentionally make it more difficult for strangers to reach people they shouldn't on the app. To help protect Snapchatters under 18 in particular, we don't allow them to create Public Profiles ...

And that Snap vets the content on its platform to which kids will be exposed, and even has a "dedicated infrastructure" to ensure that users who violate Snap's terms promptly are removed and kids are not exposed to harmful "content."

244. On July 16, 2021, Snap published another post on its Safety & Impact Blog, again assuring consumers and parents that its product was designed in a way that prevents strangers from connecting with youth,

⁹⁶ See Snapchat, Privacy & Safety: The Basics, Snap Inc., (Apr. 21, 2021), available at https://snap.com/en-US/safety-and-impact/page/4 (last visited Apr. 18, 2023).

We also work hard to combat illegal and harmful activity on the private communications side of Snapchat. We provide easy-to-use in-app reporting tools where Snapchatters can notify us about any illegal or harmful activity. Our global, 24/7 Trust & Safety team reviews reports and takes appropriate action against violating accounts.

- 245. In truth, however, at the time of these statements, Snap still was utilizing its Quick Add algorithm in connection with self-identified teen users and strangers. That is, Snap actually designed though did not disclose its product to actively identify and connect strangers, including children, in ways that would increase their engagement with Snapchat despite the very real harms that were resulting.
- 246. Snap knew that children were being harmed through these Snapchat initiated and/or facilitated connections, as well as its various gamification features, which encouraged young users to accept all strangers on its platform.
- 247. Despite knowledge of these harms and representations that Snap was safe and designed to prevent strangers from connecting, Snap opted to maintain its Quick Add feature in the case of minor's accounts. In fact, Snap did not take any steps to limit application of this harmful and/or defective product in the case children and teens until sometime in 2022 (after social media harms lawsuits were filed); but even then, has not actually stopped using its Quick Add technology in connection with minors' account it has just imposed some additional limits.⁹⁷
- 248. On October 7, 2021, in response to media requests, Snap issued a public statement that it had become aware of reports of distribution of deadly, counterfeit pills on its app and that it was "cracking down" and taking proactive steps to stop drug sales on Snapchat.⁹⁸
- 249. In truth, Snap knew that dealers were using Snapchat to distribute dangerous, counterfeit prescription pills to children in 2017, at the latest (*see* Section IV.H.1, *supra*); and that

⁹⁷ See, e.g., https://tech.hindustantimes.com/tech/news/new-snapchat-features-rolled-out-for-teens-connecting-with-minors-turns-tougher-71642747812367.html, https://in.mashable.com/tech/26896/snapchat-is-coming-up-with-anew-safety-feature-limits-friends-suggestions-for-teens, https://www.socialmediatoday.com/news/snapchat-adds-new-limits-on-adults-seeking-to-connect-with-minors-in-the-ap/617310/; see also,

https://www.benzinga.com/markets/cannabis/22/01/25199119/fentanyl-deaths-snapchat-to-crack-down-on-traffi, January 2022 ("Snapchat is not ideal for finding new people. It was designed to communicate with people you already know, your real-life friends,' said Jacqueline Beauchere, Global Head of Platform Safety at Snap.").

⁹⁸ Theo Wayt, *Snapchat cracks down on drug dealing on its app after fentanyl overdoses*, NEW YORK POST (Oct. 7, 2021), https://nypost.com/2021/10/07/snapchat-cracks-down-on-drug-dealing-after-fentanyl-overdoses.

children were dying from fentanyl poisoning specifically and as a result in late 2020, at the latest. *See* Section IV.H.2, *supra*. In other words, when Snap was making these statements, it had already had years to do something about the illegal distribution activities occurring on its platform.

- 250. On October 26, 2021, Snap VP of Global Policy Jennifer Stout testified under oath before Congress and on Snap's behalf that the Snapchat product is safe and that "the content that appears in Snapchat is appropriate for an age group that is 13 and above.⁹⁹ She testified that Snap was "absolutely determined to remove drug dealers from Snapchat." ¹⁰⁰
- 251. What Jennifer Stout did not tell Congress was that Snap knew that drug dealers were still actively distributing to young users on the Snapchat platform, and that many were distributing lethal and counterfeit narcotics, and that hundreds (or thousands) of young Snapchat users were still dying as a result. Snap also did not disclose that there were many other, product related changes and steps it could have taken unilaterally to significantly reduce both the distribution of drugs and fentanyl poisoning deaths occurring on its platform.

5) Snap Touts its Reporting Mechanisms

- 252. In January 2022, Snap was aware of another planned rally outside their offices. Prior to this, Jacqueline Beauchere, Snapchat's Global Head of Safety, gave an exclusive interview to NBC News discussing Snap's efforts in combatting the distribution of counterfeit pills on its platform. Snap reiterated previous statements to parents, claiming they were partnering with outside monitoring services and using new tools to detect and remove drug-related accounts.
- 253. When asked whether this was different than what Snap was doing a year ago, Ms. Beauchere simply said that the "The company made a big push and has been leaning heavily into this issue for the last year." Ms. Beauchere also claimed that Snap had started making proactive referrals to law enforcement; but that it was not practical or realistic to refer all drug accounts to

⁹⁹ Chris McKenna, *Snapchat Testified They're Appropriate for Age 13. I have to Disagree.*, PROTECT YOUNG EYES (Nov. 11, 2021), https://protectyoungeyes.com/snapchat-testified-appropriate-age-13-we-staunchly-disagree/.

¹⁰⁰ Bobby Allyn, *4 takeaways from the Senate child safety hearing with YouTube, Snapchat and TikTok*, KPBS (Oct. 25, 2021), https://www.kpbs.org/news/national/2021/10/26/4-takeaways-from-the-senate-child-safety-hearing-with-youtube-snapchat-and-tiktok, https://www.nytimes.com/2021/10/26/technology/youtube-snap-and-tiktok-executives-take-their-turn-answering-to-washington.html.

¹⁰¹ Exclusive: Snapchat Executive on the Company's Efforts To Stop Sale Of Counterfeit Pills, NBC NEWS (January 18, 2022), https://www.youtube.com/watch?app=desktop&v=e1gVrfsLkFM.

law enforcement, rather Snap only referring accounts with potential for an investigation. Additionally, Snap claimed that it now takes weeks, rather than months, to respond to subpoenas.

- 254. In truth, Snap still had not undertaken meaningful and readily available steps to protect young users. It still was not implementing available and reasonable technologies to keep dealers off its platform in the first place, despite its work with Tim Mackey and others, was not consistently cooperating with law enforcement (as opposed to selective cooperation), and still was not consistently acting on drug reporting or even known dealers on its platform. For example only,
 - a. One plaintiff in another case, Ciara Gilliam, died in August 2022, the Snapchat dealer continued openly selling on Snapchat, and more children died as a result.
 - b. In December 2023, law enforcement told plaintiffs in another case, Olusesi Majekodunmi and Rose Smoak, that there was no point in subpoening Snapchat since it was still deleting all critical data from its servers as a matter of product design and programing.
 - c. In October 2022, Plaintiff Bridgette Norring reporting postings selling drugs and sending users to the dealer's Telegram store for drugs, and Snap responded that this did not violate its Community Guidelines (*see* Section V.E, *infra*); then in February 2023, Plaintiff Bridgette Norring reported another drug dealer on Snapchat, and this time Snap responded that the post did violate Snap's community guidelines but then allowed the account to stay active. *Id*.
 - d. In February of 2023, a Snapchat user ran drug-related terms to test Snap's representations that it was showing users content about the dangers of drugs when they tried to search drug related terms. In many cases, Snap did not provide the promised links, but more importantly and on information and belief, Snap used the fact of his drug-related searches to them affirmatively connect him with a Snapchat drug dealer. *See* Section IV.I, *infra*.
- 255. On April 1, 2022, Snap issued its Transparency Report for the period of July 1, 2021 December 31, 2021, and published a separate statement in connection with that report, both making representations regarding Snap's efforts to prevent drug distribution on its platform. Snap

represented that, "When we find activity involving the sale of dangerous drugs, we promptly ban the account, block the offender from creating new accounts on Snapchat, and have the ability to preserve content related to the account to support law enforcement investigations." ¹⁰²

256. These statements were materially false and/or misleading. For example, Plaintiff Bridgette Norring reported accounts and Snap responded that the drug dealing content did not violate its Community Guidelines (see Section V.E, infra, which includes examples), thus permitting the dealers to continue using its app to sell drugs. In another instance, Snap confirmed that the drug dealing content did violate its Community Guidelines, then failed to take down the account. Id. Snap also allowed several of the Snapchat Drug Dealers at issue in these complaints to open multiple accounts despite the fact that Snap has the ability to block users on a per-device basis and collects other data it could reasonably have used to prevent violators more effectively from opening new accounts. Further, Snap continues to delete and not preserve the most critical categories of data required by law enforcement as a matter of product design and company policy.

257. By April 2022, Snap had changed its approach and started working to pull attention off of Snapchat by spreading false and/or misleading information about other social media companies. Specifically, that all social media companies were equally to blame. ¹⁰³

258. Snap's glaring representations began to attract attention. For example, on December 5, 2022, Snapchat represented that the "Drug Enforcement Administration field agents have deemed Snap's approach to combating drugs as a best practice among tech companies." ¹⁰⁴

2021 – December 31, 2021, SNAP INC. (Apr. 1, 2022), https://www.snap.com/en-US/privacy/transparency/2021-12-31?lang=en-US.

¹⁰² Our Transparency Report for the Second Half of 2021, SNAP INC. (Apr. 1, 2022) https://values.snap.com/news/our-transparency-report-for-the-second-half-of-2021; *Transparency Report: July 1*,

¹⁰³ The expert Snap reported to parents as having hired in April 2021 was quoted in public statements emphasizing the role of all social media platforms in the increasing number of fentanyl poisoning deaths, without any specific reference or attention to Snapchat. See, e.g., Alexandra Rockey Fleming, Counterfeit Meds Sold on Social Media Are Killing Kids; 'My Son Took One Pill and Died,' Says Mom, PEOPLE (Apr. 7, 2022),

https://people.com/health/counterfeit-meds-sold-on-social-media-are-killing-kids-my-son-took-one-pill-and-died-says-mom/; Alexandra Rockey Fleming, 'Parents Need to Stay on Top' of Which Emojis Are Codes for Drugs, Expert Says — Here's a List, PEOPLE (Apr. 9, 2022), https://people.com/human-interest/emojis-used-as-codes-fordrugs/; Jan Hoffman, Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug Deaths to Soar, The New York Times (May 19, 2022), https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html.

¹⁰⁴ Maria Curi, *Meta, Snap Defend Efforts to Deter Illegal Fentanyl Sales Online*, BLOOMBERG LAW (Dec. 5, 2022), https://news.bloomberglaw.com/tech-and-telecom-law/meta-snap-defend-efforts-to-deter-illegal-fentanyl-sales-online.

The National Crime Prevention Council called Snap out on the false statement shortly thereafter, "Recently, Snap has falsely attributed claims to the Drug Enforcement Administration about how the company is helping stop fentanyl deaths. When asked about such news reports, the DEA had no knowledge to substantiate the company's unverified assertions. DEA Administrator Anne Milgram has publicly been critical of Snapchat."¹⁰⁵

259. In fact, just one week before the filing the First Amended Complaint, on April 17, 2023, DEA Administrator Milgram presided at a meeting in which she specifically called out social media companies, including Snapchat, for purposely not working with the DEA or local law enforcement. For example, even when Snap does remove drug dealer accounts, it refuses to send the information to law enforcement, resulting in cases not being prosecuted. This means that even when Snap does take down an offending account, it still provides cover to the Snapchat drug dealers using its platform by refusing to provide evidence of their crimes to law enforcement. Additionally, Administrator Milgram claimed that law enforcement has asked social media companies, including Snapchat, to adopt a zero-tolerance policy for narcotic trafficking similar to the child exploitation laws, but that these companies have refused to do so.

260. Snap knew that the narratives its was spreading were false and/or materially misleading but, on information and belief, was desperate to divert attention away from its predominant role in the death of thousands of American children.

American children whose death was connected to the Snapchat product through multiple sources – including, but not limited to, letters it received from parents over the years, information Snap received from media sources, subpoenas received from law enforcement, and several other sources, including, on information and belief, what its executives and employees knew about the danger of its product.

¹⁰⁵ National Crime Prevention Council calls on Justice Department to investigate Snapchat and fentanyl deaths, BUSINESS INSIDER (Dec. 23, 2022), https://markets.businessinsider.com/news/stocks/national-crime-prevention-council-calls-on-justice-department-to-investigate-snapchat-and-fentanyl-deaths-1031988880.

- 262. In October 2022, after these plaintiffs filed the original complaint against Snapchat (*Neville et. al. v Snap Inc.*), Snap began supporting statements to the press to the effect that these plaintiffs had chosen to file suit instead of trying to work with Snap.¹⁰⁶
- 263. In fact, most of these Plaintiffs had been trying to work with Snap since early 2021, after Snap went to great lengths to convince them that it was immune from liability and that it was committed to making its product safer and would invest time and resources into providing warnings about its product, implementing technologies to stop drug dealers before they could reach American youth, and would, in the meantime, act quickly and decisively as to reported content and accounts and provide the utmost of cooperation to law enforcement. Once Snap had these parents in a room with its high-level executives, however, Snap ignored, disregarded, and/or used them, all while repeatedly telling them that they lacked any viable legal grounds to sue.
- 264. Snap traumatized and re-traumatized these parents, using their grief against them to protect its own bottom line. Snap convinced these parents that they had no legal rights, and many are suffering trauma and other emotional harms because of what Snap did after their children died including but not limited to the belief that they could have saved at least some of the children who have died since, had they not been taken in by Snap's complex and sophisticated scheme.
- 265. More recently, Snap again changed its target. On January 25, 2023, Jim Carroll (former White House Drug Czar, who met with roughly twenty-five grieving parents in October of 2020 and is now working with Snap) was quoted as saying that "From everything I have read, I do believe that Snapchat has been more widely used for facilitating drug sales' than other platforms. 'I think that's because of its popularity among the young." Later that same day, on January 25, 2023, Jennifer Stout made an almost identical statement to NPR in a telephonic interview. "She acknowledged that drug dealers are targeting kids on their platform. She says it's

 ¹⁰⁶ See Martha Bebinger, Counterfeit pills contribute to the fentanyl deaths of young people, NPR (Nov. 14, 2022), https://www.npr.org/2022/11/14/1136423429/counterfeit-pills-contribute-to-the-fentanyl-deaths-of-young-people ("Some parents are suing Snapchat. Ed Ternan decided to work with Snapchat instead. He's on the company's Safety Advisory Board and tries to bring social media companies, drug investigators and others together. ED TERNAN: This is going to get worse unless we all find ways to cooperate and stop pointing fingers and blaming.").
 107 Olivia Carville, Jason Leopold, & Maria Curi, FBI probes Snapchat's role in fentanyl poisoning deaths, Los ANGELES TIMES (Jan. 25, 2023), https://www.latimes.com/business/story/2023-01-25/fbi-examines-snapchat-fentanyl-poisoning-deaths.

happening for one reason. 'This is where young people are, right, this is where teens come to communicate and connect with their friends.'"

266. Snap's statements (through both Mr. Carroll and Ms. Stout) that it believes that there is only one reason for this, which is that it is more popular among teens than other apps, ignore the truth of the matter. Snap has known for years that drug dealers favor Snapchat not for its popularity, but rather because of its unique features that enable dealers to easily promote their deadly products to young customers and make it almost impossible to get caught. Snapchat also is not the single most popular social media app among American teens. While Snapchat *is* popular with U.S. teens, according to a Pew Research report issued in 2022, it is slightly less popular than YouTube, TikTok, and Instagram. Similarly, according to a Techcrunch report published on February 7, 2023, Snapchat is behind TikTok and YouTube in terms of time spent per day on average among kids ages 4 through 18. 109

267. Lastly, even if Snap *were* more popular than every other social media platform – though it is not – that still could not possibly explain its involvement in significantly more fentanyl poisoning deaths among American teens than any other social media app.

268. Plaintiffs allege that Snap has pursued a course of conduct that involves willfully concealing the truth, forestalling lawsuits by grieving parents, and misleading the American public for years; and that but for these false and/or materially misleading representations, the children at issue would still be alive. Plaintiffs are entitled to discovery to uncover the full extent of coverup Snap has committed to hide its role in these Snap Cartels and the resulting harms and deaths at issue in this Complaint.

I. Snapchat's Re-Direction Product Modifications Are Ineffective.

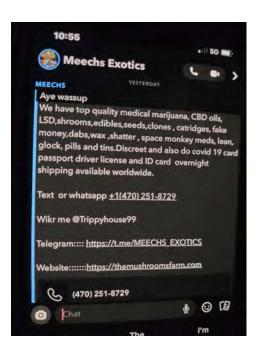
269. In response to increasing public awareness of children dying from counterfeit pills distributed on social media, Snap began making statements and providing assurances as to steps it

¹⁰⁸ Emily A. Vogels, Risa Gelles-Watnick, Navid Massarat, *Teens, Social Media and Technology 2022*, PEW RESEARCH CENTER (Aug. 10, 2022), https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/ (showing Snap's popularity among teens aged 13-18 trails behind YouTube, Instagram, and TikTok).

¹⁰⁹ Sarah Perez, *TikTok is crushing YouTube in annual study of kids' and teens' app usage*, TECHCRUNCH (Feb. 7, 2023), https://techcrunch.com/2023/02/07/tiktok-is-crushing-youtube-in-annual-study-of-kids-and-teens-app-usage/.

was taking to better protect its young users. In each instance Snap's representations were false, misleading, and ineffective.

- 270. Snap claims it is re-directing users who search for drug-related terms to public service announcements (PSA) about drugs. Snap knows that this is not a meaningful product change, but also, it has continued to design and operate its product in a manner that fatally negates whatever small benefit a few PSA links might have.
- 271. Snapchat does not redirect users, instead it offers a few clickable links when certain drug terms are searched correctly. However, if these drug terms are misspelled, the platform does not provide any PSA links. Even when links are available, they do not serve as a warning to users or their parents about the dangers of Snapchat or the prevalence of counterfeit pills being sold on the platform. The links are purely optional, and their titles do not indicate any potential risks.
- 272. Snapchat fails to provide a product warning to users who are connected to drug dealers on the platform, to minors who have just created a Snapchat account, and to parents who are unlikely to come across these links without conducting drug-related searches. Despite this, Snap has not taken any measures to offer a basic warning, such as a pop-up message that would appear each time an account is opened.
- 273. On February 1, 2023, Kurt fiancé to another parent whose child died after purchasing drugs on Snapchat and someone who has had his Snapchat account since November 2014 tried running drug-related searches. He wanted to see whether Snap would redirect him to warnings or PSAs. He searched Snapchat for the terms "plug," "plugs," "perc," "Percocet," "m30," and "blue." He was not directed to PSAs for all of these terms, though he also did not find easily identifiable drug dealers from those searches.
- 274. However, within 24-hours (on February 2, 2023), Kurt received an unsolicited message from a Snapchat Drug Dealer with a drug menu and offer to sell, as follows,



- 275. Kurt had been using his Snapchat account for nine years and had never searched for drug-related terms or received any communication related to drugs through the platform until recently when a Snapchat Drug Dealer reached out to him within 24 hours of his drug-related searches. This occurrence was not by chance or coincidence, but rather the outcome of Snap's deliberate product design, programming, and operational decisions, which prioritize user engagement over safety.
- 276. Based upon Kurt's unsolicited contact from a drug dealer, Plaintiffs allege and believe that when a Snapchat user searches for drug related terms, Snap's technologies are collecting and using the fact and/or subject matter of the search to increase engagement. Further, Snap facilitates these drug dealer matches in the case of minor users.

J. Snap Actively Frustrates Law Enforcement Efforts to Prosecute Criminals Who Sell Illegal Drugs on Snapchat.

277. At all times relevant, Snap engaged in activities that frustrated law enforcement's efforts to prosecute individuals who utilize Snapchat to sell illegal drugs. First, as evidenced by Snap's Transparency Reports, told to parents during the April 2021 meeting with Snap executives, and reported by law enforcement in discussions with other parents, Snap at one point was notifying drug dealers when Snap received a subpoena or other legal requests for the drug dealer's account

information, giving them time to alter their actions. Second, in some instances Snap takes months to respond to requests for account information, resulting in material evidence being inaccessible due to Snap's automatic deletion design.

- 278. Snap also touts its in-app reporting mechanism as adequate controls against illicit drug sales on its product.
- 279. Snapchat maintains that it takes proactive measures to alert law enforcement about known drug dealer accounts on its platform through its in-app reporting mechanism. However, based on Plaintiffs' experiences as well as representations made by Snap Global Head of Safety, Jacqueline Beauchere, to NBC News in January 2022 (see, supra, ¶ 253), Snap does not refer known drug dealer accounts in many instances. Instead, and as detailed throughout, the company has allowed whether through product design and programming decisions, inaction, and/or willful blindness many Snapchat drug dealers to continue selling illegal drugs on the platform, which has benefited Snap in turn.
- 280. Snap's Transparency Reports are released twice a year and provide information on volume and nature of governmental requests for Snapchat users' account information.
- 281. Snap's Transparency Report for the period of July 1, 2015 to December 31, 2015 stated that the company received 862 criminal and U.S. requests. In addition, the Transparency Report informed consumers that since 2014, Snap's policy has been "to notify Snapchatters when we receive legal process seeking their account information, with exceptions for cases where we are legally prohibited from doing so, or when we believe there are exceptional circumstances (like child exploitation or an imminent risk of death or bodily injury).¹¹⁰
- 282. On information and belief, at times relevant to this complaint, Snap did not (or at least did not always) consider drug dealing to constitute an "exceptional circumstance," as it uses that term in its Transparency Reports, and notified at least some Snapchat Drug Dealers after receipt of law enforcement requests for information.

 $^{^{110}}$ Transparency Report July 1, 2015 – December 31, 2015, SNAP INC. (Sept. 1, 2016) https://snap.com/en-US/privacy/transparency/2015-12-31.

- 283. Further, in at least some instances where Snap notified a drug dealer, that notification resulted in a dealer destroying material evidence, closing his account, evading arrest, and/or other outcomes that interfered with law enforcement's efforts. In more than one instance in discussions with Plaintiffs, law enforcement attributed their inability to make an arrest to the suspected provision of such notice.
- 284. By the time of Snap's Transparency Report for the period of July 1, 2016 December 31, 2016, its U.S. criminal legal requests had more than doubled to 2,008. 111
- 285. The nature of legal requests Snap was receiving also provided Snap with notice as to the types of criminal activities taking place on its platform. Faced with the sharp uptick in known criminal activity on its platform, Snap assured its users that does "not voluntarily provide any government with access to user data for surveillance purposes, whether directly or through third parties," and reiterated its decision to notify users upon receipt of legal process including, on information and belief, when law enforcement sought information about known and suspected Snapchat Drug Dealers,
- 264. Snap's Transparency Reports also evidence Snap's abysmal response to law enforcement. For example, this same report made clear that Snap does not, or cannot, produce data in response to all "United States Criminal Legal Requests." The percentage of requests where Snap produced "some data" varied from 50% to 86%. 112 On information and belief, Snap was not reasonably cooperating with law enforcement or making such cooperation its top priority. Instead, Snap was reassuring those of its users who relied on Snap's disappearing message features that it would do everything it could to protect *their* privacy which, unfortunately, came at the expense of the health and well-being of children Snap allowed on its platform.
- 265. Plaintiffs further allege that some of the dealers Snapchat connected to the children at issue in this and other cases were the subject of a Snapchat report, and that Snapchat simply did not enforce its own policies against drug dealing on the platform.

¹¹¹ Transparency Report July 1, 2016 – December 31, 2016, SNAP INC. (May 16, 2017), https://snap.com/en-US/privacy/transparency/2016-12-3.

¹¹² *Id.*

266. To name only one example, the Snapchat drug dealer who sold to Max Osterman (a plaintiff in another lawsuit pending against Snapchat), had been selling on Snapchat for years despite reports against this dealer. Moreover, Max was not the first young Snapchat user to be harmed as a result.

267. In July 2021, Snap issued its Transparency Report for July 1, 2020 – December 31, 2020, reporting a high enforcement number (427,272 out of 523,390 total requests) for "Regulated Goods" reporting, which, on information and belief, did not reflect its enforcement of "Drugs" reporting. Snap's 2021 and 2022 reports show that Snap began increasing enforcement in its "Other Regulated Goods" category while its enforcement in the "Drugs" category remained tellingly low. Snap reported enforcement on just over 50% (428,311 out of 805,057) "Drugs" reports for the period of July 1, 2021 – December 31, 2021, 114 and on only 35% (270,810 out of 775,145) "Drugs" reports for the period of January 1, 2022 – June 30, 2022. 115

286. Contrary to Snap's claims, these low numbers are not a reflection of Snap improving its systems; quite the opposite, the numbers reflect the fact that there were hundreds of thousands of drug-related reports where Snap did nothing – even though, in many cases it likely should have.

287. There are numerous examples of this in these complaints, including Plaintiff Bridgette Norring who reported more than 10 Snapchat Drug Dealers in 2021 and 2022, at Snap's request, only for Snap to not enforce on most if not all of those dealers. Snap responded to clear drug advertising with automated messages thanking Ms. Norring for her report but claiming that Snap did not identify any violations of its Community Guidelines. Similarly, Plaintiff Perla Mendoza sent several messages to Snap over a several month period, all ignored, and attempted to notify Snap by showing up at its offices in person, where security threatened to tow her car and told her there was no way to speak to anyone inside.

¹¹³ Transparency Report July 1, 2020 – December 31, 2020, SNAP INC. (July 1, 2021), https://snap.com/en-US/privacy/transparency/2020-12-31.

¹¹⁴ See Our Transparency Report for the Second Half of 2021, supra note 102.

¹¹⁵ *Transparency Report: January 1, 2022 – June 30, 2022*, SNAP INC. (Nov. 29, 2022), https://values.snap.com/privacy/transparency.

- 288. There are numerous instances in these complaints where Snap allowed a single user to engage drug distribution on its app for months, even years.
- 289. On April 1, 2022, Snap represented in a press release about its Transparency Report for the second half of 2021:

When we find activity involving the sale of dangerous drugs, we promptly ban the account, block the offender from creating new accounts on Snapchat, and have the ability to preserve content related to the account to 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.¹¹⁶

290. Yet Snap, at times, waited several months to act on known and reported drug dealers using the Snapchat product to harm kids. This is just another example of Snap prioritizing its revenue over user safety and then deceiving consumers to lull users and their parents into a false sense of safety.

K. Snap is Liable as Developer, Designer, Manufacturer, Distributor, and Marketer of the Snapchat Product.

- 291. Plaintiffs seek to hold Snap accountable for its own alleged acts, misrepresentations, and omissions. Plaintiffs' claims arise from Snap's status as a developer, designer, manufacturer, distributor, and marketing of dangerously defective social media products, as well as Snap's own statements and actions, not as the speaker or publisher of third-party content.
- 292. Snap designed specific product features that are not necessary to the operation of Snapchat as a social media platform, but that facilitate drug deals to minors. Snap has actual knowledge of these harms, and their causal connection to its product designs and features and has made a deliberate decision to stay the course regardless.
- 293. Plaintiffs do not contend that Snap must supervise or monitor every user communication or post. On the contrary, Snap could make its product exponentially safer for young users without supervising, monitoring, or censoring any third party content in any way.
- 294. Plaintiffs are claiming that Snap has a legal duty to design and operate its platform in a manner that does not put its minor users in a worse position (e.g., connecting them with drug dealers) or that creates an unreasonable and foreseeable risk of severe physical harm (overdose

¹¹⁶ See Our Transparency Report for the Second Half of 2021, supra note 102.

and death) to Snapchat's minor users, that has a duty to provide truthful and accurate information relating to user safety, to provide reasonable and accurate warnings to users and their parents, and that it may not knowingly and deliberately design, manufacture, and/or distribute products with known design defects and/or safety issues, particularly where Snap can address and resolve those issues at comparatively minimal time and expense.

295. The cost of designing safer social media products and fixing known defects is negligible, especially in the context of minors' safety. Snap's defective and/or inherently dangerous products serve no purpose and/or are not necessary for those consumers who are not drug dealers, and the benefit of making the necessary changes is high in terms of reducing the quantum of mental and physical injury sustained by minor users and their families.

296. Snap also could take a simple step to aid law enforcement in investigating reported drug dealer accounts by retaining user data on the back end for a year. This change would not require Snap to monitor or moderate any third-party content, yet it could significantly impact the drug distribution that currently takes place on Snapchat. By implementing this change, Snap could eliminate the platform as a safe haven for drug dealers.

297. Indeed, Drug dealers using Snapchat have expressed concern that the platform may have started saving user data, causing them to warn customers and consider closing their accounts,



298. On information and belief, had Snap actually stopped destroying user data and simply preserved it on the back-end a significant number of Snapchat drug dealers would stop distributing on Snapchat.

V. PLAINTIFF SPECIFIC ALLEGATIONS

A. Alexander Neville



(May 4, 2006 – July 23, 2020)

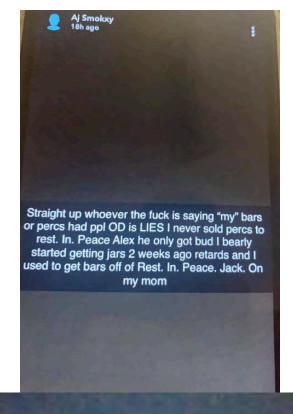
- 299. Alexander Neville was born on May 4, 2006, and lived in Aliso Viejo, California.
- 300. Alexander was an outgoing boy who loved skateboarding, videogames, and playing with his little sister, E.N. He had a keen interest in World War II and the Civil War, and often shared with his family and friends his dream of becoming a historian when he grew up.
- 301. 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.

- 302. Alexander's mother, Plaintiff Amy Neville, 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.
- 303. Amy and Aaron Neville believed was that Snapchat was a social media product made for kids. They 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 those with friends. They knew that most 13-year-old kids already had a Snapchat account; in fact, the director of the YMCA said that she had opened a Snapchat account so that she could keep tabs on her YMCA kids. Snapchat was advertised as and appeared by all accounts to be harmless and age appropriate. Had Snap properly warned about the risks about its product, Amy and Aaron would not have allowed it anywhere near their home and would have done everything in their power to protect their son from it.
- 304. In retrospect, Amy and Aaron now believe that Alexander began using Snapchat sometime just prior to starting the 8th grade, if not earlier. This was around this time when they first observed Alexander's trouble sleeping. For example, Amy would find him awake in the middle of the night, in his room and on his phone. Throughout 8th grade, Alexander struggled more than usual. He was often tired, and his parents resorted to the threat of turning off wi-fit to get him to sleep.
 - 305. Alexander's use of Snapchat coincided with a steady decline in his mental health.
- 306. As proximate result of Snap's products and features, *i.e.* push notifications, user recommendations, interface and operational extended use designs, rewards and gamification features, etc. Alexander began suffering from severe mental health harms, including, but not limited to, social media compulsion, sleep deprivation, increased anxiety, and depression. These are harms Snap knows or should know it is causing in a significant number of minor users.
- 307. Snap also began directing and recommending drug advertisements to Alexander and connecting him to Snapchat Drug Dealers via its recommendations and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, he received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted

them. Among the strangers to whom Snap connected Alexander were nearby Snapchat dealers – persons Alexander did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.

- 308. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 309. On information and belief, Alexander trusted the Snapchat product. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 310. In June of 2020, Alexander had just finished eighth grade and was excited for high school. Because of the Corona-virus pandemic, Alexander had been cooped up at home under quarantine restrictions. His parents relaxed their pandemic rules a little so their sociable kid could skateboard outside with his friends.
- 311. Alexander also spent time playing video games in his room, after having convinced his parents that he was mature and responsible enough for the console to live in his room. Since the start of the pandemic things had changed they all spent a lot more time together during and between meals, so were less worried about him isolating himself to play video games.
- 312. However, when the monitor broke, unbeknownst to his parents Alexander upped his use of Snap, socializing in new ways. Alexander began having more difficulty sleeping, and his anxiety and depression increased as a result.
- 313. On June 21, 2020, just a few days before Alexander died, Amy Neville asked him what was wrong, as she could see that something was off. Alexander told his mother that somebody on Snapchat had sold him an Oxycodone pill which he'd taken. He said that he was curious about it but now, he said, he was scared because he already wanted more, and that he needed help.
- 314. Amy called a treatment center on the morning of June 22 and left a voicemail. Later that day, Alexander went out to get a haircut, have lunch, and hang out with his friends. He got home around 9 pm, said hi to his parents and sister, then went up to bed.

- 315. On the morning of June 23, 2020, Amy went to her son's room to wake him up for an orthodontist appointment. She opened the bedroom door and found Alexander's body laying lifeless on his bedroom floor.
- 316. Amy and Aaron administered CPR to their son as they waited for paramedics to arrive, but it was too late. Alexander was pronounced dead at 9:59 a.m. on the morning of June 23, 2020. He died in his parents' home, where he should have been safe and where he would have been safe but for Snapchat.
- 317. Personnel from San Diego Narcotics Task Force Team 10 arrived at the Neville's home and took possession of Alexander's phone. The Narcotics Task Force later handed information off to the Los Angeles Drug Enforcement Agency.
- 318. Alexander died of fentanyl poisoning at the age of 14. Amy was made aware that the pill that had been sold to Alexander was 100% fentanyl, and that he obtained the pill through Snapchat Dealer **Aj Smokxy**.
- 319. The authorities subpoenaed Snap for documents, and, on information and belief, it took Snap nine months and multiple subpoenas to finally answer. Once Snap finally responded, there was enough information to confirm that Alexander met with the Snapchat Dealer **Aj** Smokxy.
- 320. On information and belief, Snap's product features, particularly the disappearing messaging features and marketing of those features, enabled and convinced the dealer that he could communicate with Alexander without the risk of the evidence of his crime being preserved for law enforcement. Moreover, Snap connected **Aj Smokxy** to Alexander.
- 321. Even after being served the subpoena, Snap continued to let **Aj Smokxy** sell drugs on Snap. They did not disable or block the Snapchat Dealer who sold Alexander counterfeit Oxycodone, despite knowledge that **Aj Smokxy** was selling deadly fentanyl pills to minors via and because of its Snapchat product.
- 322. In August of 2020 two months after Alexander's death Snap was still facilitating the drug deals for **Aj Smokxy**. **Aj Smokxy** was also publicly denying his role in Alexander's death *while publicly admitting* that he did deal "jars" and "bud."



First off I never ever fucking sold Alex Rest. In.
Peace any fuckin percs. I didn't even start getting
jars till 2 weeks ago he only got BUD. I wouldn't
even shoot percs to a 14 year old I bearly knew
him wtf smfh. Fuckin LIARS BULLSHIT LIAR ass
fuks

- 323. Snap allowed **AJ Smokxy** to keep marketing and distributing his drugs through its platform and Snap continued to profit from its casual partnership with him.
- 324. Snap's user profile feature enabled the dealer to advertise that he was selling drugs illegally through Snapchat and what he was selling, helping him to make connections and find new buyers this information also automatically disappears after a set period of time. On information and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding buyers in person, through word of mouth, or even through other social media products.

- 325. **AJ Smokxy** had no known connection to Alexander. They did not know each other in real life. The two would never have connected but for Snapchat.
- 326. Snap caused the deaths of at least two more individuals after Alexander because of drugs distributed by **AJ Smokxy** on Snapchat. Snap knew **AJ Smokxy** was under investigation for drug-related homicide but continued to let him market and distribute his drugs through their product, failing to delete his account even after they were on notice that he was killing kids.
- 327. The extent to which Snap was on notice about deaths caused by this dealer prior to Alexander's death is unknown, but it is likely based on what Plaintiffs know about the Snapchat product that Snap knew or should have known that this user was distributing drugs on its platform prior to Alexander's death.
- 328. While Snap was refusing to cooperate with law enforcement, frustrating their attempts to investigate Alexander's deaths, his family watched powerlessly and became further traumatized as **AJ Smokxy** continued to sell and children continued to die.
- 329. To name only one example, **AJ Smokxy** went on to use the Snap drug network to supply counterfeit pills to the Snap dealer, **Arnoldo_8286**, who found and contacted Daniel Elijah Figueroa ("Elijah") via Snap and sold him a counterfeit pill. Elijah died three months after Alexander, in September 2020.
- 330. AJ Smokxy's account remained active for roughly a year after Alexander's death and when Snap would have received subpoenas relating to that death. In June of 2021, however, Jennifer Stout called Amy Neville to request the drug dealer's username. Amy told Jennifer Stout that she would provide her information to law enforcement, which she did; while law enforcement later told Amy that the dealer's Snapchat account went dark right around the time she was communicating with Snap, and just 12 hours before an undercover buy was set to take place.
- 331. Snap knew that **AJ Smokxy** was using its Snapchat product to sell drugs to young Snapchat users. Snap knew or should have known that **AJ Smokxy** was using its Snapchat product because of its unique product features like disappearing messages and My Eyes Only. Snap knew that it was benefitting financially from his Snapchat activities and from its refusal to deactivate his account. Snap made the choice to take no action in connection with these illegal activities, and to

disregard its promises as per its terms of service. It did not de-activate the Snapchat Dealer account or warn users or their parents of known illegal and potentially lethal harms arising from such use and other Snapchat users were harmed and/or died a result of those decisions.

- 332. Snap's failure to act caused severe emotional harm to Alexander's family, the deaths of other Snapchat users, and allowed **Aj Smokxy** to evade arrest and continue selling.
- 333. Amy has dedicated her life to serve in Alexander's memory, to support other families who have lost children and loved ones to fentanyl poisoning, to prevent more deaths, and to encourage Snap to make its product safer for children. In this capacity she has personally met, spoken with, or read about more than 500 families who lost their children in this manner. Of those more than 500 families, she estimates that over 90% involve children who obtained their lethal drug from a Snapchat Dealer; with the remainder comprised of situations where the minor got the drug from a friend and, even then, those friends likely procured it from a Snapchat Dealer.
- 334. Of those more than 500 families, Amy has never met a family who lost their child because of a different social media product. The only exception is in two cases where Instagram was also used by the dealer to market its product, but even in those cases the most incriminating transactions occurred on Snap because Snap's product is accommodating of such transactions and protects dealers.
- 335. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Alexander Neville's death.
- 336. Alexander's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.
- 337. Amy and Aaron also worry that Snap will distribute its inherently defective and dangerous social media product to their youngest child, E.N., who is currently only 14 years old. Snap knows that underage users are on its platform and has deliberately designed its product in a manner intended to evade parental authority and consent, including but not limited to Snap's failure to verify age and identity, provision of multiple accounts, failure to provide a point of contact for parents to notify Snap of lack of consent, marketing aimed at children and that encourages children to use Snap's social media product without consent, and multiple other

features and conduct by Snap which ensures that young users have a means to access Snap's social media products no matter the circumstances. Amy and Aaron cannot watch E.N. every moment of every day but are painfully aware of the incredible harm these social media products cause and live in constant fear that Snap will cause the same harms to their other child.

B. Daniel Puerta



(April 25, 2003 – April 6, 2020)

- 338. Daniel Puerta was born on April 25, 2003, and lived in Santa Clarita, California. He would have been twenty years old today the day this Amended Complaint is being filed.
- 339. Daniel was a sensitive and intelligent boy who loved sports and hanging out with friends. People described Daniel as an old soul. He had a big group of friends both male and female many of whom would go to Daniel to ask for advice and seek comfort in difficult times.
- 340. When Daniel was young, his cousin graduated from Penn State and became a systems engineer. He taught Daniel coding and said that he couldn't believe how quickly Daniel picked up on it. He was a natural and decided that this is what he wanted to do when he grew up.

- 341. Daniel got his first cell phone when he was 11 or 12, with the move to middle school. He was an excellent student at the time, but then things began to change.
- 342. On information and belief, Daniel opened his first Snapchat account shortly after getting his phone. His parents cannot be certain because, despite Snap's claimed age restrictions, Snap never asked them for their consent. Daniel opened his first Snapchat account without their knowledge or consent, and it is possible that he opened more than one Snapchat account, which is information known only to Snap.
 - 343. Daniel's use of Snapchat coincided with a steady decline in his mental health.
- 344. In elementary school, Daniel came home from school, did his homework, and was in bed by 9 pm. Once in junior high, however, he was lethargic and tired and said that he couldn't sleep. He was accessing Snap's social media product at all hours of the day and night, and Snap was sending him push notifications to encourage this. For every minute Daniel spent on Snap's product in the middle of the night and during school hours, Snap earned more money.
- 345. As a consequence, Daniel became sleep deprived, anxious, and depressed, and suffered other mental and physical harms as a result.
- 346. Snap never notified Daniel's parents of his problematic and unauthorized use. Instead, it programmed its products to send Daniel more push notifications and continuously redesigned its product to be more appealing to minors, like Daniel.
- 347. Snap actively concealed the defects and dangers of its product and failed to provide warnings, making it impossible for Plaintiff Jaime Puerta to protect his child.
- 348. As proximate result of Snap's products and features, *i.e.* push notifications, user recommendations, interface and operational extended use designs, rewards and gamification features, etc. Daniel began suffering from severe mental health harms, including, but not limited to, social media compulsion, sleep deprivation, anxiety, and depression. These are harms Snap also knows or should know its product is causing in a significant number of minor users.
- 349. Snap also began directing and recommending drug advertisements to Daniel and connecting him to Snapchat Drug Dealers via its recommendations and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, Daniel

received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Daniel were nearby Snapchat dealers – persons Daniel did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.

- 350. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 351. On information and belief, Daniel trusted the Snapchat product. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 352. By junior high, Daniel had to attend summer school to make up for his struggling grades during the school year an issue he never had until after he began using Snapchat.
- 353. In high school, Daniel became interested in football and his mental health seemed to improve. He spent less time using Snapchat and more time playing sports, and his grades began improving. But when football season ended, Daniel fell back into use of Snapchat and not sleeping so that he could continue using Snapchat.
- 354. By mid-March, the Coronavirus pandemic had set in, and California was under strict quarantine. On the evening of March 30, 2020, a Monday night, Daniel went into his father's home office to let him know that he was leaving to take his German Shephard mix, Birdy, for a walk. He returned home 15 minutes later, put Birdy's leash away, and went upstairs to his room. After a few minutes, Daniel came back downstairs to show his dad a CD from his third birthday party that he found. They looked at the CD together and laughed. At around 11:30 p.m., Daniel hugged his father, said goodnight, and headed upstairs to bed.
- 355. Daniel was taking alternative learning and even though he was only required to attend classes two times each week, he chose to attend every day. Partly, Daniel needed to make

up for how behind he'd gotten during the period of time coinciding with his increased exposure to Snapchat.

- 356. On the morning of Tuesday, March 31, Daniel was not up at his usual time. His father Jaime went to Daniel's room to wake him up, opened the bedroom door, and found his son unconscious and non-responsive. Daniel's eyes were half-shut and his skin was blue. Jaime rushed over and shook his son, causing black bile to spill out of Daniel's mouth.
 - 357. Jaime called 9-1-1 and an ambulance rushed Daniel to Henry Mayo hospital.
- 358. The doctors told Jaime that that Daniel had zero brain function and put him on a ventilator to maintain his breathing and heart rate. For six days and nights, Daniel's family sat vigil, and on April 6, 2020, the family was faced with the excruciatingly painful task of telling doctors to take Daniel off life support. His mother climbed into the hospital bed to embrace him, and his father held his hand. Daniel took his last breath at 5:08 p.m. on April 6, 2020.
- 359. The half a pill recovered from Daniel's bedroom was taken into evidence, tested, and proved to be 100% fentanyl. Per the toxicology reports, the other half of the pill the half Daniel swallowed caused his complete loss of brain function.
- 360. The investigation of Daniel's death determined that Daniel met a drug dealer through Snapchat the evening of March 29, 2020.
- 361. On information and belief, Snap's disappearing messaging features and marketing of those features convinced and enabled the dealer that he could communicate with Daniel without the risk of the evidence of his crime being preserved for law enforcement.
- 362. Snap's user profile feature enabled the dealer to advertise that he was selling drugs illegally through Snapchat and what he was selling, helping him to make connections and find new buyers this information also automatically disappears after a set period of time. On information and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding buyers in person or through word of mouth.
- 363. The dealer has no known connection to Daniel. On information and belief, they did not know each other in real life such that, but for Snap, the two would never have connected.

- 364. On information and belief, the Snapchat Dealer used Snap's location and mapping features, and/or its direct messaging features, to identify Daniel as somebody local he could sell to and to drop off what Daniel believed to be a non-lethal, prescription medication.
- 365. Daniel purchased what was portrayed as an Oxycodone from the Snapchat dealer to whom Snap had connected him. The pill was blue and stamped with an M30, to resemble a standard Oxycodone and Daniel trusted the Snapchat product. However, it turned out to be pure fentanyl instead.
- 366. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Daniel Puerta's death.
- 367. Daniel's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.
- 368. Jaime has devoted his time to support grieving families whose children experienced untimely deaths because of fentanyl-laced pills. Jaime has spoken with hundreds of families who, like him, lost a child to Fentanyl poisoning. He estimates that Snapchat was responsible for at least 90% of those deaths. The only exception he knows of is the rare situation where Instagram was also used by a dealer to market product, but even in those cases the riskiest transactions occurred on Snap because Snap's product is accommodating of such transaction and protects dealers.

C. Jeffrey ("Jeff") Johnston, Jr.



(September 7, 2003 – June 29, 2021)

- 369. Jeff Johnston, Jr. was born on September 7, 2003, and lived in Elk Grove, California.
- 370. Jeff was a funny and brilliant child. He was described by teachers as one of the greatest thinkers they'd ever taught, was an honor roll student, a self-taught auto mechanic, and a star athlete who excelled in football, baseball, basketball, and boxing. Jeff could solve a Rubik's Cube in 23 seconds and was constantly findings ways to solve it quicker.
- 371. Jeff got his first cell phone when he was 11 or 12 because his father wanted to be able to reach him.
- 372. Jeff opened his first Snapchat account shortly thereafter, without his parents' knowledge or consent. Jeff's mother, Mariam, discovered that he had a Snapchat account when he 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.

- 373. 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.
- 374. 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.
 - 375. Jeff's use of Snapchat coincided with a steady decline in his mental health.
- 376. Snap markets, designs, and distributes its products—including through the use of disappearing or time-sensitive messaging features and secret, self-destructing data vaults, and failure to verify age and parental consent—to frustrate parents like Mariam from exercising their rights and duties to monitor and limit their children's use of those products.
- 377. Prompted by the design of Snap's product, Jeff became locked-in to the Snapchat platform 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.
- 378. 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.
- 379. 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 during the 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.

- 380. Snap actively concealed the defects and dangers of its product and failed to provide warnings, making it impossible for Mariam to protect her child.
- 381. As proximate result of Snap's products and features, *i.e.* push notifications, user recommendations, interface and operational extended use designs, rewards and gamification features, etc. Jeff began suffering from severe mental health harms, including, but not limited to, social media compulsion, sleep deprivation, anxiety, and depression. These are harms Snap also knows or should know its product is causing in a significant number of minor users.
- 382. Snap also began directing and recommending drug advertisements to Jeff and connecting him to Snapchat Drug Dealers via its recommendations and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, he received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Jeff were nearby Snapchat dealers persons Jeff did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.
- 383. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 384. On information and belief, Jeff trusted the Snapchat product. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 385. In his sophomore year of high school, Jeff got in trouble for something he posted on Snapchat. Mariam immediately made him delete his account, however, Snap designs its product to evade parental control. Even taking these steps, Mariam could not stop Jeff from opening another account or Snap from distributing its product to and profiting off Jeff which is precisely what happened. Jeff opened a new Snap account, without his mother's knowledge or consent.

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

- 387. On June 28, 2021, Jeff hung out with his small group of friends, as he often did. He got home at a decent time, made himself a bowl of fried rice, told his mom "goodnight," and headed upstairs for bed. Mariam went to bed herself at around 11 p.m. and she slept soundly knowing that her boy was home and safe.
- 388. Jeff was scheduled to work the morning of June 29. His grandmother Rosine was his ride to work, so she headed to his room to tell him that she was ready. She called his name, but Jeff didn't answer. Rosine opened his bedroom door and found her grandson's lifeless body lying on his bed.
- 389. Rosine yelled for Mariam, who came running. Mariam pulled her son's body off the bed and onto the floor and started performing CPR while Rosine called 9-1-1. Mariam knew not only from the temperature of his skin and his rigidity, but also by the foam at Jeff's mouth that her son was dead. It was extremely traumatizing to see her son that way but kept trying to resuscitate him regardless and until the police arrived a few minutes later. They told her that he was gone, but it was still too difficult to believe.
 - 390. At the scene, police were able to deduce that Jeff died of fentanyl poisoning.
- 391. They recovered blue powder from a bowl in his room, took it into evidence and tested it. It proved to be 100% pure Fentanyl.
- 392. Police subpoenaed Snap and eventually received what data remained of a conversation Jeff had with Snapchat Dealer "Sal" approximately two weeks prior to his death. What the police learned from that data is that Jeff attempted to purchase Percocet from a Snapchat Dealer named Sal, who delivered the pills to Jeff's place of work. Jeff and Sal (aka Pimpzilla12,

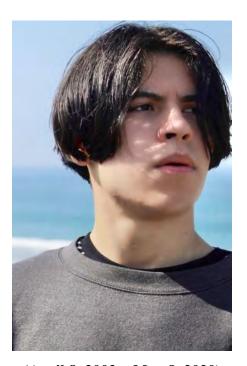
SalMoneyBags, Sal65019) did not know each other in real life – their only connection was Snapchat. Jeff had purchased what he believed to be Percocet from the Snapchat dealer to whom Snap had connected him, and the pill turned out to be pure fentanyl instead.

- 393. On information and belief, Snap's disappearing messaging features and marketing of those features convinced the dealer that he could communicate with Jeff without the risk of the evidence of his crime being preserved for law enforcement and enabled him to do just that. While Snap's user profile feature enabled the Snapchat Dealer to advertise that he was selling drugs illegally through Snap and what he was selling, helping him to make connections and find new buyers this information also automatically disappears after a set period of time.
- 394. On information and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding buyers in person or through word of mouth.
- 395. On information and belief, the dealer met Jeff because of the Snapchat product, which is how they connected and communicated, and he would never have found Jeff otherwise.
- 396. Snap's mapping feature enabled the dealer to identify Jeff as somebody local to whom he could sell and helped him verify that he was who he claimed to be and, on information and belief, the Snapchat Dealer used either Snap's location features or message features to find Jeff at his place of work so that he could deliver drugs.
- 397. The police subpoenaed Snapchat in or around August of 2021 for records relating to Jeff and this Snapchat Dealer, and yet, Snap failed to stop him from selling drugs on its social media product for months thereafter. On information and belief, other children were harmed and/or died as a result of Snap's failure to act despite actual knowledge that its product was facilitating illegal drug sales to minors and young adults.
- 398. Mariam estimates that more than 75% of the families she had met or spoken with who have lost children to fentanyl poisoning involve situations where the purchase of the fentanyl can be traced back to Snapchat. The other situations are ones where families simply do not know where their child got the fentanyl (which likely was Snapchat since Snap provides access to its product without parental knowledge or consent and then destroys the evidence of those drug deals), and two instances where the purchase involved or also involved Instagram. To the best of her

knowledge, Mariam has never met a family who reports having lost their child or loved one to a drug dealer who sold via any other app, excepting only the instances described above.

- 399. Law enforcement continues to investigate the circumstances surrounding Jeff's death, slowed at least in part by Snap's social media product and how Snap has chosen to distribute and operate that product. The evidence of what happened is missing and incomplete because of Snap's ephemeral messaging features and failure to program their systems in a reasonable manner. In short, Snap destroys material evidence by design.
- 400. Jeff's parents did not consent to his use of Snapchat, but also, did not know and had no way of knowing just how deadly a product Snapchat is.
- 401. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Jeff Johnston, Jr.'s death.
- 402. Jeff's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.

D. Dylan Kai Sarantos



(April 8, 2002 – May 8, 2020)

403. Dylan Kai Sarantos was born on April 9, 2002, and lived in Riverside, California.

- 404. Dylan was an artistic and creative boy. He loved to make music and create art of all kinds. His favorite pastime was designing printed T-shirts and sweatshirts. He was a sensitive soul and a romantic.
- 405. Dylan got his first cell phone when he was nine. His parents had separated and wanted him to be able to speak with both of them directly. The device did not provide Dylan with access to social media. He did not have access to an iTunes password, and his mother had to download any apps on the phone. She monitored those downloads carefully. His mother, Cindy, also required that he provide her with his password, which was a condition to him having a phone at all. And she told him that he could not have a Snapchat account.
- 406. On information and belief, Dylan opened his first Snapchat account when he was only 13 years old. He did so without Cindy's knowledge or consent. Snap claims to require parental consent for all users under 18 but distributed its product to Dylan regardless.
 - 407. Dylan's secret use of Snapchat coincided with a steady decline in his mental health.
- 408. Prompted by the design of Snap's product, and the constant notifications Snap pushed to him 24 hours a day, Dylan became locked-in to Snap's social media product, causing him to lose sleep. He began staying up late to access Snapchat. As a consequence, Dylan became sleep deprived, anxious, angry, and depressed.
- 409. When Cindy did discover the Snapchat account which took a couple years, when Dylan was around 16 she did not realize and had no way to know how harmful of a product it was. She knew that it was marketed to kids, and it also looked like it was made for kids with bright colors, cartoons, and silly photo filters.
- 410. There was no sense of danger or any warnings whatsoever, and Cindy had no knowledge or reason to know about Snap's extended use designs, its location finding tools, disappearing Stories posts (or use of those by drug dealers to sell to kids), directing of drug advertising and similar subject matters to minors, or any of Snap's other defective and/or inherently dangerous product features. Snap did not advertise or disclose these features or include any warnings on the product itself or in its marketing and advertising materials. Instead, Snap advertised its product as just a camera app, which allowed kids to create and exchange silly, filtered

27

28

22

photos with other kids they knew in real life, not strangers. Cindy believed and reasonably relied on Snap's representations that its product simply allowed friends to talk to each other. She did not know and had no reason to know that strangers would be able to use Snapchat to find and connect directly with her child — much less that Snapchat itself was initiating and facilitating these dangerous connections. For these reasons, Cindy had no reason or way to know about her child's Snapchat use, and even once she became vaguely aware of the Snapchat product, she had no reason to think that it was dangerous.

- In fact, Cindy had at some point opened her own Snapchat account, though she 411. never really figured out how to use the Snapchat product and did not open it often. When she did open it, however, her impression was consistent with Snapchat's advertising and representations. That is, it appeared to be a product made primarily with young people in mind, allowing them to send silly, disappearing photos, requiring users to create bitmoji avatars, and offering fun, gamelike products like Snap Streaks. Unlike millions of children and teens in the U.S. who open Snapchat accounts, Cindy never experienced Snap sending her drug advertisements or connecting or exposing her to Snapchat predators. This is common for many parents who open Snapchat accounts, and the difference in experience can be attributed to Snap's recommendation and connection technologies and how Snap programs and operates those technologies. That is, the product Snap distributes to children often is very different than the product it distributes to parents, creating further obstacles to parents being able to find out the truth about the Snapchat product before it is too late. These differences, which Snap bakes into the Snapchat product via design, programming, and operational decisions, further conceal the defect and/or inherently dangerous nature of the Snapchat product from millions of parents and concealed them from Cindy.
- 412. Cindy even made Dylan share his password, so she could occasionally go through his phone and check in on his Snapchat account. The messages she found seemed harmless and whenever she had a concern about someone he was communicating with via Snapchat, which she understood to be only friends of his in real life, she would tell him to stop hanging out with that friend but it didn't happen often.

- 413. What Cindy could not do because of Snap's product design was see the disappearing content Dylan did not specifically save and know what content and which other users Snap was directing to him in order to keep him engaged with its product. Cindy also did not know that Snap was directing and recommending drug advertisements to Dylan and connecting him to Snapchat Drug Dealers via its recommend Stories, user recommendation algorithm, and mapping and location features, as it does to millions of underage Snapchat users.
- 414. Snap also then began directing and recommending drug advertisements to Dylan and connecting him to Snapchat Drug Dealers via Snapchat's recommendations and mapping and location features. On information and belief, he received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Dylan were Snapchat drug dealers persons he did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions. On information and belief, as a result of the connections Snap was encouraging and fostering, Dylan obtained marijuana through Snapchat drug dealers connected to him while he was still in junior high school.
- 415. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 416. On information and belief, Dylan trusted the Snapchat product, which he had been using for years. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 417. Dylan was also invested in keeping his streaks, which Snap feature is particularly attractive to minor users.

- 418. Dylan began getting into trouble, which was incredibly uncharacteristic of him. Over time, Snapchat steered Dylan away from marijuana and began connecting him, likely through Snapchat's Quick Add user recommendation feature, to dealer(s) who sold him Xanax.
- 419. Upon realizing that Dylan had purchased Xanax, Cindy sought in-patient treatment for Dylan. During the six months of treatment, Dylan did not have access to Snapchat.
- 420. Throughout his junior and the first part of his senior year of high school, Dylan worked part-time at Chipotle in hopes of buying his first car. He had a strong work ethic and was well liked by all of his co-workers and managers.
- 421. When COVID-19 started Dylan was in the middle of his senior year and had to spend his second semester taking senior year classes remotely and from home. Dylan was sad to miss his senior year with friends, but his mother was able to take time off from her job as a nurse to stay home with him and help cheer him up and keep him on track at school.
- 422. Dylan expressed himself through art and would create his own clothing line designs and started selling them. His art and design endeavors helped him stay busy after COVID started. Dylan named his trademarked clothing line, No Care Cult.





- 423. On May 8, 2020, Cindy drove her partner, Julian, to get tested for COVID-19 and ran some additional errands. When the two returned home, Cindy did some paperwork in her room and Julian made himself a meal to take to work. Cindy was making bacon for dinner when she felt as though something was off. Dylan regularly spent time in his room with his art but would always come running when he smelled her cooking dinner. On May 8 he did not, and the house was uncharacteristically quiet.
- 424. Cindy called for Dylan from the kitchen, but he did not respond. She walked to his room knocked on his door, but still no response. She opened his door and saw headphones on Dylan's head, so assumed he was awake and just couldn't hear her. Then she looked at the foot of the bed and noticed that Dylan's toes were a deep shade of blue.
- 425. Cindy ran to her son and tried to wake him while screaming his name. She felt his cold skin and rigid body immediately, saw that his face was pale, and that foam was coming out of his mouth. Cindy checked for a pulse even though, as a nurse, she knew it was in vain. Cindy could not even attempt to perform CPR on her son as it was too late.
- 426. Cindy called the police immediately, but later regretted making that call so quickly as she never got to spend a quiet moment with her beloved son to say goodbye. The police arrived quickly and were dressed in full hazmat suits because of the pandemic. Cindy began hyperventilating and was made to leave her son's room, and told she had to wait for the coroner, who took about 1 hour and 45 minutes to arrive on the scene.

- 427. Cindy later found four pills in Dylan's jacket pocket, pressed to appear as though they were the recreational drug MDMA, and she found a Venmo transaction on Dylan's phone for \$100. Cindy also found Snapchat content with Snapchat Dealer **gofauni**, who was openly advertising and bragging about all of the money he was making from dealing drugs on Snapchat.
- 428. Snap's user profile feature enabled the dealer to advertise that he was selling drugs illegally through Snap and what he was distributing, helping him to make connections and find new buyers.
- 429. Snapchat Dealer **gofauni** had no known connection to Dylan outside of Snapchat, and but for Snapchat, the two never would have connected.
- 430. On information and belief, Snap's mapping feature enabled the dealer to identify Dylan as somebody local to whom he could sell.
- 431. Moreover, on information and belief, after Dylan's death, one of Snap's product features enabled the dealer to destroy material evidence. The dealer learned of Dylan's death quickly, and by the time Cindy obtained access to Dylan's Snapchat account, messages between Dylan and the dealer that she anticipated finding were gone. Based on discussions with others, Cindy learned of a Snapchat feature that enables users to delete even saved messages between themselves and others, including from the other users' account. On information and belief, this is another feature unique to Snapchat and designed to ensure that Snapchat users can delete evidence of their misconduct. In this instance, Cindy alleges and believes that this Snapchat feature enabled the dealer to actively delete data that otherwise would have remained in Dylan's account based on Dylan's own decisions to save it. Worded otherwise, Snap provided him with means to delete material evidence relating to his distribution of counterfeit narcotics upon notice of Dylan's death, and that is what he did.
- 432. After Dylan's death Snapchat continued to let **gofauni** market and distribute drugs on Snapchat. Two days later **gofauni** found and contacted another young man through and because of the Snapchat product, sold him counterfeit Xanax, and that 19-year-old died.

- 433. After Dylan's death, Cindy found herself on the frontline of other Fentanyl-related deaths from Snapchat. In February of 2021, two of Dylan's childhood friends died from Snapchat purchases nine days apart. One was 17 and one was 18.
- 434. Cindy has met with hundreds of families whose children died from fentanyl laced poisonings. Cindy estimates that of all the families who have lost children and loved ones from fentanyl poisoning and where she met those families in person (hundreds of families), 80% or more of those were caused by Snapchat, with most of the other cases being instances where the family simply does not know the source of the fentanyl (likely Snapchat too).
- 435. But for Snap's failure to conduct reasonable verification of age, identity, and/or parental consent, Dylan would not have been exposed to Snap's inherently dangerous and defective features and designs when he was still a minor.
- 436. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Dylan Kai Sarantos' death. Dylan died of Fentanyl poisoning one month after his 18th birthday and weeks before his high school graduation.
- 437. Dylan's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.

E. **Devin Norring**



(December 19, 2000 – April 4, 2020)

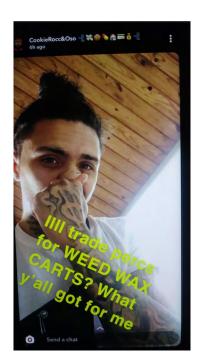
- 438. Devin Norring was born on December 19, 2020, and lived in Hastings, Minnesota.
- 439. Devin was a shy, down-to-earth young man, who always had a spare moment to help those in need. He loved making music, hanging out with friends, and playing sports.
- 440. Devin got his first cell phone when he 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.
- 441. 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.

- A42. There was no sense of danger or any warnings whatsoever, and Plaintiff Bridgette Norring had no knowledge or reason to know about Snap's extended use designs, its location finding tools, disappearing Stories posts (or use of those by drug dealers to sell to kids), directing of drug advertising and similar subject matters to minors, or any of Snap's other defective and/or inherently dangerous product features. Snap did not advertise or disclose these features or include any warnings on the product itself or in its marketing and advertising materials. Instead, Snap advertised its product as just a camera app, which allowed kids to create and exchange silly, filtered photos with other kids they knew in real life, not strangers. For these reasons, Devin's parents had no reason to think that Snapchat was dangerous.
 - 443. Devin's use of Snapchat coincided with a steady decline in his mental health.
- 444. Unbeknownst to Devin's parents, Snap was directing and recommending drug advertisements to Devin and connecting him to Snapchat Drug Dealers via Snapchat's recommendations and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, Devin received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Devin were nearby Snapchat dealers persons Devin did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.
- 445. 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 into a regular routine waking up every day at 7:00 a.m. and getting home at 6:30 p.m.
- 446. He enjoyed his work, but then also figured out what he wanted to do with his life. Devin told his parents that he planned to move to California. He intended to go back to school to

pursue his music and learn about production. He planned a summer trip to California with friends, so that he could check it out before making a final decision.

- 447. Around October of 2019, Devin started getting migraines. The migraines were bad enough that he made the decision to stop driving until he could get them under control. He did not want to risk causing an accident and hurting others if he had a migraine while behind the wheel. He began carpooling to work with his dad.
- 448. In early 2020 Devin was also battling considerable discomfort from a tooth. At night he ground his teeth and cracked a molar as a result.
- 449. Devin resolved to get his teeth and migraines under control. He scheduled appointments on April 2, 2020, to fix his teeth, and April 3, 2020, for an MRI in the hopes of finding out what was causing his terrible headaches. Unfortunately, the Coronavirus pandemic had begun and both doctors' offices cancelled.
- 450. Saturday morning, April 4, 2020, began like any other. The Norring family was spring cleaning their home and Devin was sleeping in. Bridgette asked her son Caden to wake up his brother Devin so that Devin didn't miss the whole day.
- 451. When Caden got to Devin's room the door was locked, which was unusual and caused him concern. Devin didn't open the door when Caden knocked so Caden picked the lock and opened it himself, only to find his brother's unmoving body inside. Devin's skin was blue and there was foam on his lips. Caden immediately called for his parents, who called 9-1-1, but Devin was already dead.
- 452. The investigation into Devin's death resulted in his parents learning that Snapchat had matched Devin and his friend, Jacob, with a Snapchat Dealer CookieRocc and the boys purchased what they believed to be, and what CookieRocc was advertising on Snapchat as, Percocet. But instead, the Snapchat Dealer gave them 100% pure fentanyl pills. On information and belief, CookieRocc knew that the pills were counterfeit and dangerous, but continued to sell on Snapchat anyway, believing that Snap would delete all of his incriminating communications.



453. The detective assigned to Devin's case told his parents that Snapchat was subpoenaed and provided authorities with records evidencing the Snapchat communications between Devin and Snapchat Dealer CookieRocc. Detectives also were able to observe this dealer and others openly advertising and distributing drugs on the Snapchat platform, for example,



- 454. In April 2021, Bridgette Norring met with Snap Inc.'s Vice President of Global Policy, Jennifer Stout, to talk about her son's death and Snap's role in his death.
- 455. Bridgette Norring had no knowledge prior to this meeting that Snaps and other ephemeral Snapchat features were being deleted routinely and not preserved by Snapchat on the

back end. Prior to April of 2021, she and her husband assumed that Snaps were retained by Snap for some period of time, on leased servers and/or through contracts with third parties.

456. During the April 2021 meeting, Snap told Bridgette that people can report drug dealers to Snap, and that Snap would act, through an in-app reporting feature. Devin's parents had no knowledge of that feature prior to his death. Moreover, any parent wanting to use that feature would need a Snapchat account and it is unknown whether Snap's feature is staffed, its response rate, and/or effectiveness – all of which will require discovery in this lawsuit. Ms. Stout also told Bridgett that she would send Bridgette her personal email address so that Bridgette could report suspected drug dealers to her directly, but that information was never provided.

457. Bridgette Norring told others in her town – including teens – to use Snap's reporting mechanism and used it herself to report known and/or identifiable Snapchat drug dealers. In some instances, she heard about a reports where Snap took down the accounts; however, those Snapchat drug dealers simply created new Snapchat accounts and continued distributing. And in most instances, Snap did not take down the accounts despite reporting and clear drug dealing activity taking place at the time the report was made.

458. Bridgette believes that Snap failed to take act as to at least ten different dealers she personally reported (in some cases she reported a dealer who then opened a new account, which she reported as well). She not only failed to hear back from Snap about these reported accounts (or any reported accounts for that matter) but proceeded to check on the reported dealers – individuals blatantly marketing and distributing drug on Snapchat – and Snap allowed them to continue. The Snapchat Dealers continued to sell drugs via and because of the Snapchat product for weeks, months, now years, despite Snap's actual knowledge of the harms they are causing.



459. On April 29, 2021, Bridgette notified Ed Ternan of another child dead after obtaining drugs on Snapchat allegedly from the same Snapchat dealer who distributed to her son on Snapchat. Despite prior notice to Snap via subpoenas and/or user reporting, the dealer was still dealing on Snapchat and children were still dying as a result.

- 460. Bridgette asked Ed to connect her to Jennifer Stout directly, as Ms. Stout had offered, but he did not. Instead, he notified Snap directly.
- 461. On April 30, 2021, Mr. Ternan instructed Bridgette to "send an email to this address so your complaint is on the record: support@Snapchat.com." Bridgette sent the email to Snap, as instructed, along with several photos.
- 462. Snap responded to Bridgette, letting her know that it needed her to resend the photos via a different format, and adding several representations as to Snap's strict, zero tolerance policy,

While none of the words received by us will provide you with comfort from your painful loss, we do hope we may be able to learn from this situation to ensure that Snapchat is not used as a means for distributing illegal narcotics and that we are doing everything in our power to protect our community.

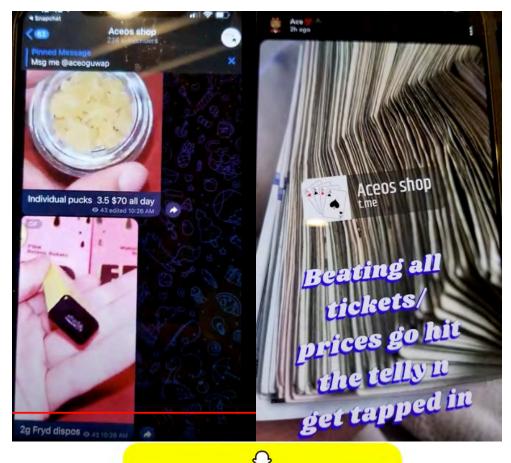
For us, nothing is more important than the safety of Snapchat users and we have zero tolerance for using Snapchat to buy or sell illegal drugs. It is firmly against our Community Guidelines, and we enforce against these violations. We try to be as proactive as possible in detecting, preventing and acting on this type of abuse — but we know drug dealers are constantly evolving how they try to evade the rules on Snapchat and many platforms, and we are constantly improving our own technology and tools to fight it.

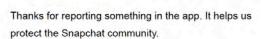
- 463. At the same time, Ed Ternan reached back out to Bridgette, both by text and phone call. He was asking her if she resent the email and, on information and belief, was communicating with both Bridgette and Snap to ensure that the information got to someone at Snap who could assess the issue. On information and belief, Snap did finally act on these Snapchat drug dealers, however, it acted on its own and did not coordinate with the police investigating Devin's death (despite having that information, including from subpoenas law enforcement sent in connection with one or more of these accounts).
- 464. On May 6, 2021, Ed Ternan informed Bridgette that "we had our weekly meeting with snap. they mentioned that the information you provided in your report was very thorough and 'actionable.'" Bridgette responded that Snap's response was "very vague as to what actions they took. Its unclear if they shut the accounts down again. I doubt they would tell us moving forward [how] hard it would [be] for these guys to get back online. I am curious still in regard to the question if they then forward it to law enforcement locally."
- 465. On information and belief, Snap did not get in touch with or attempt to cooperate with local law enforcement in connection with the Snapchat drug dealer Bridgette reported, but instead, summarily closed the account ultimately interfering with more than a year of investigation and potential arrest, based on what law enforcement later told Bridgette. Specifically, law enforcement reported to her that now the account was shut down, which would make it twice as difficult to get the information because Snap does not work with law enforcement like it should. She explained that she did not know Snap would do that and was instructed that Snap does not like giving law enforcement information so, in the future, to please not provide

dealer username information to Snap because it hinders their investigations. She was told that because of Snap's actions, a year's worth of investigative work in connection with the Snapchat drug dealer who distributed to her son on Snapchat was gone.

- 466. The Snapchat drug dealer, however, simply opened a new account, and by the time police identified that account two or three months later another child had died from his distribution activities on the Snapchat platform.
- 467. In May of 2021, Bridgette told Plaintiff Amy Neville that they needed to find an attorney. This was not because they knew how Snap was designing, programming, and operating its product or even the outlines of the extent to which Snap enabled, allowed, and facilitated the deaths of their children. As of May 2021, none of these Plaintiffs had any such knowledge or means to discover such information due to Snap's ongoing concealment. Instead, Bridgette began to realize that Snap was more focused on avoiding bad press than making meaningful efforts to fix its product and prevent drug distribution activities occurring on its platform. She wrote that, "The only way I see [Snap] following through on what they said they were going to do is if we all band together and sue them, forcing them to do what they said they were going to set out to do." And she wasn't wrong.
- 468. Long after these events, Bridgette continued to find Snapchat Drug Dealers openly advertising and distributing drugs on the Snapchat platform. She continued doing what she could to help young Snapchat users who asked her for help, and to report these dealers to Snapchat, but to no avail. Either Snap's reporting mechanism were defective, or Snap simply did not care.
- 469. For example, shortly before the filing of the original Complaint, 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**, was 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 instructed; and on October 5, 2022, Bridgette 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."





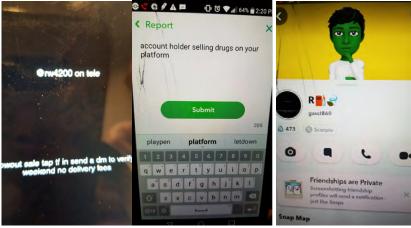
We wanted to let you know that we looked into your report, and have found that it does not violate our Community Guidelines.

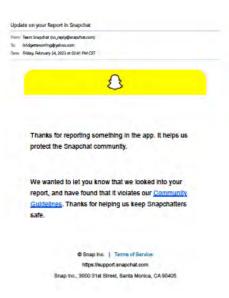
Thanks for your report, Team Snapchat

470. On February 27, 2023, Bridgette found another Snapchat Drug Dealer, who was broadcasting a day-of offer to potential buyers. She cannot be certain but suspects that this is either a Snapchat dealer she found, or someone told her about, who she then attempted to add and that he eventually accepted her request.

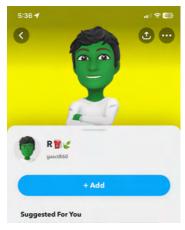


A71. Bridgette attempted to alert law enforcement to this active drug distribution post on Snapchat but was told that there was nothing they could do to stop this dealer. In this instance, she was told to report the dealer to Snap the next time she saw him selling drugs – which she did, one week later. On February 24, 2023, she reported **gasct860**, who was actively selling drugs on Snapchat at the time of the report. Snap responded at 2:41 p.m. CST that same day, confirming that the post did, in fact, violate its community standards. However, as of 6:25 a.m. the next morning, **gasct860** was still active on Snapchat.

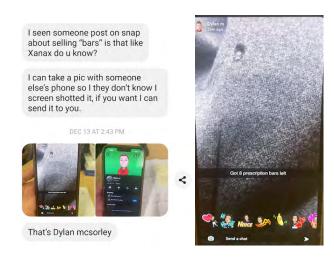




472. In fact, as of Tuesday, April 11, 2023, **gasct860** appears to **still** be active on Snapchat, despite Bridgette Norring's report and Snap's agreement with her assessment that he was "selling drugs on [Snap's] platform."



- 473. Plaintiffs can only hope that this is because Snap was asked by law enforcement to not act on this account, but based on their dealings with Snap thus far, it is unlikely that this would be the case.
- 474. Bridgette has witnessed other drug dealers advertising on Snapchat countless times since Devin's death, alerted to these dealers by other children who continue asking why Snapchat allows them on its platform and her own efforts to try to stop these dealers from harming others. Despite Snap's representations over the last several years, its platform still is rampantly being used for the distribution of drugs to American youth. The following are the types of reports Bridgette has received from young people in her town,



- 475. They are concerned about the illegal activities taking place on Snapchat, but do not know how to help. They only know that Snap will not help them.
- 476. Bridgette also has made direct reports to Snap of numerous drug dealers distributing on the Snapchat platform and, again, Snap allowed many of those dealers to continue distributing on Snapchat.
- 477. 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 reasonable and effective mechanism for non-Snap users to report unauthorized use, criminal misconduct, or harms to children occurring because of its product. 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.
- 478. 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.
- 479. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Devin Norring's death.
- 480. Devin's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.

F. Jack McCarthy



(March 16, 2002 – September 25, 2021)

- 481. Jack McCarthy was born on March 16, 2002, and lived in Birmingham, Michigan.
- 482. 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.
- 483. 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,

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

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

- 484. Jack got his first phone around 6th grade when he was twelve. After the move to middle school and since Jack would be riding the bus home, his parents wanted to be able to reach him. They explained the importance of responsibility, and safety around strangers online. His parents now believe that he secretly got a Snapchat account soon after.
- 485. His sister, Plaintiff Samantha McCarthy, was three years older and was allowed to open a Snapchat account when she was 15 or 16. At the time, their parents, Plaintiffs Kathleen and James McCarthy, understood that Snapchat was a kids' app used for making silly faces and sending photos of silly faces to friends. When Kathleen would ask her daughter, she would say "Mom, it's Snapchat. I am just snapping friends." Kathleen saw the silly photos, made sillier because of the goofy filters Snap provided and advertised to minors, and believed that Snapchat was what Snap said it was a goofy and silly product marketed to and made for kids, what allowed them to send silly photos that would disappear after a few seconds, and nothing more. Kathleen did not know that minors could use Snap to talk with strangers or that Snap had added a direct messaging product, other than the ability to send photos. She very specifically understood that Snap was a product where no one could "slide into [your child's] DMs."
- 486. Everything Kathleen saw in Snap's advertising confirmed her belief, including cartoons, bitmojis, and ridiculous photo filters that held no appeal to Kathleen based on her age. Kathleen's oldest child was also compulsive with what she called Streaks, and often explained to her mother that she had to get on Snap at least once a day to keep up her "streaks" with her friends.

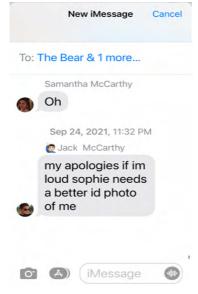
- 487. Kathleen now believes that Jack opened his own Snapchat account sometime around when his older sister opened hers, only he opened his without his parents' knowledge or consent.
 - 488. Jack's use of Snapchat coincided with a steady decline in his mental health.
- 489. Prompted by the design of Snap's product, and the constant notifications Snap pushed to him 24 hours a day, Jack became locked into Snap's social media product, as intended, causing him to feel like he couldn't sleep without it.
- 490. Jack began staying up later to access Snapchat and, once discovered, his parents required him to keep his phone in a common room at night. Only they found him sneaking up and out of his room to get his phone, despite the risks and rules against it.
- 491. Jack was around 13 or 14 when the sleep deprivation began to really take a toll. He became sleep deprived, anxious, depressed, more emotional, and always tired. On information and belief, Snap sent him excessive amounts of push notifications at all hours of the day, pulling him back into the Snapchat product in manner that was harmful to his mental and physical health.
- 492. Snap actively concealed the defects and dangers of its product and failed to provide warnings, making it impossible for Kathleen and James to protect their child.
- 493. Jack was a calm person, and not easy to anger or outbursts. The only exception to this was when someone tried to limit or take away his access to the Snapchat product. Whenever Jack's parents tried to exercise their parental rights by limiting or restricting access to his phone or computer, Jack had uncharacteristic reactions. He became agitated and would raise his voice at his parents. He would become visibly panicked and irrational, willing to do and say anything to get his device back.
- 494. When Kathleen tried to take his phone at night Jack would implore her to let him at least keep it next to him. He said that taking the phone would "make it worse for me." He said it would make his "insomnia" worse and that if she did not let him at least have the phone near him he would sleep even less.
- 495. Jack struggled throughout high school, as a result of the mental and physical harms that began with his unauthorized use of the Snapchat product. When he was 12, Jack had been

diagnosed with ADHD and prescribed Adderall. By the time he was 14, however, his parents realized that Jack was not taking his Adderall as prescribed. Suffering from sleep deprivation and anxiety, Jack struggled and turned to that prescription as a form of self-medication. As a result, his psychiatrist recommended taking him off the Adderall, which is what they did.

- 496. Snap also had begun directing and recommending drug advertisements to Jack and connecting him to Snapchat Drug Dealers via recommendations and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, Jack received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Jack were nearby Snapchat dealers persons he did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.
- 497. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 498. On information and belief, Jack trusted the Snapchat product, which he had been using for years. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 499. In October of 2018, when Jack was 16, his mother could tell that something was wrong he was not acting like himself, and she was concerned. Jack entered rehab treatment willingly. Jack participated in the program and stood out as a leader among his peers. He worked to identify the issues with which he was struggling, so that he could work through them and get past them which is precisely what he appeared to do.
- 500. Upon graduation from high school, Jack was accepted to college just 20 minutes from his parents' home. He worked hard and got a 3.4 G.P.A. his first semester of college, and he obtained that G.P.A. despite the challenging circumstances caused by the pandemic. Jack was

taking most of his courses remotely and from home, though attended a few in person. He also maintained his high school friendships, and he and his friends spent time together on a regular basis – though cautiously – which helped them to avoid loneliness during the worst of COVID-19.

- 501. On the evening of September 24, 2021, Jack's mom Kathleen went to dinner with her mother to celebrate her mother's birthday. Jack's sister, Samantha, went to work and his father, James, was in Indiana on business. Kathleen got home from dinner at approximately 8:30 pm, and Jack said he was heading over to his friend, Justin's, house to hang out.
- 502. There was nothing unusual about this. The boys often hung out at Justin's house in the evenings and liked to have bonfires there. It was a typical Friday night.
- 503. Shortly after he left, Kathleen texted Jack to see if he could pick his sister up from her shift at work. Jack responded that he was already out for the night, and her work was in the opposite direction from Justin's. Kathleen said no problem and went to pick up Samantha herself.
- 504. Kathleen and Samantha were in bed before 11, and Kathleen fell asleep. But it was a restless sleep since one of her babies was not yet tucked in safe and sound. She woke up briefly after midnight, checked her phone, and saw that she had a text from Jack time stamped 11:32 p.m.,



505. 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 her kids were safe and sound, Kathleen fell back asleep.

506. 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.

- 507. Kathleen called 9-1-1 and Jack was pronounced dead on the scene.
- 508. The police found an unmarked prescription bottle in his pocket, containing what appeared to be Xanax and Adderall.



509. 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."

510. 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**.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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: ol

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

- 511. On information and belief, Jack attempted to purchase 20 Xanax, 10 Adderall, and one Oxycodone (he originally attempted to purchase one Percocet, but the Snapchat Dealer offered Oxycodone instead). Jack took the one pill he believed to be Oxycodone and died of fentanyl poisoning shortly thereafter.
- 512. On October 12, 2021, police raided the home of the Snapchat Dealer known as **detroitwealth.** They recovered huge amounts of illicit drugs and guns, along with 26 blue pills pressed to look like OxyContin but that tested positive for fentanyl instead.
- 513. Testing of the pills found on Jack's person confirmed that the "Adderall" were Adderall, and the "Xanax" did not contain any illicit substance. The only pill missing was the single prescription pain pill Jack believed he had purchased, while Jack tested with enough fentanyl in his system to kill at least two grown men.
- 514. Since Jack's death, his parents and sister have suffered emotionally, including post-traumatic stress disorder, depression, anxiety, and inability to sleep among other harms.
- 515. Since Jack's death, Kathleen has joined various support groups for parents who have lost children, including parents who have lost their children specifically in connection with Fentanyl poisoning. Kathleen estimates there are roughly 500 members in these Fentanyl poisoning related support groups. Of the dozens of families she's spoken to and posts she's read Kathleen has only seen two ways in which these kids are purchasing fentanyl disguised as

prescription drugs – via Snapchat or from a friend/known acquaintance. The majority of deaths in the case of minors occurred via and because of the Snapchat product while she has yet to see a single instance of a deadly drug deal conducted through Instagram or TikTok. There is no question in Kathleen's mind based on the discussions she has had with and seen from other families that the death of these children is not a social media issue in general, but rather, an issue with the Snapchat product.

- 516. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Jack McCarthy's death.
- 517. Jack's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.

G. Alexandra "Alex" Capelouto



(February 24, 1999 – December 23, 2019)

- 518. Alexandra ("Alex") Capelouto was born on February 24, 1999, and lived in Temecula, California.
- 519. Alex was a talented and outgoing child. Her grandfather was a pastor and, from the time she was very young, they would read the bible together and talk about the stories and lessons learned. She enjoyed church, and her faith was very important to her. It was what led her to pursue a life of service, where she could give back and help others. Her dream was to be a social worker.

- 520. From an early age, Alex excelled in everything from academics to sports to extracurricular activities. She worked hard in school and was eventually accepted into Arizona State University on full academic scholarship.
- 521. Alex did not get her first cell phone until she was in 8th or 9th grade and, even then, she could only download applications with her mother's permission (and passcode) and her mother had frequent talks with her and her sisters about internet safety. Her mother also put monitoring software on Alex's phone, which allowed her to track Alex's location and even see texts and other messaging applications Alex used. She could not, however, monitor Snap because of Snap's unique product design its disappearing message features, and similar products.
- 522. Alex's parents believe that she got her first Snapchat account sometime around her junior year of high school, when she was 16 or 17, but they don't know for certain because she never asked permission to download it and Snap never sought their consent.
- 523. When Alex's parents did learn about her Snapchat account, they thought that Snap was just a cute app that provided kids with cute filters so that they could send silly photos to one another. Alex's mom tried to get a Snapchat account herself, so that she could keep tabs on her daughter but, to this day, she has not been able to figure out how to work Snapchat. She was unable to keep tabs on her daughter but took comfort in knowing that this is a product Snap advertises and designs for minors, it is commonly used by kids and even educators, and Snap advertises itself as being different from other social media products in that it is made for friends only and does not provide strangers with a way to contact kids.
 - 524. Alex's use of Snapchat coincided with a steady decline in her mental health.
- 525. Prompted by the design of Snap's product, and the constant notifications Snap pushed to her 24 hours a day, Alex became hooked on Snapchat. As she used Snapchat more, she began to have trouble sleeping for the first time in her life. She would stay up late or wait until her parents went to sleep and get back onto Snapchat, and her father occasionally found her in her room as late as 2 or 3 am, locked-in to the Snapchat social media product. Matthew encouraged Alex to put the phone away and get some sleep, but she felt like she couldn't. She felt like she could not sleep without her phone, but she could not sleep with it either.

- 526. As a consequence, Alex became sleep deprived, and her anxiety and depression worsened as a direct and proximate result.
- 527. Snap markets, designs, and distributes its products—including through the use of disappearing or time-sensitive messaging features and secret, self-destructing data vaults, and failure to verify age and parental consent—to frustrate parents like Plaintiffs Matthew and Christine Capelouto from exercising their rights to monitor and limit their children's use.
- 528. Moreover, no one except Snap knew or had any reason to suspect that products like the Snapchat platform were the cause of these harms, and Alex ultimately struggled with these social media-caused harms until the time of her death.
- 529. Snap also then began directing and recommending drug advertisements to Alex and connecting her to Snapchat Drug Dealers via Snapchat's recommendations and mapping and location features. On information and belief, she received multiple Quick Add requests from other Snapchat users she did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, she accepted them. Among the strangers to whom Snap connected Alex were Snapchat drug dealers persons she did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions. On information and belief, as a result of the connections Snap was encouraging and fostering, Alex obtained marijuana through Snapchat drug dealers connected to her by Snap while still in high school and a minor.
- 530. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 531. Alex's friends confirm that this is how the Snapchat product worked for minors at all times relevant, including in 2014 through 2019. High school kids knew about the drug distribution happening on Snapchat, including because they could not avoid it it was constantly in their face, put there by Snap itself. In fact, Snapchat was the only platform where drug distribution was this prevalent, and it was the only platform these children used for communications they did not want their parents to see because it was the only product that ensured

complete secrecy. They knew that if their parents got access to their phone, Snapchat would take care of the evidence and leave no trace and, likewise, their parents could not track their activity on Snapchat as they could with many other apps.

- 532. As noted above, Christine put monitoring software on Alex's phone. She required her children to log in with her Apple ID so that she could continue to monitor as needed and made clear that anyone who changed from her Apple ID would have to purchase their own phone as she would not allow her devices to be used without the ability to monitor.
- 533. At all times relevant, Snap was the only product Christine knew about that she was unable to monitor via third party parental control products. For example, she had access to Alex's text messages and even her activities on a popular app, Kik. On occasion, she would check up on Alex and talk with her about any issues of concern based on that monitoring. While Snap was the exception. On information and belief, Snap was the exception because it was purposefully designing its product to prevent third party parental monitoring products from being effective.
- 534. On information and belief, Alex also trusted the Snapchat product. Snapchat was familiar and seemed safe to her, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 535. For a while, when Alex began spending more time with her boyfriend, hanging out and watching movies, she became less compulsive about Snap. For the short time before she left for college, Alex seemed to get better. She seemed happier and less anxious.
- 536. Alex's friends confirm that, in retrospect, one could see the impact of the Snapchat product on Alex's mental health. Looking back, they can see the difference between Alex when she was using Snapchat and when she was not, which mental health harms were known only to Snap at the time that they were occurring.
- 537. Then Alex left for college. She had a full academic scholarship to Arizona State University and, away from family and her boyfriend, she slipped back into using Snapchat every opportunity she got, and her insomnia, anxiety, and depression worsened again as a result.



538. 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 make the world a better place.

539. 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

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

_	
A	
	I am a person
	I am judged for flaws I cannot control
ı	I am svaged is
ı	Rather than being sudged for my seul
ı	popularity is based on the shallow posessions you own
H	Rather than the charachteristics you hold
	Nurvius Trials San
1	
ı	You are liked for the talents that make you shine
l	
	But not the faients that build up your mind
	People would sell their sours for a chance at success
	cather than face up and confess
	- Com Corress
	That they don't have the
	That they don't have the newest clomes or a wad of cash at their side
¥	But that doesn't at all represent who they are inside
	they are inside
7	*
1	than any human being could are everything, but so much more
H	than any human being could ask for
ı	the period could ask for
ı	
	Because
	Then I am old wear
-	To won's matter what social rank I was today
-	mat social cank -
	was today
4	· Dic
10	

- 540. After Alex and her mom returned home from Christmas shopping on December 22, 2019, Alex called her boyfriend and they talked until late into the evening. Her parents and sisters thought that she had gone to bed, and her parents fell asleep with the comfort of having all of their babies safe and sound, tucked in under their own roof.
- 541. At around 10:30 a.m. on December 23, Alex's mother wondered why Alex was not up yet. She did not want her to miss the morning, so went to her room and checked in on her. She opened the bedroom door, saw Alex lying on her bed, and immediately knew something was off.
- 542. Alex was not moving. She was not breathing and was cold to the touch. Christine could tell almost immediately that she was dead. The medics pronounced Alex dead at the scene.
 - 543. Police later confirmed that Alex died from fentanyl poisoning.
- 544. The investigation into Alex's death revealed that Snapchat connected Alex with a dealer who had used the Snapchat social media product to find and deliver to her a counterfeit

fentanyl-laced pill – what Alex believed to be Oxycodone – to her parents' home. Alex died in her childhood bedroom ... what should have been the safest place on Earth.

- 545. On information and belief, Snap's disappearing messaging features and marketing of those features convinced and enabled the dealer that he could communicate with Alex without the risk of the evidence of his crime being preserved for law enforcement.
- 546. In fact, after Alex's death, one of Snap's product features enabled the dealer to destroy material evidence. Alex's family accessed her Snapchat account and when they confronted the dealer who had distributed counterfeit drugs to her, he began using Snap's features to delete the snaps between himself and Alex. On information and belief, this is another feature unique to Snapchat and designed to ensure that Snapchat users can delete material evidence of their misconduct. In this instance, the Snapchat feature enabled the dealer to actively delete data that otherwise would have remained in Alex's account based on her own decisions to save it but instead, Snap provided the dealer with means to delete evidence relating to his distribution of counterfeit narcotics upon notice of Alex's death. Fortunately, Alex's family acted quickly and was able to capture some of the evidence prior to his deletion using a different phone but he should never have been able to delete data in this manner in the first place, and to the best of Plaintiffs' knowledge he would not have been able to do so on any other social media product.
- 547. Snap's user profile feature also enabled the dealer to advertise that he was selling drugs illegally through Snap and what he was selling, helping him to make connections and find new buyers this information also automatically disappears after a set period of time. On information and belief, these product features are why the dealer chose to deal on Snapchat, rather than finding buyers in person or through word of mouth. The product features also are why these dealers have proven less concerned than a traditional in-person dealer when selling drugs they know to be counterfeit and lethal Snapchat Dealers believe that the Snap product will prevent them from getting caught while providing them with a limitless supply of new, young customers, no matter how many other children are lost to fentanyl poisoning.
- 548. The dealer had no known connection to Alex, and they did not know each other in real life, such that but for Snapchat she would never have connected with him.

- 549. Officers at the Riverside Police Department along with the District Attorney subpoenaed Snap for records and federal charges are underway against the dealer. There is no question that the Snapchat Dealer knew that he was killing people and continued to distribute the drugs on Snapchat anyway.
- 550. Alex's parents started a non-profit and provide support for other families who have lost children and loved ones as a result of fentanyl poisoning, including a Facebook support group with more than 10,000 members. They estimate that more than half of all families they have met lost their loved ones because of Snapchat, with most of the rest of those families not knowing how the drugs were obtained. It is rare to meet someone who lost a loved one to fentanyl poisoning because of Instagram, TikTok, or any other social media product, because the dealing of drugs to children is not a social media problem it is a Snapchat problem for the reasons discussed herein.
- 551. Alex's death has been devastating for the whole family and caused a downward spiral, especially for Christine. In December of 2021, two years from the date of Alex's death, Christine began experiencing shortness of breath. At the end of December, she found a small lump in her right breast. By the time of her appointment, on January 11, 2022, the one lump had grown to three large lumps protruding from her right breast.
- 552. Christine has stage four breast cancer. Her doctors stated that given the tests show no genetic explanation for the rare kind of typically congenital cancer she has, they attribute her illness to the extreme stress she suffered and is still suffering with the loss of Alex.
- 553. Prior to Alex's death, Christine had no serious medical issues, and she is now rapidly deteriorating from a fatal illness that has been linked in studies to extreme stress.
- 554. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Alex Capelouto's death.
- 555. Alex's family members have suffered severe emotional distress from the loss, and the traumatic and invasive nature of her death.

H. Daniel ("Elijah") Figueroa



(December 24, 1999 – September 16, 2020)

- 556. Daniel Elijah Figueroa ("Elijah") was born on December 24, 1999, and lived in Seal Beach, California.
- 557. Elijah had a heart of gold and even bigger dreams. He planned to become an entrepreneur, to eventually launch charitable businesses and fund global missions. He was a young man of conviction who insisted on going to youth service every weekend. In kindergarten he was teased by his peers for praying at the lunch table each day, but it didn't deter him. Elijah had faith and was considered to be something of a shepherd among his friends and family someone who would always listen and guide those around him to find support through difficult times.
- 558. In his free time, Elijah also played basketball, wrote music, and sang. He excelled at sports and participated on the wrestling and track and field teams in high school.

559. Elijah got his first cell phone when he was 12, and his mother, Perla, made clear that he was not allowed to open social media accounts.



- 560. 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. Snap claims to prohibit require parental consent for all users under 18 but distributed its product to Elijah regardless.
- 561. 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.
 - 562. Elijah's use of Snapchat coincided with a steady decline in his mental health.
- 563. Prompted by the design of Snap's product, and the constant notifications Snap pushed to him 24 hours a day, 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.
- 564. Snap markets, designs, and distributes its products—including through the use of disappearing or time-sensitive messaging features and secret, self-destructing data vaults, and

failure to verify age and parental consent—to frustrate parents like Perla from exercising her rights to monitor and limit their children's use of those products.

- 565. 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.
- 566. 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.
- 567. Snap actively concealed the defects and dangers of its product and failed to provide warnings, making it impossible for Perla to protect her child.
- 568. Unbeknownst to Perla, Snap also began directing and recommending drug advertisements to Elijah and connecting him to Snapchat Drug Dealers via Snapchat's recommendation and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, Elijah received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Elijah were nearby Snapchat Drug Dealers persons he did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.
- 569. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 570. On information and belief, Elijah trusted the Snapchat product. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.

- 571. Over the summer of 2020, protests were occurring all over the nation and Elijah's paternal grandmother, Albertina, sometimes became nervous staying alone at her home in Long Beach, California.
- 572. Days before September 16, 2020, Albertina asked her grandson to spend the night at her home. Being the protector that he was, Elijah readily agreed, packed his bag, and headed over to her house to stay with his grandmother. On September 15, 2020, Elijah spoke with his mom around 11:30 pm to say good night and everyone assumed he went to sleep.
- 573. In the early hours of September 16, 2020, Albertina woke up to use the restroom and walked past the room where Elijah was staying. She noticed that his lights were on and then saw his body atop the bed with his knees on the floor. It looked as though Elijah was praying, but she knew immediately that something was wrong.
- 574. Elijah's grandmother rushed to his side and felt his skin, which was still warm and sweaty. She tried to shake him awake and called his name, and immediately called 9-1-1 when he was unresponsive. Long Beach police officers arrived at the home at around 4:55 a.m. and pronounced Elijah dead immediately upon their arrival. He had no pulse and could not be resuscitated.
- 575. Elijah's mother, Perla, arrived at the home around 6:00 am but was not allowed to enter the room to hold her son and say goodbye.
- 576. Detectives at Long Beach Police Department launched an investigation into Elijah's death, including two subpoenas to Snap in an attempt to find out what had happened. Snap denied the first information request, claiming it was overbroad. The second time police requested information, Snap complied, though it took the maximum time allowed one month to do so.
- 577. Based on the data Snap had in its possession which, upon information and belief, was only partial data and/or data that had been purposefully saved by at least one of the participants detectives learned that Elijah had connected with **Arnoldo_8286**, a Snapchat Dealer purportedly selling Percocet, shortly before his death. Elijah attempted to purchase Percocet from **Arnoldo_8286** and received 100% fentanyl instead. He purchased fifteen pills and fourteen were found after his death all it took was a single pill to kill him.

578. 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.

579. The reason for this loss of material evidence related specifically to Snap's designs, which are meant to encourage, enable, and ensure deletion at every opportunity. Specifically, Snap designed its product so that data deletes unless a user manually saves it and, even then, a user can inadvertently delete the data by simply holding down their finger for a pre-programmed period of time. Snap provides no warning or option to confirm that that the user intends to delete, the message simply disappears. On information and belief, this is what happened when investigators were reviewing Elijah's Snapchat data in connection with a criminal investigation.

580. 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 ..."



- 581. 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.
- 582. 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.

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

584. Perla could see **Arnoldo_8286**'s continued distribution activities on Snap, which were open and frequent. She constantly thought about the other children being harmed by this dealer and did not understand why Snap was ignoring her and allowing him to continue. In desperation, she drove to Snap's offices, in the hopes that someone would listen. When she arrived, security told her that she could not go in and that they would have her car towed if she did not leave. She explained her situation and said that she needed to speak to someone at Snap. She made clear that it was urgent but was told that Snap is not a retail store. She was told that she could not just speak with someone without an appointment and, when she asked how to make an appointment, she was told that she could not. Snap ignored and turned Perla away from its physical offices, just as it had with her multiple attempts to reach Snap through Snapchat itself.

585. Because Snap refused to act on the known Snapchat drug dealer, Perla connected with him directly on Snapchat – not telling him who she was, but constantly monitoring his Snapchat activities to try and protect other children. He regularly and openly posted drug menus and bragged about his success as a Snapchat drug distributor. Whenever he posted his location on Snapchat – using the Stories and Snap Map products to let potential customers know where he was selling that day – Perla would call the local police department and notify them that this Snapchat Drug Dealer was in their town and actively selling on Snapchat. At first, the police were not particularly responsive to these calls. However, this dealer continued distributing on Snapchat and children continued being harmed as a result and, eventually, law enforcement reached out to Perla and let her know that her reports helped them in efforts to arrest **Arnoldo 8286**.

586. Despite all of the notice and information it had, Snap allowed **Arnoldo_8286** to continue distributing on the Snapchat platform, openly and often, and until April 16, 2021. On April 16, 2021, Business Insider interviewed Snap executives about why they were still letting this

27

28

dealer distribute on its platform, and only then did Snap act on the account Arnoldo 8286 was using to distribute drugs to children. This was 7 months after Elijah's death, 4 months after Perla began reaching out to Snap, and less than 24-hours after Snap was confronted by Business Insider about its decision to do nothing.

587. Perla later learned that the dealer on Snapchat who supplied Arnoldo 8286 was somebody with the username Aj Smokxy and that Snap had actual knowledge from law enforcement and co-Plaintiff Amy Neville that Aj Smokxy was continuing to deal drugs through the Snapchat product. Upon information and belief, Arnoldo 8286 got the lethal dose that killed Elijah from Aj Smokxy and this transaction occurred through Snap and because Snap allowed both dealers to continue using its social media product – and Snap profited as a result.

588. To this day, the Snapchat user previously doing business as **Arnoldo 8286** still has an active account on Snapchat and, on information and belief, is using that account in connection with illegal activities to the detriment of other Snapchat users and to the financial benefit of Snap.

Arnoldo 8286 has no known connection to Elijah, and their meeting was facilitated by the Snapchat product. On information and belief, but for Snap, Elijah would not have met this person.

590. In 2022, Perla learned of a new Snapchat account opened and being used by Arnoldo 8286 to distribute drugs on Snapchat. Snap knew that there was a subsequent account, allegedly being used by the Snapchat Drug Dealer who distributed counterfeit pills to Elijah, and that Perla had the specific username information, but did not request that information from Perla.

591. Since Elijah's death, Perla has joined various support groups for parents who have lost children in connection with Fentanyl poisoning and has participated in several events to raise awareness of this issue. Each event was attended by upwards of 100 families who suffered this type of loss and Perla estimates that she was met, spoken with, or read about more than 500 different families in total and, in all but a few cases, 117 those families lost their children to Snapchat.

¹¹⁷ One family reported a purchase that took place on Craigslist and another involved a purchase from a friend.

- 592. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Elijah Figueroa's death.
- 593. Elijah's family has suffered severe emotional distress from the loss, and the traumatic and invasive nature of his death.

I. Samuel Berman "Sammy" Chapman



(June 11, 2004 – February 7, 2021)

- 594. Samuel Berman "Sammy" Chapman was born June 11, 2004, and lived in Santa Monica, California.
- 595. Sammy was a bright, outgoing, and affectionate child. He was a football player and a good student at Milken school in Los Angeles. He dreamt of becoming the world's first trillionaire.
- 596. Sammy got his first phone in 2015, when he was 10, as his parents needed a way to keep in touch with him. He opened his first Snapchat account in 2017, when he was only 12 years

old and without his parents' knowledge or consent. Snap claims to prohibit users under 13 and to require parental consent for all users under 18 but distributed its product to Sammy regardless.

597. Plaintiffs Samuel ("Sam") Chapman and Dr. Laura Ann Chapman Berman ("Dr. Laura Berman" or "Laura") had no knowledge or understanding of the Snapchat social media product, other than what Snap represented to the public. Specifically, it appeared to be an app designed for and used by kids to communicate with friends (people they know in real life, and not strangers) and send silly, filtered photos. There was no sense of danger or any warnings whatsoever, and they had no knowledge or reason to know about Snap's extended use designs, location finding tools, disappearing Stories posts (or use of those by drug dealers to sell to kids), directing of drug advertising and similar subject matters to minors, or any of Snap's other defective and/or inherently dangerous product features. Had Snap been honest about these defective and/or inherently dangerous product features, they would have acted to prevent their son from continued use of the Snapchat product.

598. Snap did not advertise or disclose these features or include any warnings on the product itself or in its marketing and advertising materials. For these reasons, Sam and Laura had no reason or way to know about their child's Snapchat use, and even once they became aware of such use – more than a year later – they had no reason to think that it was dangerous.

599. What Sammy's parents did not know – in fact, no one knew but Snap until very recently – was that the Snapchat product was not designed with the safety of minor users in mind. On the contrary, Snap operated and distributed its product at all times relevant in a manner intended to increase its own engagement at expense of user safety. Sammy's parents did not know and could not have discovered the harms being caused by Snap's defective and/or inherently dangerous product features, or that Snap itself was connecting their child to predatory strangers, which types of design, distribution, and operational decisions have only just started coming to light after the Facebook whistleblower disclosed thousands of internal records detailing how social media companies like Meta Platforms Inc. and, as relevant here, Snap Inc., market, design, distribute, and operate their products in late 2021 and 2022.

600. Sammy's use of Snapchat resulted in a steady decline in his mental health.

- 601. Prompted by the design of Snap's product, and the constant notifications Snap pushed to him 24 hours a day, Sammy developed a compulsion to engage with Snapchat every chance he got. Snap markets, designs, and distributes its products—including through the use of disappearing or time-sensitive messaging features and secret, self-destructing data vaults, and failure to verify age and parental consent—to frustrate and interfere with parents like Sam and Laura exercising their rights and duties to monitor and limit their children's use of those products.
- 602. As proximate result of Snap's products and features, *i.e.* push notifications, user recommendations, interface and operational extended use designs, rewards and gamification features, etc. Sammy began suffering from severe mental health harms, including, but not limited to, social media compulsion, sleep deprivation, anxiety, and depression. These are harms Snap also knows or should know its product is causing in a significant number of minor users, and knew or should have known it was causing in Sammy.
- 603. Snap also began directing and recommending drug advertisements to Sammy and connecting him to Snapchat Drug Dealers via its recommendation and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, he received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Sammy were nearby Snapchat dealers persons Sammy did not know in real life and would not have met but for Snap's product decision, programming, distribution, and operational decisions.
- 604. On information and belief, these are not things Sammy originally searched for, sought out, or even wanted. Exposure to drug-related materials and advertisements and drug dealers are things Snap chose for Sammy and chooses for millions of American children and teens. Snap encouraged and enabled his use of drugs, and served as his primary, if not only, source for items to which he should never have had access in the first place.
- 605. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.

- 606. On information and belief, Sammy trusted the Snapchat product. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.
- 607. On Wednesday, February 3, 2021, Sammy told his parents that he was having a pizza delivered. Instead, one of many Snapchat dealers to whom Snap had connected him delivered controlled substances to his parents' home including valium bars and Xanax, which Xanax turned out to be laced with deadly amounts of fentanyl instead.
- 608. The following morning, Sammy's parents had trouble waking him and realized something was wrong. They drug tested him and immediately contacted drug counselors, to discuss the situation. Sammy admitted to having purchased and taken valium bars, and his parents flushed the three remaining bars he showed them. He denied having any other drugs, and the drug counselors determined that in-patient treatment was not needed at that time. Instead, the family began planning for how best to help their son.
- 609. On Sunday, February 7, 2021 (Super Bowl Sunday), Sammy asked his father for a cheeseburger, which Sam brought to him. Nothing seemed out of the ordinary, until Sammy's younger brother began screaming from Sammy's bedroom a few hours later. His younger brother had walked into Sammy's room to find him dead on the floor. He was laying on his back, cold, and covered in vomit.
 - 610. Sam immediately began performing CPR, while Laura called 9-1-1.
- 611. The first responders continued trying to revive Sammy for about 45 minutes after they arrived but were unsuccessful. At that time, the police did not ask to see Sammy's electronic devices, said that it would take approximately three months to get Sammy's toxicology report which it did and that they would come back at that time if it appeared that Sammy had died of something like a poisoning, as opposed to an overdose.
- 612. While this was happening, Dr. Laura Berman called Sammy's best friend to see whether he knew what happened. His friend told them that Sammy had been connected to a

Snapchat drug dealer. Specifically, the dealer reached out to Sammy, offering him drugs if Sammy would help him design a drug menu.



That is all sent me about the person who sold him the drugs

- 613. This was someone Sammy did not know in real life and would not have met but for Snapchat. On information and belief, this also was someone Snapchat encouraged to connect with Sammy, including through features like Quick Add and SnapMaps. Sammy's best friend took photos of what was still on Snapchat and sent them to Sammy's parents.
- 614. Sam and Laura notified the police, asking them to come back and suggesting that they use Sammy's Snapchat account to contact the dealer and place another order. They were told that this was not how things work, and that the police would reach back out when they knew more. They also were told that Snap Inc. does not respond to or cooperate with law enforcement. Officers said not to expect to catch the dealer who distributed to Sammy on Snapchat, because in cases where Snapchat is involved, they "don't get any help." They said that they had tried repeatedly in other cases, and eventually stopped asking Snap Inc. for help because it was "a waste of time."
- 615. Sammy died of Fentanyl poisoning on February 7, 2021. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Sammy Chapman's death.
- 616. Eventually, the toxicology report came back, confirming fentanyl poisoning and, on May 28, 2021, Sam emailed Snap founder and CEO Evan Spiegel.

- 617. The May 28, 2021 email to Evan Spiegel included two links, a PSA the family created to warn others about the dangers of fentanyl and drug distribution on social media and a petition imploring Snapchat, TikTok, and other social media companies to act. At that time, the Berman Chapman family did not yet know and had no way of knowing that the Snapchat product was responsible for more fentanyl poisoning deaths of American children than every other social media product combined. Snap knew but said nothing.
 - 618. Evan Spiegel responded, and they agreed to meet by phone on June 4, 2021.
- 619. During that call, Sam told Snap executives Evan Spiegel and Jennifer Stout that Snap needed parental monitoring software and better controls. Mr. Spiegel responded that they couldn't do that because of privacy concerns. Namely, they did not want others getting copies of the transmissions. Sam responded that they were talking about children. He said that a child's privacy is up to parents to regulate and has to do with things like how old and how mature a child is. He said that what Snap Inc. was doing was standing in the way of parents protecting their children and that this issue privacy in the context of a minor is not the same form of privacy. He said that what Snap was doing was killing people, and that Evan needed to decide whether he wanted to die a rich man with a lot of deaths on his conscience, because that is what was happening.
- 620. Sam also told Snap that the other issue was law enforcement subpoenas. He explained that a lot of people reported that Snap was not responding in a reasonable time, and often would make technical objections that delayed law enforcement further. Evan said that they could not keep up with law enforcement requests, that they were aware of the problem, and that he would look into it and devote more resources to this issue.
- 621. Shortly after this call, Evan Spiegel offered to provide periodic updates on Snap's "efforts and the investments we are making," though that ultimately did not occur. In fact, Snap made public statements shortly after the call, to which Sam responded (by email). Snap was unable to co-opt the Berman Chapman family, and the only additional correspondence from Snap came in the form of an email from Jennifer Stout, dated September 29, 2021 (similar to the letters Snap was by then sending to the many parents who wrote in to notify Snap of their children's deaths).

- 622. Attached hereto as <u>Exhibit A-3</u> are true and correct copies of the correspondence between Sam Chapman and Evan Spiegel, dated May 28 through June 5, 2021, and the September 29, 2021 email from Jennifer Stout (with redactions).
- 623. Sammy's family members have suffered severe emotional distress from the loss, and the traumatic nature of his death.

J. Jacob Robertson



(August 30, 2005 – April 3, 2021)

- 624. Jacob Robertson was born on August 30, 2005, and lived in Waynesboro, Virginia.
- 625. Jacob was a loving and outgoing child. He always had a special bond with his mother, Plaintiff Jessica Diacont, and was affectionately known as a "momma's boy."
- 626. Jacob was a sophomore at Waynesboro High School and worked part time at the local McDonalds, where he genuinely enjoyed his job and co-workers. He had an infectious smile and always considered his friends his family. If Jacob wasn't working or playing his Xbox, he was

hanging out with his older siblings, either riding around or sitting in the driveway listening to their favorite music or being a loving big brother to his younger siblings.

- 627. Jacob got his first cell phone at age 12. His mother was a single parent, who started work early each day, and she needed a way to keep in touch with him. Jacob began opening social media accounts almost immediately after he got his phone, including the Snapchat social media product. He began using Snapchat without his mother's knowledge or consent. Snap claims to prohibit users under 13 and to require parental consent for all users under 18 but distributed its product to Jacob regardless and even though it knew or should have known that he was underage.
- 628. Jessica had no knowledge or understanding of the Snapchat social media product at that time, other than the fact that it was an app used by kids. There was no sense of danger or any warnings whatsoever, and she had no knowledge or reason to know about Snap's extended use designs, location finding tools, disappearing Stories posts (or use of those by drug dealers to sell to kids), directing of drug advertising and similar subject matters to minors, or any of Snap's other defective and/or inherently dangerous product features. Snap did not advertise or disclose these features or include any warnings on the product itself or in its marketing and advertising materials. Instead, Snap advertised its product as just a camera app, which allowed kids to create and exchange silly, filtered photos with other kids they knew in real life, not strangers. For these reasons, even once Jessica became vaguely of her son's use of the Snapchat product, she had no reason to think that it was dangerous.
- 629. What Jacob's mother did not know in fact, no one knew but Snap until very recently was that Snap's statements were not true. The Snapchat product was not designed with the safety of minor users in mind, on the contrary, Snap operated and distributed its product at all times relevant in a manner intended to increase its own engagement at expense of user safety. Jessica did not know and could not have discovered the harms being caused by Snap's defective and/or inherently dangerous product features, or that strangers could and were using Snapchat to connect with her son, which types of design, distribution, and operational decisions have only just started coming to light after the Facebook whistleblower disclosed thousands of internal records

detailing how social media companies like Meta Platforms Inc. and, as relevant here, Snap Inc., market, design, distribute, and operate their products in late 2021 and 2022.

- 630. Jacob's use of Snapchat resulted in a steady decline in his mental health.
- 631. Prompted by the design of Snap's product, and the constant notifications Snap pushed to him 24 hours a day, Jacob developed a compulsion to engage with Snapchat at all hours and his sleeping issues worsened as a result. Jacob then began suffering from anxiety and depression, and engaged in other self-harm behaviors that were entirely uncharacteristic of him. Jessica sought help for her son but, ultimately, no one knew or had any reason to suspect that products like the Snapchat social media product were the cause of these harms; and Jacob struggled with these Snapchat caused harms until the time of his death.
- 632. Snap markets, designs, and distributes its products—including through the use of disappearing or time-sensitive messaging features and secret, self-destructing data vaults, and failure to verify age and parental consent—to frustrate and interfere with parents like Jessica exercising their rights and duties to monitor and limit their children's use of those products. Snapchat actively interfered with Jessica's parental rights, depriving her of the ability to provide Jacob with proper care and supervision through its deliberate and knowing design of product features meant to ensure that Jacob could access Snapchat without parental oversight and even in the absence of parental consent.
- 633. Jacob's mother's attempts to restrict or limit his access caused him to become angry and frustrated. But also, there was literally nothing that she could do to prevent her child from accessing Snapchat or Snapchat from distributing to her child as Snapchat did not verify parental consent and did not provide parental controls. The Snapchat product came with no warnings, education, or means of protecting children from the harms it was causing, and instead, Snap distributed its product via any wi-fi connected device.
- 634. Snap actively concealed the defects and dangers of its product and failed to provide warnings, making it impossible for Jessica to protect her child.
- 635. As proximate result of Snap's products and features, *i.e.* push notifications, user recommendations, interface and operational extended use designs, rewards and gamification

features, etc. – Jacob, who was only 12 years old at the time when his use began, suffered from mental health harms, including, but not limited to, social media compulsion, sleep deprivation, anxiety, and depression. These are harms Snap also knows or should know its product is causing in a significant number of minor users and knew or should have known it was causing in Jacob.

- 636. Snap also began directing and recommending drug advertisements to Jacob and connecting him to Snapchat Drug Dealers via its recommendation and mapping and location features, as it does to millions of underage Snapchat users. On information and belief, he received multiple Quick Add requests from other Snapchat users he did not know in real life and, because of Snap's gamification and other features that encourage kids to accept those requests, he accepted them. Among the strangers to whom Snap connected Jacob was a nearby Snapchat dealer a person who lived in Jacob's town but who he did not go to school with or otherwise hang out with in real life. In other words, this was a drug dealer he did not actually know in real life and with whom he would not have been connected but for Snap's product decision, programming, distribution, and operational decisions.
- 637. On information and belief, these are not things Jacob searched for, sought out, or even wanted. Exposure to drug-related materials and advertisements and drug dealers are things Snap chose for Jacob, and chooses for millions of American children and teens, not the other way around. After Snap exposed him to these, Jacob began purchasing vaping supplies and marijuana. On information and belief, Snap was his primary source for the purchase of items to which he should never have had access in the first place.
- 638. Snapchat essentially designed and programmed its user connection systems to increase engagement at any costs which, in the case of minor users, included affirmatively identifying and directing predators and drug dealers to those minor users.
- 639. On information and belief, Jacob trusted the Snapchat product, which he had been using since he was 12 years old. Snapchat was familiar and seemed safe to him, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate.

- 640. What Jacob also did not know and, on information and belief, had never heard of was that kids were dying of fentanyl poisoning after purchasing counterfeit pills from Snapchat Drug Dealers. On information and belief, Jacob did not know what Fentanyl was and did not know that he could die from taking what appeared to be prescription medications via the many Snapchat Drug Dealers selling their wares openly and regularly on Snapchat. On the contrary, he knew a lot of kids who procured recreational drugs and paraphernalia on Snapchat, which is known among teens as the place to go that you can get anything and everything on Snapchat.
- 641. Jessica also did not know and had never heard that kids were dying of fentanyl poisoning after purchasing counterfeit pills from Snapchat Drug Dealers.
- 642. In fact, Jessica had opened her own Snapchat account about six months before Jacob's death. She opened it because some adult friends at work were sending Streaks to each another and suggested that she get a Snapchat account so that she could join them.
- 643. Jessica's impression was that Snapchat was an app made primarily with young people in mind, allowing them to send silly, disappearing photos, requiring users to create bitmoji avatars, and offering fun, game-like products like Snap Streaks. Unlike millions of children and teens in the U.S. who open Snapchat accounts, she never experienced Snap sending her drug advertisements or connecting or exposing her to Snapchat predators. This is common for many parents who open Snapchat accounts, and the difference in experience can be attributed to Snap's recommendation and connection technologies and how Snap programs and operates those technologies. That is, the Snapchat product functions differently with children's accounts than it does with adults' accounts, creating further obstacles to parents being able to find out the truth about the Snapchat product before it is too late.
- 644. Had Snapchat simply notified its users that counterfeit prescription pills were being sold though the Snapchat platform and that children were dying from fentanyl poisoning as a result, Jessica could and would have taken steps to protect her child. Snap knew, while Jessica and millions of young Snapchat users and their parents, did not.
- 645. In January of 2021, Jessica became aware that Jacob was occasionally taking prescription Percocet, which Percocet he was purchasing from a Snapchat Drug Dealer a person

he would not have connected with but for the Snapchat platform. On information and belief, this dealer sells exclusively or almost exclusively on the Snapchat platform, because he knows and trusts that Snap's unique products and features will delete the most material evidence of his crimes.

- 646. Jacob said that he wanted to stop taking Percocet, and his mother supported and helped him. She also contacted and engaged a local resource to help. There was no immediate availability for in-person treatment, but she was able to obtain help remotely. She spoke with a therapist, provided extensive information, and scheduled a Zoom meeting for her and Jacob.
- 647. On information and belief, the therapist also did not know that kids were dying of fentanyl poisoning after purchasing counterfeit pills from Snapchat Drug Dealers.
- 648. In January of 2021, after speaking with Jessica and Jacob, the therapist concluded that Jacob's occasional use of Percocet was not serious enough to warrant treatment. He advised that this was not an addiction situation, and for Jessica to keep doing what she was doing.
 - 649. Jacob was working, going back to school, and getting things back on track.
- 650. On March 28, 2021, Jacob and his brother met with the Snapchat Drug Dealer to whom Snap had connected Jacob previously and purchased what they believed to be two Percocet, for \$40 each. Jacob and his brother each took half of a pill. His brother left to spend the night at his girlfriend's house, while Jacob spent the day with his family. Jacob's older sister realized what he had done and was upset that he had fallen off the wagon but had no reason to think that he had taken anything other than a half of a Percocet. She left and went back to her own apartment.
- 651. Jacob's older sister also had a Snapchat account, and she also did not know that kids were dying of fentanyl poisoning from counterfeit pills being distributed on Snapchat.
- 652. Jessica ordered DoorDash for dinner that night, which Jacob ate. He told his mom that he loved her and that he was heading to bed. The next day was the first day of Spring Break, but Jacob had told Jessica that he planned to go to school early to help out with some projects.
- 653. On information and belief, after Jacob was in his room, he took the second half of the "Percocet" obtained on Snapchat from the Snapchat Drug Dealer which half contained lethal amounts of fentanyl. In fact, it is believed that the "Percocet" did not contain Percocet at all.

- 654. On the morning of March 29, 2021, Jessica woke up and got ready for work. She planned to drop her six-year-old daughter off at the YMCA for the day. If Jacob did not have plans he could have slept in, as it was Spring Break, but he did so she went to wake him up. She found his door closed and when she opened it, even though his room was dark, she could immediately tell that something was wrong. Jacob was laying peacefully on his back on his bed, but his skin was gray and as she began touching him, she could feel that it was ice cold in places.
- 655. Jessica called 9-1-1 and they had her begin CPR, at which point foam began coming out of Jacob's mouth. What Jessica did not learn until later was that her six-year-old daughter had heard her screaming Jacob's name and was standing in the doorway watching as her mother tried to resuscitate her older brother. Jacob's six-year-old sister saw everything.
- 656. Police arrived and continued CPR, then the paramedics arrived and used a defibrillator. They rushed Jacob to the hospital, and Jessica did not know if he was dead or alive. After what seemed like hours, the doctors told her that they had gotten his heartbeat back during the ambulance ride. However, they had needed 8 shots to restart his heart, he had broken ribs from CPR, and his lung collapsed. They transferred Jacob to the University of Virginia Hospital.
- 657. Waynesboro is a small town. In early 2021, it had not yet experienced the massive increase in adolescent fentanyl poisoning deaths that other cities and states across America were experiencing as a result of the rampant distribution of counterfeit drugs taking place on and because of the Snapchat platform. The police and medical professionals had no idea what was happening. They took MRIs and EKGs, as well as urine drug tests, which all came back negative.
- 658. After days at the hospital, doctors told Jessica that they needed to have a family meeting right away. During the meeting, doctors told Jacob's family that there was significant brain damage. They showed the MRI and the parts of his brain that were injured. They said that if he survived, he would never come off the breathing machine, would never walk, talk, eat, or do anything on his own. Moreover, minutes before the meeting was scheduled to start, they said, the first hospital called to say that the blood work had come back from the lab and that they found evidence of a lab-based fentanyl product in his system.

- 659. Jacob's family made the difficult decision to take him off life support, after close family members came to say their goodbyes. Jacob was taken off life support on April 3, 2021, and died thirty minutes later.
- 660. Jacob died on April 3, 2021, after taking a counterfeit Percocet purchased on and through the Snapchat platform from a drug dealer to whom Snapchat connected him. He was 15 years old, and a sophomore in high school. His family and siblings have suffered severe mental health harms as a result of his death, including two hospitalizations and ongoing grief counseling for his mother and youngest sister.
- 661. Snapchat's defective design and Snap's failure to warn were substantial factors in causing Jacob Robertson's death.
- 662. After Jacob's death, Jessica spoke with the investigators on his case. At first, no one was certain what the fentanyl evidence meant. They explained that they were used to cocaine and other substances, not fentanyl, and said that they were not sure how to proceed. The hospital likewise expressed that this was new to them though, on information and belief, they have since experienced numerous fentanyl-related adolescent deaths arising from counterfeit pills sold through and because of Snapchat. Jacob's death simply was the first among many in that area.
- 663. Jacob's family members have suffered severe emotional distress from the loss, and the invasive and traumatic nature of his death.

K. Minor A.B.

- 664. A.B. was born in April of 2006 and is currently 16 years old.
- 665. 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.
- 666. A.B. was 11 and in sixth grade when she got her first cell phone, which her parents got for safety reasons. She had moved on to middle school and her school was in an area and had a reputation for safety issues. E.B. and P.B. needed their daughter to have a way to reach them both during school hours and after school hours.

- 667. Upon getting the phone, E.B. and P.B. talked with A.B. about responsible use. They told her that the phone was for texting or calling home if she needed a ride or if a fight broke out at school. They told her that her time on the phone would be limited, just like any other screen time, and that she could not use the phone for browsing the internet or playing games more than two hours per day. Lastly, they said no social media. They had no reason to think that A.B. could not handle the responsibility of a phone. But also, she was only 12 and they understood that you had to be at least 13 or 14 to use social media so had no reason to think that social media companies would provide her with access to their products without their consent.
- 668. Plaintiffs E.B. and P.B. also took precautions to protect their child from even the possibility of harm. P.B. was hesitant to create a situation where they were going through A.B.'s phone every night. He thought that they should try to respect her privacy and did not want to convey complete lack of trust when A.B. had done nothing to lose trust; so E.B. researched products they could use to monitor and protect their child in less invasive ways. She researched, considered, and tried products like the Google Family App, Bark, and the Verizon app.
- 669. E.B. was frustrated that products aimed to help parents supervise their kids' online use were aimed at either limiting time or tracking content, but not both forcing her to choose. At the time, E.B. didn't think much of Snapchat.
- 670. While she was generally wary of social media and the internet, she also had no reason to think that Snap's product posed a unique danger to her child. Snap provided no warnings and, on the contrary, went to great lengths to convince the American public that its product was safe for kids. E.B. had the general understanding from everything Snap put out into the public that Snapchat was a relatively wholesome app used by teens to take silly pictures with their friends, and that it was different from other platforms, including because it did not put children out there for strangers to connect with or otherwise provide them with access to kids.
- 671. It also was E.B.'s understanding that A.B., at only 12 years old, was too young to even access the Snapchat product. E.B. did not know that Snap was distributing its product to and purporting to enter into contracts with children with no form of age verification or parental consent.

- 672. When A.B. was 12 she opened her first Snapchat account. She opened this without parental knowledge or consent, even though Snap claims that it does not permit use by children under 13 or by children between 13 and 17 without parental consent. Snap distributed its product to A.B. regardless, and at all times knew or should have known that she was underage.
- 673. Snap not only provided 12-year-old A.B. with unfettered access to its product and services, but over time, it allowed her to open at least four or five different Snapchat accounts. Multiple accounts were active and accessed during the same periods of time. To the best of A.B.'s knowledge, she used the same email address and phone number when opening each account.
- 674. Even though A.B. was a single user with multiple Snapchat accounts, Snap did nothing to enforce its prohibition on multiple accounts profiting from minor A.B.'s increased Snapchat activity and access instead.
- 675. Plaintiffs E.B. and P.B. did not know about A.B.'s Snapchat accounts and would not have allowed that product in their home when A.B. was so young.
- 676. A.B.'s secret use of Snapchat coincided with a severe and steady decline in her mental health.
- 677. A.B. wanted to use Snapchat because it looked like fun and it felt like all her friends were already using Snapchat. Once she started, however, she felt like she could not stop. A.B. began staying up late and sneaking onto her cell phone to access Snapchat after her parents had gone to sleep, resulting in severe sleep deprivation, which led to anxiety, depression, exhaustion, and related stresses. It also made A.B. more vulnerable and impacted her ability to focus on school.
- 678. Over time, her parents tried installing or signing up for applications that would allow them to monitor her use and prevent her from using her phone during sleeping hours. Each time they did so, A.B. would find a way around it. She felt like she couldn't sleep without Snapchat. That is, she couldn't fall asleep if she didn't have her phone. At the same time, she couldn't sleep because she couldn't stop using Snapchat when she did have access.
- 679. Almost immediately after A.B. opened her first Snapchat account, Snap began targeting her with harmful recommendations and connections, as it does with millions of underage Snapchat users. She was only 12 years old at the time and Snap knew, or reasonably should have

known, that she was only 12 years old. Moreover, none of the harms Snap targeted at A.B. in its attempt to keep her hooked on the Snapchat product were ones A.B. sought out, searched for, requested, or even wanted. These were all subject matters Snap chose for A.B. as a matter of its product design, programming, and distribution, as well as the degree to which Snap is operating and allowing its products to operate with algorithmic discrimination defects.

- 680. Snap targeted and exposed A.B. to drugs, violence, and sexual content without A.B. having ever requested, searched for, or shown any interest whatsoever in any of these subject matters. A.B. began receiving Quick Add requests, including from a lot of the same adult strangers whose Stories Snap was recommending to her. Those strangers would then try to add her. She is not certain how those strangers got her username or otherwise found her but believes that Snap was bringing the two together, that is, both recommending her as a Quick Add connection to them and pushing their Stories to her.
- 681. A.B. believes that she had heard of marijuana prior to when her Snapchat use began, however, she, did not search drug-related terms on Snapchat and had no interest in marijuana, other drugs, or connecting with drug dealers when her Snapchat use began. Then she was inundated by the Snapchat product and Snap's design and programming decisions, including recommendations and connections that made drugs look cool and normal.
- 682. Again, A.B. never sought out these connections or content and had no interest whatsoever, until after Snap began directing massive amounts of it to her on her favorite social media product. Kids at school also said that you could get anything on Snapchat. Everyone knew that it was the place to go if you wanted to try drugs, and that Snapchat drug dealers would even mail or deliver to your house. It seemed safe, and A.B. was too young to appreciate the risk and dangers Snapchat created.
- 683. Snap incentivizes kids to accept all add requests in several ways, and often A.B. would simply accept. Once accepted, the Snapchat drug dealers (adult strangers) would message A.B. directly, trying to convince her to buy from them, and offering her deals.
- 684. But also, Snapchat targeted A.B. with tons of incredibly violent and highly sexualized content, which also were things A.B. did not seek out and had no interest in seeing.

She was a typical 12-year-old girl, who had seen Snap's ads and believed that Snapchat was a silly, fun, and safe product that she could use to chat and share photos with her friends in real life. She did not know that Snapchat was dangerous or that Snap was designing, distributing, and programming its products in a way that could harm her.

- 685. When A.B. was only 13 years old, for example, she was exposed by Snap to a video in which a man killed himself. The video started with the man talking, then he took a gun and shot himself. After he pulled the trigger, brains went everywhere.
- 686. This is one example, but A.B. was exposed to numerous Stories featuring people dying and being killed, guns and shootings, including people that would shoot at bystanders and record it to post on Snapchat. She (and other Snapchat users) also recalls Snap having a Stories feature at the time that recommended Stories from users you did not know.
- 687. Snap began affirmatively connecting her to harmful users. For example, one of the users who shot himself was someone Snap had connected her to via Quick Add and Stories and was a known plug. Once the drug dealer accepted Snap's recommendation and tried to add her, she also began seeing more of his Stories on her feed. On information and belief, at all times relevant, once someone added you and before you accepted, Snap made you more accessible to that other user and vice versa, including things like access to Stories and direct messaging. Eventually, he convinced her to add him.
- 688. At some point, A.B. decided that she wanted to try marijuana, which Snap had introduced her to via its product features and then supplied her with countless plugs offering to sell and even deliver it to her home.
- 689. Snap was normalizing and popularizing drugs among A.B. and millions of children like her for the sake of its own engagement. Snap had created the ideal advertising and distribution vehicle and location for drug dealers for the first time, providing them with unfettered, unsupervised, anonymous, and secure access to millions of American children. Not just millions of children, but children Snap already had groomed and exploited, making them exponentially more vulnerable to the Snapchat drug dealers distributing on its platform.

- 690. Eventually, marijuana turned into pot, then pills like OxyContin and Xanax. Snap was known as the place to go for any type of drug, but also, it was affirmatively pushing and recommending these drugs convincing kids that they were normal and safe.
- 691. A.B. trusted the Snapchat product. Snapchat was familiar and seemed safe to her, which trust Snap cultivates through its marketing to and targeting of minors, building brand loyalty and familiarity, and populating its product with various forms of games, cartoons, silly filters, and other features with which young people associate. A.B. did not believe that Snapchat was dangerous, nor did Snapchat warn her of its dangers.
- 692. Snap also claims that it is not like other products and protects kids on its platform by not having a public profile feature, however, there was no difference in how it felt for A.B. using Snapchat as compared to other social media products' "public profile" settings.
- 693. A.B. was only 12 when she began using Snapchat, and she felt as though she had a public profile on Snapchat. She was exposed. She thought Snapchat would be more private since it claimed to be different from other social media products. She did not have a public wall on Snapchat, and Snapchat did not have any other obvious means by which users could opt to put themselves out to every stranger. And yet, random strangers were always reaching to her and trying to add her. There was no difference between Snap and other products, unless perhaps it was that strangers seemed to be even more prevalent on Snapchat.
- 694. A.B. cannot be certain how Snap operates its product behind closed doors no one can except Snap but it felt to her as though Snap was supporting the drug dealers and sexual predators. It felt like Snap did not care and just wanted to make connections, such that these predatory users always had a way to find and connect with her directly, even though that was not her choice and even though Snap said it did not have a public profile.
- 695. From the moment A.B. opened a Snapchat account, Snap began recommending her to strangers (including and especially adults) via its Quick Add feature, which strangers would then ask to "add" her and wanted to talk.
 - 696. A.B. would stay up all night talking to users sent to her by Snap.

- 697. A.B. was under the age of 13 when Snap began exposing her to incredible amounts of drug content, including dealer solicitations, violence, and sexual exploitation.
- 698. When A.B. wasn't using Snapchat, Snap sent A.B. emails and/or push notifications to bring her back to the product. Snap initiated and sent these types of communications to A.B. in excessive numbers and at all hours of the day and night, including times when A.B. should have been in school or sleeping. It was hard for A.B. to not click on those notifications and log back in, and most times that is precisely what she did.
- 699. A.B. began to struggle in school and social situations. For the first time in her life, she also started getting into trouble at school. As somebody whose own mother was a teacher, not to mention she'd grown up around teachers, A.B.'s behavior was out of the norm for her.
- 700. A.B.'s parents also grew concerned about the amount of time A.B. was spending on her phone, as it was more than the two hours they allowed. They turned to apps that would limit how long the phone could be used, which she eventually learned to get around. They tried taking the phone away at night, and she eventually learned how to get access through other means.
- 701. After her use of the Snapchat product began, A.B. lost interest in almost everything else. Common things like completing chores became a struggle, and she began acting resentful of her parents for making it difficult to access social media.
- 702. When her parents tried to exercise parental control by restricting or removing access, A.B. had strong and uncharacteristic reactions such as anger, extreme depression, and defensiveness. Eventually, when her mother tried to take the phone, A.B. would escalate to the brink of physical altercation.
- 703. In 2019 about a year after A.B. began her secret use of Snapchat E.B. and P.B. started taking A.B. to a counselor, in the hopes of finding out what was happening with their child. The problem is that Snap was actively concealing the harms its product was causing children like and specifically A.B. A.B., her parents, and her counselor had no reason to know the sources of her harms, nor did they have the ability to discover them.
- 704. A.B. was too young to appreciate the harms Snap was causing. Snapchat was there and it was fun. She did not understand that it was harming her and had no way to recognize or

understand how dangerous the Snapchat product was or the harms it would case in her future. Snap knew but said nothing.

705. In 2021, A.B. ran away and was gone for five months. She dropped out of school and stayed on the streets with somebody to whom Snapchat connected her. Specifically, Snap connected A.B. to a male user who was 18 or 19 at the time via its Quick Add recommendation system (Snap made the connection, not A.B. or the other user). A.B. was 14 or 15. The adult male user began messaging her, and then she started seeing him in person unbeknownst to her parents. This was someone A.B. would never have met but for the Snapchat Quick Add algorithm and Snap's programming decisions relating to the Quick Add algorithm and minor user, A.B.

706. At the time, A.B. was struggling with her parents' concerns and attempts to protect her and to restrict her access to Snapchat. She felt that they were being too restrictive and nosy about what she was up to online; particularly the people she was meeting and the habits she was forming through interactions facilitated by the Snapchat product.

707. A.B. told the adult Snapchat user that she wanted to leave home, and he said that she if she was leaving, then he did not want her going with anyone but him. So she ran away and stayed at his house for a week or two, then hopped around and stayed with others. That user is now in jail. A.B. is not certain as to why, but believes the charges relate to guns and drugs.

708. On December 28, 2021, the police contacted E.B. and P.B. and told them that A.B. had been found in an apartment building hallway after a concerned citizen called them, reporting that she had overdosed. Once revived, A.B. fled, but the police caught up to her and were bringing her home to E.B. and P.B. E.B. immediately took A.B. to the hospital, where she was admitted for one week and treated for a fentanyl overdose after taking what is referred to as an M30 (a blue pill pressed to look like Percocet but often containing fentanyl instead).

709. A.B. had re-connected with someone she met more than a year prior, who was now a drug dealer that utilized primarily Snapchat and Telegram to distribute. He connected her to other dealers, who also typically favored using Snapchat and Telegram together to distribute. Specifically, Snapchat provides them with access to children, teens, and young adults, where they can advertise their drugs with the safety of knowing that the evidence will disappear, and so they

use Snapchat to provide links to Telegram to complete the transaction. On information and belief, unlike Snapchat, Telegram does not provide users with a place where they can find potential customers – people they do not know in real life or meet through other connections – making Snapchat an essential part of many successful Telegram drug distribution businesses.

- 710. A.B. currently is living with her parents again, who have no way to keep her off the Snapchat social media product.
- 711. A.B. is seeing a counselor and does not want to use drugs, however, she also feels as though she needs the Snapchat product and cannot stop herself from using it. To this day, Snap is targeting her with harmful drug, sex, and violence content. A.B. estimates that if she went on Snapchat right now to find a plug, she would find someone willing and able to deliver within 30 seconds, and could find dozens of those dealers on the Snapchat app.
- 712. At the same time, she considers Snapchat a lifeline and the only way for her to stay connected to some of her most valued friends. She cannot physically stop herself from using Snapchat though she has tried.
- 713. Currently, when the drug advertising Snap aims at her is too tempting and she feels overwhelmed, she will remove the Snapchat app from her device, which she often can keep off her device for about a week. A.B. waits until she can't stand it anymore, then re-downloads Snapchat and signs back into her account. Snapchat is even harder for A.B. to resist than drugs, and she feels like it is far more difficult to stop using than any drug she has ever tried.
- 714. Like millions of parents, E.B. and P.B. do not have the ability to protect their child from Snap. They found that her compulsive use of the Snapchat product and Snap's continued distribution to her (despite lack of parental consent), as well as its extended use designs and targeting of her with harmful content chosen by Snap itself, puts her at grave risk of experiencing another overdose and that she continues to suffer from the mental and physical harms Snap is causing. A.B.'s use of the Snapchat product inextricably linked to these harms.
- 715. A.B. is still a minor and Snap knows or should know that she does not have parental consent to use the Snapchat product; yet Snap continues to let A.B. use its product and is profiting from that harmful and unauthorized use.

- 716. A.B. is still a minor and Snap still is designing, distributing, and programming its products in a manner that targets and discriminates against A.B. because of her age and gender.
- 717. Snap continues to prioritize engagement over the health and safety of its users, including A.B.
- 718. A.B. is only 16 years old and continues to use the Snapchat social media product without her parents' consent.
- 719. E.B. and P.B. are fearful for their daughter because of the Snapchat product and believe that there is a strong likelihood of serious harm or even death if Snapchat is not forced to implement reasonable safety features for the safety of its youngest users.

VI. PLAINTIFFS' CLAIMS

COUNT I - STRICT PRODUCT LIABILITY (Design Defect)

- 720. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 721. At all relevant times, Snap designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from its products used by Plaintiffs.
- 722. Snap distributes and sells its social media products to the public through retail channels such as the Apple App "Store" and the Google Play "Store," and markets and advertises Snapchat to the public for the personal use of the end-user/consumer.
- 723. Snap defectively designed the Snapchat product to manipulate minors and young adults, who are particularly unable to appreciate the risks posed by Snapchat, and particularly susceptible to harms from Snapchat; to encourage and aid minors in evading parental monitoring and consent, ensuring Snap's continued distribution and profiting from young and unauthorized users; to provide users with means to engage in illicit and/or illegal conduct with impunity, including deletion of data and evidence Snap reasonably knows to be material to ongoing criminal and civil investigations; to connect minor and young adult users to predatory adult users as means of increasing Snap's engagement and revenue; and to facilitate and enable an online haven where

parents and law enforcement are stripped of their ability to protect the children Snap targets and locks in to its social media product, which children are Snap's most profitable demographic.

- 724. The defects in the design of Snapchat existed prior to its release to Plaintiffs and the public, and there was no substantial change to Snapchat and each of its subsequent product features between the time of their upload by Snap to public or retail channels (e.g., the App Store or Google Play) and the time of their distribution to Plaintiffs via download or URL access.
- 725. Plaintiffs used Snapchat as intended, and Snap knew or, by the exercise of reasonable care, should have known that Plaintiffs would use Snapchat without inspection for its dangerous nature and without even having the ability to inspect for the other defects existing in Snap's product designs, programming, and operational decisions, such as Snapchat affirmatively connecting children to predatory, adult users, permanent destruction of evidence, and minor users' ability to evade parental monitoring and consent because of the existing and concealed defects in the Snapchat product.
- 726. Snap failed to test the safety of the features it developed and implemented for use on Snapchat and if or when Snap did perform some product testing, it obtained knowledge of ongoing harm to Plaintiffs and failed to adequately remedy its product's defects or warn Plaintiffs.
- 727. Snap also obtained independent knowledge of the defects and inherent dangers in its Snapchat product and failed to adequately remedy its product's defects or warn Plaintiffs.
- 728. The risks inherent in the design of Snapchat significantly outweigh any benefit of such design.
- 729. Under Restatement (Second) of Torts § 402(a) and California law, one who sells any product in a defective condition unreasonably dangerous to the user is subject to liability for physical harm thereby caused to the user if (a) the seller is engaged in the business of selling such a product, and (b) it is expected to and does reach the user or consumer without substantial change in the condition which it was sold.
- 730. Defendant Snap's Snapchat product is defective because the foreseeable risks of harm posed by the product's design could have been reduced or avoided by the adoption of a reasonable alternative design by Snap and the omission of the alternative design renders the

product not reasonably safe. These defective conditions rendered the product unreasonably dangerous to persons or property and existed at the time the product left Snap's control, reached the user or consumer without substantial change in the condition and its defective condition was a cause of Plaintiffs' injuries. The following are just some examples.

- 731. Defendant Snap could have utilized cost-effective, reasonably feasible alternative designs including programming changes and changes to the defective and dangerous features described above, to minimize the harms described herein, including, but not limited to,
 - a. Effective age verification, parental controls, and parental notifications.
 - b. Effective reporting mechanisms, as well as staffed resources to address reported harms to children and young adult users.
 - c. Warning about Snapchat's risks and defects, including but not limited to warnings prohibiting the distribution of drugs on Snapchat and warning users of the distribution of counterfeit pills containing fentanyl on Snapchat, upon sign-up and log-on.
 - d. Limiting the use of algorithms in the case of vulnerable users, including implementation of programming that considers user age, i.e. not connecting minors to predatory adults and not promoting (unsolicited) drug content and advertising to minors and young adults.
 - e. Limits on the strategic timing and clustering of notifications to lure back users.
 - f. Removing barriers to the deactivation and deletion of accounts, and providing effective mechanisms for parents to deactivate, delete, and/or block account distribution entirely by their minor children.
 - g. Designing products that did not include the defective features listed in this Complaint while still fulfilling the social networking purposes of a social media product.
 - h. Eliminating the use of geolocation product features for minors and young adults.
 - i. Eliminating product features that recommend minor accounts to adult strangers.

- j. Eliminating product features that enable adult strangers to connect directly with minor accounts.
- k. Eliminating product features that prevent users from preserving their own data and data sent or made accessible to them.
- 1. Eliminating product features that notify other users when a user attempts to preserve their own data and data sent or made accessible to them.
- m. Eliminating product features that identify location and/or permit live video features for minors.
- n. Utilizing available data and technologies to prevent already identified predators and drug dealers from opening new accounts.
- o. Preventing and/or re-programming systems to stop destroying data, instead retaining data on the back end and as consistent with industry practices, for a minimum period of time, and so that such evidence can be provided in response to court order and/or properly issued subpoenas; and notification of users as to the same.
- p. Eliminating product features designed to ensure or allow deletion or inaccessibility of data that exists and would otherwise be available to law enforcement upon execution of proper legal process, but for the product feature.
- q. Placing reasonable limits on the number and/or frequency of Snapchat downloads per account or device.
- r. Enforcing Snap's one account per use Term.
- s. Eliminating extended use designs and other interface and/or product features intended to trick or manipulate users into excessive product use.
- t. Prohibiting the use of common drug-related emojis in usernames or nicknames.
- u. Others as set forth herein.
- 732. Defendant Snap designed, manufactured, marketed, and sold social media products that were unreasonably dangerous because they were designed to encourage and enable minors and bad actors to act with impunity, and in a manner that made it impossible for parents and law

enforcement to protect those same minor users, the foreseeable consequence of which has been mental and physical harm to minor users. The following are just some examples.

- 733. Inadequate Safeguards from Malignant Actors. As designed Snapchat's recommendation and other product features are not reasonably safe because they affirmatively direct minor users to predatory users (including drug dealers) while failing to deploy feasible safeguards to protect vulnerable youth from such harmful exposures. It is feasible to design a social media product that substantially distinguished between benign and malign actors without altering, modifying, or deleting any third-party content posted on Snap's social media products. It is likewise feasible to design a social media product that does not operate recommendation features at all and/or operates them in a manner that prioritizes user safety over engagement and revenue to Snap. The cost of designing and/or programming these products to incorporate these safeguards would be negligible while benefit would be high in terms of reducing the quantum of mental and physical harm sustained by minor users and their families.
- 734. As designed, Snapchat's recommendations and other product features are not reasonably safe because they affirmatively direct and recommend minor users and other vulnerable user populations to malign actors, including drug dealers, while failing to deploy feasible safeguards to protect vulnerable users from such harmful exposures. It is feasible to design a social media product that does not make harmful connection recommendations to minor users, or any connection recommendations at all; it is feasible to design a social media product that does not recommend harmful individuals to minor users, or any group recommendations at all; and it is feasible to restrict access to minor users by strangers and adult users via direct messaging, to restrict and limit such access to users already on a minor user's "friend" list, or to prevent such access altogether. Snap knows that these product features cause a significant number of harms to their minor users, such as sexual exploitation, exposure and access to drugs, and death.
- 735. Defendant Snap also engages in conduct, outside of the recommendation technologies themselves, that is designed to promote harmful and exploitative content as a means of increasing its revenue from advertisements. This includes but is not limited to efforts to encourage advertisers to design ads that appeal to minors and product design features intended to

attract and engage minor users to these virtual spaces where harmful ad content is then pushed to those users in a manner intended to increase user engagement, thereby increasing revenue to Snap at the direct cost of user wellbeing.

- 736. Reasonable users and their parents would not expect that Defendant Snap's products would knowingly direct them to such malign actors, including drug dealers.
- 737. <u>Failure to Verify Minor Users' Age and Identity</u>. As designed, Defendant Snap's Snapchat product is not reasonably safe because its systems for barring underage users and obtaining parental consent, if any, do not work.
- 738. Drug dealers frequently set up user accounts on Defendant Snap's social media product because they know that they will have access to millions of vulnerable users (including minors and young adults) and because Snap has assured them through its marketing, design, and conduct that its product will erase the most material evidence of their crimes. These features, along with others that inherently encourage and facilitate Snapchat drug deals are killing children.
- 739. Minor users of social media and their parents do not reasonably expect that Snapchat is riddled with drug dealers preying on minors and young adults, and these are persons who would never have access to these teens and young adults but for the design and Snap's distribution and operation decisions relating to its Snapchat product.
- 740. Likewise, minor users whose parents have taken affirmative steps to keep them away from Defendant Snap's product often open multiple accounts, such that Snap knows or has reason to know that the user is underage and/or does not have parental permission to use its product. Snap has the information and means it needs to ascertain when these Snapchat terms are violated but chooses to do nothing about that information for its own economic gain.
- 741. Snap knows or has reason to know when a blocked user has opened multiple accounts and/or when a Snapchat Dealer has opened multiple accounts. Snap has unique control over its product and has the ability to make unilateral changes to its product to discourage and stop Snapchat Dealers from using Snapchat to make illicit drug sales. Snap knows these sales are inherently harmful to minor users but all too often chooses to do nothing with this knowledge for its own economic gain.

- 742. <u>Inadequate Parental Control and Monitoring</u>. Defendant Snap has intentionally designed its Snapchat product to frustrate the exercise of parental responsibility by its minor users' parents. Parents have a right to monitor their children's social media activity to protect them from harm. Snap has designed a product that makes it difficult, if not impossible, for parents to exercise parental responsibility.
- 743. It is feasible to design a social media product that requires parental consent for users under the age of 18 and prohibits users under the age of 13.
- 744. Defendant Snap's products are also defective for lack of parental controls (at all times relevant to this Complaint), permission, and monitoring capability available on many other devices and applications.
- 745. Defendant Snap's products are designed with specific product features intended to prevent and/or interfere with parents' reasonable and lawful exercise of parental authority, permission, and monitoring capability available on many other devices and applications.
- Media Usage by Minor Users. Defendant Snap's Snapchat product is not reasonably safe as designed because it does not include any safeguards to notify users and their parents of usage that Snap knows to be problematic and likely to cause negative mental health effects to users, including excessive passive use and use disruptive of normal sleep patterns.
- 747. It is reasonable for young users and parents to expect that social media products that actively promote their platform to minors and young adults will undertake reasonable efforts to notify users and, in the case of minors, their parents when such use becomes dangerous. It is feasible for Snap to design a product that identifies a significant percentage of its youngest users who are using the product more than three hours per day or using it during sleeping hours at negligible cost.
- 748. Defendant Snap's product is not reasonably safe as designed because, despite numerous reported instances of drug dealers using Snapchat and of the death of minors and young adult users due to Fentanyl poisoning facilitated and distributed on the Snapchat product, Snap has not undertaken reasonable design changes to protect its users from these harms, including notifying

parents of underage users when they have been messaged or solicited by an adult user or even taking down reported and known drug dealer accounts. Indeed, despite its knowledge of the distributing occurring on its platform, and the role of its product design in enabling and facilitating that distribution, Snap did not have a reasonable or effective reporting mechanism users and parents could use to report drug dealing activity and other Snapchat terms violations and harms at all times relevant to this complaint. It is believed that Snap has made at least some changes to its reporting mechanisms after the filing of the original complaint in this case, however, it is unknown whether any of those changes have adequately addressed the defects and dangers at issue and, on information and belief, they have not. Snap's failure to provide a reasonable and effective reporting mechanism for these known harms and the distribution occurring openly and rampantly on its platform is incomprehensible.

- 749. It is reasonable for parents to expect that platforms such as Snapchat, which actively promote their services to minors, will undertake reasonable efforts to protect such users from known harms, and implement technological safeguards to notify parents by text, email, or other reasonable means that their child is in danger.
- 750. In all instances, and others set forth throughout this Complaint, alternative designs were available that would reduce these risks and dangers, and which would have effectively served the same purpose of the Snapchat product while reducing the gravity and severity of danger posed by its defects.
 - 751. Plaintiffs used the Snapchat product as intended or in reasonably foreseeable ways.
- 752. The physical, emotional, and economic injuries of Plaintiffs were reasonably foreseeable to Snap at the time of its development, design, advertising, marketing, promotion, and distribution of the Snapchat product and each of the specific product features at issue herein.
- 753. The Snapchat product was defective and unreasonably dangerous because it contained numerous design characteristics that are not necessary for the utility provided to the user but are unreasonably dangerous and were implemented by Snap solely to increase the profits it derives from each additional user and the length of time it can keep each user on its product.

- 754. Defendant Snap's Snapchat product was defective and unreasonably dangerous when it left Snap's possession and control. The defects continued to exist through Snapchat's distribution to and use by consumers, including Plaintiffs, who used Snapchat without any substantial change in the product's condition.
- 755. As manufacturer, designer and seller, Defendants Snap had a duty to inform itself with the best knowledge of the risks and the defects of its products and Snap had such knowledge. Snap's victims, injured Plaintiffs herein, were powerless to protect themselves against unknown harms, and Snap should bear the costs of their injuries.
- 756. Plaintiffs were injured as a direct and proximate result of Defendant Snap's defective designs as described herein. The defective design of the Snapchat product used by Plaintiffs was a substantial factor in causing harms to all Plaintiffs in this case.
- 757. As a direct and proximate result of the Snapchat product's defective design, Plaintiffs require and/or will require more healthcare and services and did incur medical, health, incidental, and related expenses.
- 758. The nature of the fraudulent and unlawful acts that created safety concerns for Plaintiffs are not the type of risks that are immediately apparent from using the Snapchat product. One Plaintiff is continuing to use the Snapchat product, over her parents' objection and without their consent. When that plaintiff, A.B., uses the Snapchat product, she will not be independently able to verify whether the Snapchat product continues to pose an unreasonable risk or rely on Snap's representations in the future.
- 759. Defendant Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.
- 760. Plaintiffs demand judgment against Snap for injunctive relief and for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)

- 761. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 762. At all relevant times, Defendant Snap designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from the Snapchat product used by Plaintiffs.
 - 763. Plaintiffs were foreseeable users of the Snapchat product.
- 764. Defendant Snap distributes and sells its social media products to the public through retail channels such as the Apple App "Store" and the Google Play "Store," and markets and advertises Snapchat to the public for the personal use of the end-user/consumer.
- 765. Defendant Snap sold and distributed the Snapchat product to Plaintiffs in a defective and unreasonably dangerous condition by failing to adequately warn about the risk of harm to youth as described herein, including a risk of abuse, dependency, and distribution of narcotics on the Snapchat platform. Snap was in the best position to know the dangers its product posed to consumers, including Plaintiffs herein, as Snap had superior knowledge of the risks and dangers posed by its product and had exclusive knowledge of these risks at the time of development, design, marketing, promotion, advertising, and distribution. Snap had exclusive control of the Snapchat product at all times relevant to this litigation.
- 766. Defendant Snap's Snapchat product is defective because of inadequate instructions or warnings because the foreseeable risks of harm posed by this product could have been reduced or avoided by the provision of reasonable instructions or warnings by the manufacturer and the omission of the instructions or warnings renders the product not reasonably safe. This defective condition rendered the product unreasonably dangerous to persons or property, existed at the time the product left Snap's control, reached the user or consumer without substantial change in the condition in which it was sold, and were a cause of Plaintiffs' injuries.
- 767. Defendant Snap's Snapchat product is unreasonably dangerous and defective because it contains no warning to users or parents regarding the inclusion of features and policies

that foster drug trafficking to kids, nor of the known preponderance of use of Snapchat to sell drugs (including deadly counterfeit pills) to minors and young adults.

- 768. Snap failed to warn minor users or parents that their children would be connected to strangers, due to recommendations made by the Snapchat product, who would harm them.
- 769. Defendant Snap's Snapchat product is unreasonably dangerous because its lacks any warnings that foreseeable product use can include product-prompted connections to drug dealers and other Snapchat predators, and that many of these dealers use the Snapchat product because of its product features and the accessibility of minors and young adults. Snapchat specifically markets to minors and represents to users and their parents that its product is safe and fun, and does not provide warnings as to the various, inherently dangerous product features Snap also operates as part of its product to increase its own revenue features like Streaks and Trophies, My Eyes Only, direct messaging, Quick Add, and similar.
- 770. Reasonably prudent and responsible parents are not able to accurately assess the safety of Snap's product, or assess the product at all, because of Snap's marketing, assurances, and failures to warn.
- 771. Defendant Snap's Snapchat product is dangerous, to an extent beyond that contemplated by the ordinary user and reasonable consumers and/or parents.
- 772. Neither minor users or their parents would have recognized the potential risks of the Snapchat product when used in a manner reasonably foreseeable to Snap.
- 773. Defendant Snap knew or, by the exercise of reasonable care, should have known that its Snapchat product posed risks of harm to youth considering its own internal data and knowledge regarding its products at the time of development, design, marketing, promotion, advertising, and distribution.
- 774. It is feasible for Defendant Snap to provide warnings and to make other product related modifications that would prevent many of these harms at negligible cost to Snap.
- 775. Defendant Snap knew about these harms, knew that its users and their parents would not be able to safely use the Snapchat product without warnings, and failed to provide

warnings that were adequate to make the product reasonably safe during ordinary and foreseeable use by children.

- 776. Had Plaintiffs received proper or adequate warnings or instructions as to the risks of using the Snapchat product, Plaintiffs would have heeded the warnings and/or followed the instructions.
- 777. Defendant Snap's failure to adequately warn Plaintiffs about the risks of the Snapchat product was a proximate cause and a substantial factor in the injuries sustained by Plaintiffs.
- 778. As a result of Defendant Snap's failure to warn, A.B. suffered and continues to suffer severe mental and physical harms due to her use of and dependency on the Snapchat product.
- 779. As a result of Defendant Snap's failure to warn, Alexander Neville, Daniel Puerta, Jeff Johnston, Jr., Dylan Kai Sarantos, Devin Norring, Jack McCarthy, Alex Capelouto, Elijah Figueroa, Sammy Chapman, and Jacob Robertson suffered severe mental and physical harms due to their use of and dependency on the Snapchat product, including death.
- 780. As a result of Defendant Snap's failure to warn, Plaintiffs have suffered emotional distress and pecuniary hardship.
- 781. Defendant Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.

COUNT III – RISK BENEFIT TEST (Defective Design)

- 782. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 783. At all relevant times, Snap designed, developed, manufactured, managed, operated, inspected, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied distributed and benefited from Plaintiffs' use of their Snapchat product.
 - 784. Snapchat was designed and intended to be a social media product.

- 785. Snapchat is distributed and sold to the public through retail channels (i.e., the Apple App "Store" and the Google Play "Store").
- 786. Snapchat is marketed and advertised to the public for the personal use of the end-user / consumer.
- 787. Snap had actual knowledge from at least 2017 that drug dealers were distributing controlled substances to young Snapchat users, including but not limited to dangerous, counterfeit prescription pills, resulting in the deaths of young Snapchat users, and that the disappearing message function and other product features made Snapchat particularly attractive to drug dealers. It was therefore highly foreseeable that, absent design changes, drug dealers would continue to use Snapchat to sell drugs to vulnerable youth and that a significant percentage of these illicitly sold drugs would be deadly. The deaths of Plaintiffs' children were therefore foreseeable to Snap.
- 788. Plaintiffs' children all sustained certain injury from deadly and/or contaminated drugs distributed on Snapchat.
- 789. The injury suffered by Plaintiffs' children was closely connected to Snapchat's conduct in designing a social media platform with product features that facilitated drug dealers' ability to ply their deadly trade. The drug dealers who supplied Plaintiffs' children with fentanyl-contaminated drugs did so with the assurance that Snapchat's design features significantly reduced the likelihood that their criminal conduct would be detected by law enforcement, as well as the added benefit of product features that actively recommended and connected them to particularly susceptible young users (potential new customers, hand selected by Snap itself). Snap's conduct therefore encouraged drug dealers to sell the contaminated drugs that resulted in the death of Plaintiffs' children.
- 790. Snap's founders knew from Snapchat's initial rollout that its disappearing message function and myriad of related, data destruction and user notification features would encourage and facilitate illegal activity including but not limited to drug dealing, knew from at least 2017 that young people were dying from drugs (including contaminated drugs) purchased on Snapchat and that the death rates were rising. A high level of moral blame must therefore attach to Snapchat's

continuing refusal to modify Snapchat's product features that made the platform so appealing and helpful to drug dealers.

- 791. Currently, more young Americans are dying from fentanyl poisoning than any other cause, creating strong public policy to prevent future harms by imposing a duty on Snap to design its product in a manner that makes it more difficult for Snapchat to be used as a conduit and matchmaking tool for illegal drug sales.
- 792. The only burden of imposing a duty on Snap to exercise reasonable care to prevent the distribution of illegal drugs on Snapchat would be a potential loss of advertising revenue, whereas the consequences to the community of Snap failing to undertake reasonable efforts to curtail the distribution of controlled substances including fentanyl contaminated drugs would be continued loss of life.
- 793. The risk of more young Americans dying of fentanyl poisoning from drugs purchased through Snapchat cannot be ameliorated with insurance because no cost can be placed on the value of life.
- 794. Plaintiffs have suffered harms arising from their intended and foreseeable use of Snapchat.
- 795. The defective design of Snap's products was a substantial factor in causing Plaintiffs' harms.
- 796. The gravity of harms Plaintiffs sustained as a proximate result of their use of Snap's products was substantial and, in many cases, irreparable.
- 797. At the time Snapchat was designed, alternative, safer designs were available that could be feasibly implemented at minimal cost.
- 798. The only disadvantage of implementing alternative safer designs of Snapchat, including but not limited to removing the product feature that deletes and/or automatically prevents retention of data on the backend, is that the safer product would have been less profitable to Snap, primarily because certain of the Snapchat users that engage in illegal conduct on the Snapchat platform would not have used Snapchat and/or would not have used it as often. However,

implementation of safer alternative designs would not have reduced Snap's profitability to a level where it would not be economically advantageous to continue providing Snapchat to the public.

COUNT IV – NEGLIGENCE (Design Defect)

- 799. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 800. At all relevant times, Defendant Snap designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from the Snapchat product used by Plaintiffs.
- 801. Snapchat is a product, which product was designed, manufactured, maintained, controlled, and distributed from Defendant Snap's California headquarters and/or other locations within the state of California.
- 802. Defendant Snap had a duty to exercise reasonable care and caution for the safety of individuals using its Snapchat product, including Plaintiffs' children.
- 803. Defendant Snap knew or, by the exercise of reasonable care, should have known, that its Snapchat product was dangerous, harmful, and injurious when used by youth in a reasonably foreseeable manner.
- 804. Defendant Snap knew or, by the exercise of reasonable care, should have known that its Snapchat product posed risks of harm to youth. These risks were known and knowable in light of Snap's own internal data and knowledge regarding its product at the time of Snapchat's development, design, marketing, promotion, advertising, and distribution to Plaintiffs.
- 805. Defendant Snap knew, or by the exercise of reasonable care, should have known, that ordinary consumers such as Plaintiffs would not have realized the potential risks and dangers of the Snapchat product, as set forth herein.
- 806. Defendant Snap owed a duty to all reasonably foreseeable users to design a safe product.
- 807. Defendant Snap owe a heightened duty of care to minor and young adult users of its Snapchat product because adolescents' brains are not fully developed, resulting in a diminished capacity to make responsible decisions regarding the frequency and intensity of social media

usage, eschewing self-destructive behaviors, and overcoming emotional and psychological harm from negative and dangerous social media encounters. Minors and young adults are also more neurologically vulnerable than adults to the gamification aspects of the Snapchat product, such as the peer approval that comes from amassing a high Snap Score, Streaks, and other Snap created signals of social recognition.

- 808. Defendant Snap owed a particularly heightened duty of care to pre-teen users (those under the age of 13), whose personal information is accorded special attention under federal law. See 15 U.S.C. § 6501 et seq.
- 809. Defendant Snap also owed a particularly heightened duty of care to users under the age of 16, whose personal information is accorded special protections under California law. *See* Cal. Civ. Code § 1798.120(c)
 - 810. Plaintiffs were foreseeable users of the Defendants Snap's Snapchat product.
- 811. Defendant Snap knew that minors such as Plaintiffs would use its Snapchat product, in fact, it actively marketed to and targeted such minor users. Moreover, each of the children at issue in this Complaint were minors when their Snapchat use began.
- 812. Defendant Snap breached its duties in designing its Snapchat product and failing to implement design modifications as it learned more about product hazards.
- 813. Defendant Snap breached its duty by designing products that were less safe to use than an ordinary consumer would expect when used in an intended and reasonably foreseeable manner.
- 814. Defendant Snap breached its duty by failing to conduct adequate testing and failing to allow independent academic researchers to adequately study the effects of its products. Snap also was negligent in failing to conduct adequate testing about the dangers posed by its disappearing product features, rewards systems, and other tools and features that have resulted in inherently harmful and problematic usage of the Snapchat product.
- 815. Defendant Snap breached its duty by failing to use reasonable care in the design of its products by negligently designing Snapchat with features and algorithms, as described above, that created and/or increased the risk of drug use and connections to drug dealers.

- 816. Defendant Snap breached its duty by failing to fully assess, investigate, and restrict the use of its Snapchat social media product by adults who sell drugs to minors and young adult Snapchat users, and was negligent in designing its product in a manner that it knew would encourage and facilitate such drug distribution and in failing to warn users and the general public (including parents) about these known dangerous arising from use of the Snapchat product and occurring on the Snapchat platform at all times relevant to this Complaint.
- 817. Defendant Snap breached its duty by failing to use reasonable care to use costeffective, reasonably feasible alternative designs, including elimination of Snapchat's
 disappearing message feature, algorithmic changes and changes and harmful features described
 above, and other safety measures, to minimize the harms described herein. Alternative designs that
 would reduce the harmful features of the Snapchat product were available, would have served
 effectively the same purpose as each of Snap's defectively designed products and product features,
 and would have reduced the gravity and severity of danger the Snapchat product posed to Plaintiffs.
- 818. Defendant Snap breached its duty of reasonable care in failing to provide users and parents the tools to ensure their social media products are used in a limited and safe manner by underage users.
- 819. Defendant Snap breached its duty of reasonable care in failing to enforce and to provide any form of reasonable reporting and enforcement mechanism as required to fulfill its promises to users and the general public, including but not limited to Snap's commitments regarding age and consent restrictions for use of its product and immediate action in the case of reported drug dealers and other product use terms violations.
- 820. A reasonable company under the same or similar circumstances as Defendant Snap would have designed a safer product.
- 821. At all relevant times, Plaintiffs used the Snapchat product in the manner in which it was intended by Defendant Snap to be used.
- 822. As a direct and proximate result of Defendant Snap's breached duties, Plaintiffs were harmed. Snap's design of the Snapchat products and its product features was a substantial factor in causing the Plaintiffs' harms and injuries.

- 823. The nature of the fraudulent and unlawful acts that created safety concerns for Plaintiffs are not the type of risks that are immediately apparent from using the Snapchat product. One Plaintiff, A.B., is continuing to use the Snapchat product, over parental objection. When Plaintiff A.B. uses the Snapchat product, she will not be independently able to verify whether the Snapchat product continues to pose an unreasonable risk or rely on Snap's representations in the future.
- 824. The conduct of Defendant Snap, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.
- 825. Plaintiffs demand judgment against Defendant Snap for injunctive relief and for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT V – NEGLIGENCE (Failure to Warn)

- 826. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 827. At all relevant times, Defendant Snap designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from the Snapchat product used by Plaintiffs.
 - 828. Plaintiffs were foreseeable users of the Snapchat product.
- 829. Defendant Snap knew, or by the exercise of reasonable care, should have known, that use of Snapchat can be dangerous, harmful, and injurious when used in a reasonably foreseeable manner, particularly by pre-teens, teens, and young adults.
- 830. Defendant Snap also knew, or by the exercise of reasonable care, should have known, that ordinary consumers, such as Plaintiffs, would not have realized the potential risks and dangers of the Snapchat product, as set forth throughout this Complaint.

- 831. As a product manufacturer marketing and selling products to consumers, Defendant Snap had a duty to exercise ordinary care in the manufacture, marketing, and sale of its Snapchat product, including a duty to warn users and, in the case of minor users, to warn their parents about the many hazards that Snap knew to be present, but not obvious.
- 832. Defendant Snap breached its duty by failing to warn users or their parents of the safety risks presented by Snapchat. Snap has not posted and, to this day, still does not post any warnings about the serious harms user of its product can cause, particularly to youth.
- 833. Defendant Snap does not post or display warnings that the Snapchat product includes product features that are harmful, particularly to persons under 26 years old; that Snap connects strangers to children and vice versa, for its own economic gain; that Snap allows children to communication with strangers; that Snap has designed its product such that it makes parental supervision impossible, and encourages drug dealers; that Snapchat is not suitable for children under 18 without parental supervision; or that Snap has inadequate reporting mechanisms, and will not notify parents in the event that their child is engaging in harmful use of its social media product.
- 834. A reasonable company in Defendant Snap's position would have warned its minor users and their parents about Snapchat's safety risks and would have instituted safety measures years ago to protect its users from the known dangers created by its marketing decisions and product design.
- 835. Had Plaintiffs received proper or adequate warnings or directions about the risks of the Snapchat product, Plaintiffs would have heeded such warnings and/or directions.
- 836. Defendant Snap knew that its Snapchat product posed risks of harm to youth. These risks were known and knowable in light of Defendant Snap's own internal data and knowledge regarding its products at the time of development, design, marketing, promotion, advertising and distribution to Plaintiffs. This includes knowledge in the possession of Snap's founders prior to and during their development and design of the Snapchat product, as well as independent knowledge Snap obtained from various third-party sources shortly after product launch and in each successive year thereafter and continuing through to the present.

- 837. At all times relevant, Snap had actual and explicit knowledge of the drug distribution occurring on its platform, of the targeting of young users and how Snap's behind-closed-doors design, programming, and distribution decisions were aiding in and enabling that distribution, and the resulting deaths of young Snapchat users. Snap had this actual and explicit knowledge, while Plaintiffs did not and had no means to discover the truth.
- 838. Defendant Snap owed a duty to all reasonably foreseeable users, including but not limited to minor users and their parents, to provide adequate warnings about the risk of using the Snapchat product that were known to Snap, or that Snap should have known through the exercise of reasonable care. Again, however, Defendant Snap had actual knowledge at all times relevant.
- 839. Defendant Snap owed a heightened duty of care to minor users and their parents to warn about its products' risks because adolescent brains are not fully developed, resulting in a diminished capacity to make responsible decisions regarding the frequency and intensity of social media usage. Children are also more neurologically vulnerable than adults to the harmful aspects of Defendants' respective products, including but not limited to the "flow state" created by an endless feed and the public social validation created by Snap's extended use and gamification features, such as Streaks, Snap Score, and other products.
- 840. Defendant Snap owes a particularly heightened duty of care to users under the age of 13, whose personal information is accorded special protections under federal law. *See* 15 U.S.C. § 6501 *et seq*.
- 841. Defendant Snap also owes a particularly heightened duty of care to users under the age of 16, whose personal information is accorded special protections under California law. *See* Cal. Civ. Code § 1798.120(c).
- 842. Defendant Snap breached its duty by failing to use reasonable care in providing adequate warnings to Plaintiffs, as set forth above.
- 843. A reasonable company under the same or similar circumstances as Defendant Snap would have used reasonable care to provide adequate warnings to consumers, including the parents of minor users, as described herein.

- 844. At all relevant times, Defendant Snap could have provided adequate warnings to prevent the harms and injuries described herein.
- 845. As a direct and proximate result of Defendant Snap's breach of its duty to provide adequate warnings, Plaintiffs were harmed and sustained the injuries set forth herein. Snap's failure to provide adequate and sufficient warnings was a substantial factor in causing the harms to Plaintiffs.
- 846. As a direct and proximate result of Defendant Snap's failure to warn, Plaintiffs E.B. and P.B. and their child, A.B., suffered and continues to suffer severe mental harm from her use of Snapchat, including but not limited to dependancy, anxiety, depression, sleep deprivation, and related mental health problems, as well as foreseeable physical harms arising from them.
- 847. As a direct and proximate result of Defendant Snap's failure to warn, Plaintiffs 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, Samuel Chapman, Dr. Laura Ann Chapman Berman, Jessica Diacont, Alexander Neville, Daniel Puerta, Jeffrey ("Jeff") Steven Johnston, Jr., Dylan Kai Sarantos, Devin Norring, Jack McCarthy, Alexandra ("Alex") Capelouto, Daniel Elijah ("Elijah") Figueroa, Samuel Berman "Sammy" Chapman, and Jacob Robertson suffered severe mental harm from their use of the Snapchat product and death.
- 848. As a direct and proximate result of Defendant Snap's failure to warn, every one of these plaintiffs has suffered severe emotional distress and pecuniary hardship due to their child's mental and physical harms resulting from use of the Snapchat social media product, which harms were foreseeable by Snap.
- 849. The nature of the fraudulent and unlawful acts that created safety concerns for Plaintiffs are not the type of risks that are immediately apparent from using the Snapchat product. Defendant Snap is continuing to distribute its product to Plaintiff A.B., despite parental objection. When Plaintiff A.B. uses the Snapchat product, she will not be independently able to verify whether Snapchat continues to pose an unreasonable risk or rely on Snap's representations in the future.

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

851. Plaintiffs demand judgment against Defendant Snap for injunctive relief and for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT VI – NEGLIGENCE

- 852. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein, other than Counts 1-5 (each of which is pled on a product liability theory). Count 6 is pled in the alternative on a non-product theory.
- 853. At all relevant times, Defendant Snap developed, set up, managed, maintained, operated, marketed, advertised, promoted, supervised, controlled, and benefitted from its Snapchat platform used by Plaintiffs.
- 854. Defendant Snap owed Plaintiffs a duty to exercise reasonable care in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of its Snapchat platform not to create an unreasonable risk of harm from and in the use of its platform (including an unreasonable risk of physical or mental injuries); to protect Plaintiffs from unreasonable risk of injury from and in the use of its platform; and not to invite, encourage, or facilitate youth, such as Plaintiffs, to foreseeably engage in dangerous or risky behavior through, on, or as a reasonably foreseeable result of using its platforms.

- 855. Defendant Snap owed a special relationship duty to Plaintiffs to protect them against harm caused by its Snapchat platform and employees or by other users. This special relationship duty is based on the following:
 - As a business, Defendant Snap owes a duty to protect customers against reasonably foreseeable criminal acts of third parties and other dangers known to Snap on its Snapchat platform.
 - b. Plaintiffs are comparatively vulnerable and dependent on Defendant Snap for a safe environment on its Snapchat platform, and Snap has a superior ability and control to provide that safety with respect to activities that its sponsors or controls.
 - c. Plaintiffs rely upon Defendant Snap for protection against third party misuse or misconduct enabled and/or facilitated by Defendant Snap itself.
 - d. The special relationship Plaintiffs have with Defendant Snap substantially benefits

 Snap through profits and growth in users and user activity. Snap could not successfully operate without the growth in users and user activity generated by children.
 - e. Defendant Snap is far more to Plaintiffs than a business. Snap provides Plaintiffs with opportunities for social interaction. Snap provides Plaintiffs with a discrete community for its users. Plaintiffs are dependent on Snap to provide structure, guidance, and a safe communication environment.
 - f. Defendant Snap has superior control over its platform environment and the ability to protect its users. Snap imposes a variety of rules and restrictions to maintain a safe and orderly platform. Snap employs internal staff to enforce these rules and restrictions and can monitor and discipline users when necessary. Snap has the power to influence Plaintiffs' values, their consciousness, their relationships, and their behaviors, and exercises this power in connection with its minor users without regard to the rights of their parents and/or legal guardians.

- g. Defendant Snap has created a platform through which it directs advertisements to minor participants, creating a special duty to exercise reasonable care to protect the minors from foreseeable harm while the minors are on the platforms.
- h. Defendant Snap has voluntarily undertaken a responsibility to keep children safe on its Snapchat platform. As alleged above, Snap has publicly stated that it takes steps to keep children safe on its platform and that it takes steps to prevent harmful and/or predatory content and users from reaching those children on its platform in the first place, and therefore has undertaken a duty to act reasonably in taking such steps.
- 856. Plaintiffs were foreseeable users of the Defendant Snap's Snapchat platform.
- 857. Defendant Snap knew that minors such as Plaintiffs every child at issue in this Complaint was a minor when their Snapchat use began and when their harms from such use began would use its Snapchat platform. In fact, Snap targets and markets to minors.
- 858. Defendant Snap invited, solicited, encouraged, or reasonably should have foreseen the fact, extent, and manner of Plaintiffs' use of its Snapchat platform.
- 859. Defendant Snap knew or, by the exercise of reasonable care, should have known that the reasonably foreseeable use of its Snapchat platform (as developed, set up, managed, maintained, supervised, and operated by Snap) was dangerous, harmful, and injurious when used by youth such as Plaintiffs in a reasonably foreseeable manner.
- 860. At all relevant times, Defendant Snap knew or, by the exercise of reasonable care, should have known that its Snapchat platform (as developed, setup, managed, maintained, supervised, and operated by Snap) posed unreasonable risks of harm to youth such as Plaintiffs, which risks were known and knowable, including in light of the internal data and knowledge Snap had regarding its platform.
- 861. Defendant Snap knew, or by the exercise of reasonable care, should have known, that ordinary youth users of its Snapchat platform, such as Plaintiffs, would not have realized the potential risks and dangers of using the platform, including a risk of dependency, compulsive use, or excessive use, which foreseeably can lead to a cascade of negative effects, including but not

limited to dissociative behavior, withdrawal symptoms, social isolation, damage to body image and self-worth, increased risk behavior, exposure to predators (including drug dealers), exploitation and profound mental health issues for young consumers including but not limited to depression, anxiety, suicidal ideation, self-harm, insomnia, and death.

- 862. Defendant Snap's conduct was closely connected to Plaintiffs' injuries, which were highly certain to occur, as evidenced by both the actual knowledge Snap had of these precise injuries occurring with regularity on its platform and the significance of those injuries.
- 863. Defendant Snap could have avoided Plaintiffs' injuries with minimal cost, including, for example, by not including certain features and algorithms in its Snapchat platform which caused the harm to Plaintiffs.
 - 864. Imposing a duty on Defendant Snap would benefit the community at large.
- 865. Imposing a duty on Defendant Snap would not be burdensome to Snap because Snap has the technological and financial means to avoid the risks of harm to Plaintiffs and the tens of millions of other children on the Snapchat platform.
- 866. Defendant Snap owed a heightened duty of care to young users of its Snapchat platform because children's brains are not fully developed, meaning young people are more neurologically vulnerable than adults to the harmful aspects of Snap's platform, and meaning young people have a diminished capacity to make responsible decisions regarding the frequency, intensity, and manner of their use of Snapchat.
- 867. Defendant Snap owes a particularly heightened duty of care to users under the age of 13, whose personal information is accorded special protections under federal law. *See* 15 U.S.C. § 6501 *et seq*.
- 868. Defendant Snap also owes a particularly heightened duty of care to users under the age of 16, whose personal information is accorded special protections under California law. *See* Cal. Civ. Code § 1798.120(c)
- 869. Defendant Snap breached its duties of care owed to Plaintiffs through its affirmative malfeasance, actions, business decisions, and policies in the development, setup, management,

maintenance, operation, marketing, advertising, promotion, supervision, and control of its Snapchat platform. Those breaches include:

- a. Including features and tools that prevent users from being able to preserve their own content and content to which they are provided access; result in the automatic and systematic destruction of information and evidence, even where Snap knows or has reason to know that such information and evidence is material to criminal and/or civil investigations; notify and/or warn or otherwise provide cover for predatory users, allowing them to engage in illegal and harmful conduct, including as it relates to minors, without impunity.
- b. Including features and algorithms in its platform that, as described above, are currently structured and operated in a manner that unreasonably creates or increases the foreseeable risk of compulsive use or overuse of the platform by youth, including Plaintiffs.
- c. Including features and algorithms in their respective platforms that, as described above, are currently structured and operated in a manner that unreasonably exposes youth users to drug-encouraging content and exposures and where Snap does so without the user every asking or wanting such exposure as well as features that affirmatively connect and recommend and encourage youth users to connect with and accept connection requests from adult strangers on the Snapchat platform.
- d. Maintaining unreasonably dangerous features and algorithms on the Snapchat platform after notice that such features and algorithms, as structured and operated, pose a foreseeable risk of harm to the physical and mental health and well-being of youth users.
- e. Encouraging, facilitating, and allowing use of the Snapchat platform by youth under the age of 13 and youth under the age of 18 without parental consent, including by adopting protocols that do not ask for or verify the age or identity of users or by adopting ineffective age and identity verification protocols, and by ignoring data

- and information in Snap's possession, custody, and/or control that puts it on reasonable notice of the fact such unauthorized use.
- f. Facilitating unsupervised and/or hidden use of the Snapchat platform, including by adopting protocols that allow youth users to create multiple and private accounts and by implementing and forcing on users features that delete, hide, and mask usage of the Snapchat platform.
- 870. Defendant Snap breached its duties of care owed to Plaintiffs through its non-feasance, failure to act, and omissions in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of its Snapchat platform. Those breaches include:
 - a. Failing to implement effective protocols to block users under the age of 13, as well as users under the age of 18 absent parental consent.
 - b. Failing to implement effective protocols to prevent the collecting, sharing, and selling of the personal information of minor users under the age of 16 without prior affirmative authorization.
 - c. Failing to implement effective parental controls, as well as the affirmative implementation of product changes resulting in the rendering of third party offered parental controls ineffective.
 - d. Failing to implement reasonably available means to limit or prevent distribution of access to the Snapchat platform by youth during ordinary times for school or sleep, and/or in the absences of parental consent.
 - e. Failing to set up, monitor, and modify the algorithms Snap has designed, programs, and operates in connection with its Snapchat platforms in a manner that would prevent Snapchat from actively driving youth users into unsafe, distorted, and unhealthy online experiences, including drug-promoting and predatory environments and environments that affirmatively promote the use and purchase of drugs on the Snapchat platform.

- f. Failing to implement reasonably available means to monitor for, report, and prevent the use of the Snapchat platform by drug dealers.
- g. Failing to provide effective mechanisms for youth users and their parents/guardians to report abuse or misuse of the platforms.
- 871. A reasonable company under the same or similar circumstances as Defendant Snap would have developed, set up, managed, maintained, supervised, and operated its platform in a manner that is safer for and more protective of youth users like Plaintiffs.
- 872. At all relevant times, Plaintiffs used the Snapchat platform in the manner in which it was intended to be used.
- 873. As a direct and proximate result of Defendant Snap's breach of one or more of its duties, Plaintiffs were harmed.
- 874. Defendant Snap's breach of one or more of its duties was a substantial factor in causing harms and injuries to the Plaintiffs.
- 875. The nature of the fraudulent and unlawful acts that created safety concerns for Plaintiffs are not the type of risks that are immediately apparent from using Defendant Snap's Snapchat product. Snap continues distributing access to its platform to Plaintiff A.B., despite parental objection. When Plaintiff A.B. uses Snapchat, she will not be independently able to verify whether Snapchat continues to pose an unreasonable risk or rely on Snap's representations in the future.
- 876. Defendant Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.
- 877. Plaintiffs demand judgment against Defendant Snap for injunctive relief and for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT VII – NEGLIGENCE PER SE

- 878. Plaintiffs reallege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 879. At all times, Snap had an obligation to comply with applicable statutes and regulations governing the sale and distribution of illegal drugs to minors and distribution of controlled substances to Americans more generally.
- 880. Snap designed, owned, operated, and controlled Snapchat in a manner that failed to meet these requirements by knowingly designing Snapchat as a place for users to unlawfully market and distribute controlled substances. Plaintiffs' injuries and/or symptoms are the precise type of harm that such statutes and regulations are intended to prevent.
- 881. Snap owed a heightened duty of care to its users in particular, the children, teens, and young adults who frequented Snapchat to not create and maintain a place used by drug dealers for the purpose of unlawfully distributing controlled substances.
- 882. Snap knowingly and intentionally designed Snapchat both to appeal to children and young adults and to provide users with a tool to delete all communications automatically and permanently. Snap accomplished this not just through its patented ephemeral messaging product, but through various other design features intended to ensure deletion of data and the inability of third parties to copy such data. For example, by notifying users when a screenshot is taken, by preventing screenshots on certain devices all together, by making redesigns, changes, and/or updates that prevent third party parental monitoring apps from working with Snapchat, and by originally designing its product in a manner that required users to hold a finger on their phone screens to view a snap.¹¹⁸
- 883. Snap and its founders knew or had reason to know how Snapchat would be used prior to its design and distribution.
- 884. Snap designed and set up its platform for disappearing messages and posts, including servers and systems designed to automatically delete material evidence of what takes

¹¹⁸ See Colao, supra note 30 ("To view a snap users hold a finger on their phone screens, a feature designed to make it still more difficult for people to photograph the image with another camera.").

place on Snapchat. It designed its digital premises with the specific needs in mind of persons looking to conceal sensitive, embarrassing, and/or illegal conduct in mind, and knew or should have known before, at, or shortly after the launch of its product (and subsequent changes and/or new features) precisely how its digital premises was being used.

- 885. Snap created a place marketed and targeted to children, teens, and young adults, while assuring its users that they could act with impunity anything goes on Snapchat, as Snap will automatically delete critical categories of evidence of what transpires. Snap also then began monetizing its users (profiting based on how long and how often a user used its product), and designed and utilized tools that would increase engagement, including by matchmaking and otherwise affirmatively connecting and providing users with access to one another as relevant here, Snap connected and helped dealers find vulnerable young customers, encouraged those young users to accept connections from people they did not know in real life (including through gamification features like the "Snap Score"), and provided various other features that aided dealers in finding users and verifying their identify to avoid arrest.
- 886. Snap made exposure and access to strangers seem "safe" to young users. It provided drug dealers with a low-risk marketing mechanism, tools to connect with, find, and verify potential new customers, and a place where they could even arrange for home deliveries with little to no risk of getting caught.
- 887. Snap knew or should have known that its product would be and was being used as a mainstream Silk Road as early as 2013, after Silk Road was shut down by the U.S. Government and as Snap launched key and unique product features like Chat and Stories (2013), text conversations, live video chat capabilities, and geofilters (2014), and My Eyes Only (2016).
- 888. Snap had actual knowledge that its product had become a place for drug dealers to prey on young Snapchat users by 2017, at the latest, when it was issuing statements in response to press inquiries aimed at this exact subject.
- 889. By early-2021, Snap executives were having meetings with grieving parents, attempting to co-opt some and convince others that Snapchat was not legally responsible for the

deaths of their children in connection with drug dealer activity taking place on and, in many cases, because of Snapchat.

- 890. By mid-2021, Evan Spiegel was receiving emails from numerous parents and family members whose children were continuing to die as the result of drug distribution activities occurring on Snapchat, putting Snap on further notice of the prevalence on drug distribution on its platform and the resulting deaths of American youth.
- 891. Snap attempted to combat the potential bad press of these deaths through blog postings that assured parents of the safety of its app, representations and assurances to congress and parents that Snap was taking steps to ensure the safety of its young users and removal of drug dealers from its platform, and misdirection through public statements and stories that attempted to point the finger at all social media products, despite Snap's knowledge that Snapchat is the primary vehicle for drug dealers targeting children, teens, and young adults, particularly when those dealers know or suspect that the goods they are selling may be lethal.
- 892. At all times relevant, Snap knew what was happening on its platform, but determined that it would be too costly to take reasonable and effective safety measures.
- 893. At all times relevant, Snap knew that it was destroying critical information and evidence, which would be needed by families and law enforcement after each tragedy occurred. Snap had the ability to program it systems for retention on the back end, which would not have materially impacted the user experience, but opted to not do so and continued deleting critical evidence that further encouraged and enabled the distribution of drugs on its platform.
- 894. At all times relevant, Snap failed to take reasonable and adequate steps to remove or prohibit drug dealers from its platform, including situations where Snap had actual and independent knowledge of drug dealing activity, such as through law enforcement communications and in-app reporting of drug dealer content and accounts.
- 895. The millions of drug transactions that have taken place on Snapchat in the last decade can reasonably be estimated to have generated tens or even hundreds of millions in revenue for Snap.

- 896. Plaintiffs are within the class of persons these statues and regulations are intended to protect. This includes families and minors impacted by the sale of controlled substances to America's youth as well as all American people whose health and general welfare is substantially and detrimentally effected by the illegal distribution of controlled substances.
- 897. Violations of such statutes and regulations by Snap constitutes negligence per se under California law, and the law of other jurisdictions to the extent application to each of these individual Plaintiffs.
- 898. As direct and proximate result of Snap's statutory and regulatory violations, Plaintiffs suffered serious injuries, including but not limited to emotional distress, loss of income and earning capacity, reputational harm, physical harm, past and future medical expenses, pain and suffering, and in many cases, death.
- 899. Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers and their families and warrants an award of punitive damages in an amount sufficient to punish and deter Snap from like conduct.

COUNT VIII – TORTIOUS INTERFERENCE WITH PARENTAL RIGHTS (Va. Code Ann. § 1-240.1)

- 900. Plaintiff Jessica Diacont re-alleges and incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 901. At all times relevant, Jessica had the right to maintain a parental and custodial relationship with her minor child, Jacob Robertson.
 - 902. Snap is a third party, outside of the relationship between Jessica and Jacob.
- 903. Snap intentionally interfered with Jessica's parental and custodial rights, including by deliberately preventing her from exercising her parental and custodian rights with regard to Jacob who was, at all times relevant to this Complaint and including at the time of his death, a minor.
 - 904. Examples of such intentional interference include but are not limited to,

- a. Snap's provision of access to its social media product to minor, Jacob Robertson, without his parents' knowledge or consent and, further, where Snap knew or reasonably should have known that no consent was given.
- b. Snap's design and decision to distribute (and to continue distributing) an inherently defective and dangerous social media product without reasonable and necessary warnings and safeguards, including but not limited to the fact that Snap designed its product to deliberately provide Jacob (and others like him) with unauthorized access.
- c. Snap's failure and refusal to verify age, identification, and parental consent.
- d. Snap's identification and direction of known harmful content to minor Jacob Robertson under the circumstances described above, and which actions were calculated and intended to increase engagement with its social media product.
- e. Snap's identification and direction of known harmful content to minor Jacob Robertson under the circumstances described above, which actions Snap knew or reasonably should have known as being likely to result in deprivation of Jessica's parental and custodial rights, including because Snap knows that the harms caused by its social media product, including problematic use, exposure to dangers, pushing of harmful content and connections, and aiding and abetting and allowing the distribution of drugs on Snapchat, often result in damaging a minor like Jacob's health, wellbeing, and relationship with his parents, and death, including because Snap knew or had reason to know that half or more of the drugs being distributed on its Snapchat platform in 2021 were counterfeit and/or contained fentanyl.
- 905. Snap knew the risk it was taking in allowing minors like Jacob to use its product, and in allowing Jacob specifically, and in not providing warnings to consumers or their parents about the deadly counterfeit pills being distributed on the Snapchat platform. Snap made the business decision to take that risk regardless, and despite knowledge of its interference with fundamental parental rights.

- 906. Snap's intentional interference harmed the parental and custodial relationships and rights to which Plaintiff Jessica Diacont was entitled as relating to her minor child, Jacob Robertson a child who was only 12 when Snap's intentional interference began, and who was only 15 when that intentional interference caused and/or contributed to his death.
- 907. Plaintiff Jessica Diacont and her other children were harmed by Snap's intentional interference with parental rights, as detailed herein, and therefore seeks compensatory and punitive damages in amounts to be determined at trial.
- 908. Snap's intrusions were highly offensive to a reasonable person, particularly given Snap's interference with the fundamental right of parenting and its exploitation of children's vulnerabilities for commercial gain.
- 909. Plaintiff Jessica Diacont therefore seeks compensatory and punitive damages in amounts to be determined at trial, as well as injunctive relief requiring Snap to cease the harmful practices described throughout this complaint.

COUNT IX – PUBLIC NUISANCE

- 910. Plaintiffs 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, Samuel Chapman, Dr. Laura Ann Chapman Berman, and Jessica Diacont re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 911. As detailed above, Snap has designed, operated, and maintained Snapchat in an unreasonably unsafe manner that, at a minimum, made it obviously attractive for drug trafficking to minors. And Snap continued to do so, without material change, despite years of express notice of drug trafficking to and resulting deaths of its young users. Among other things, at all relevant times, Snap (a) chose to deploy wholly ineffective age verification processes while deliberately creating and promoting an app that is most appealing to kids, including teens as well as kids 13 or younger, (b) chose to deploy wholly ineffective parental controls and/or obtained parental consent through misleading representations about Snapchat's safety for young users, (c) designed Snapchat to help users destroy or hide evidence of their activities, (d) connected kids with strangers,

including drug dealers, through the Quick Add feature, inciting kids to add new connections recommended through Quick Add, and through Snap Map (e) set up systems and policies that facilitated drug dealers creating multiple and fake accounts (even when reported to Snap), (f) chose to have a wholly ineffective in-app reporting feature, (g) designed and programmed its algorithms in such a way that drug offers are sent to kids (instead of designing its algorithms to limit kids to communicating with their verified friends or others with parental consent).

- 912. Defendant Snap's affirmative conduct and choices and its conscious refusal to materially change or modify its platform or policies have substantially contributed, and are substantially contributing, to fentanyl poisoning deaths among U.S. teens and young adults.
- 913. Snap's conduct and omissions have unreasonably and substantially interfered with and are unreasonably and substantially interfering with public health and safety and the comfortable enjoyment of life and property in the Plaintiffs' communities and California and the United States generally and caused special harm to each of the aforementioned Plaintiffs, namely the death of a child through fentanyl poisoning.
- 914. As described above, by acting and by failing to act, Snap has knowingly and intentionally created and allowed to exist a condition (illicit drug trafficking, counterfeit pill sales, and fentanyl poisoning of teens and young adults) that is harmful to the health and well-being of a substantial number of people in California, each of Plaintiffs' communities, and the U.S.
- 915. An ordinary person would be reasonably disturbed and/or annoyed by the condition Defendant Snap has created and allowed to exist.
- 916. The seriousness of the harm caused by Snap's conduct is not outweighed by the social utility of that conduct. On the contrary, the only utility of Snap's conduct and cost-benefit decisions as described throughout this complaint has been Snap's own profit and growth.
 - 917. Plaintiffs did not consent to Snap's conduct.
- 918. Plaintiffs have further suffered special injury and damages as a direct and proximate result of Snap's conduct, namely death from fentanyl poisoning from sales facilitated by Snap's conduct and omissions. The harm suffered by Plaintiffs is different in kind, not merely in degree, from the type of harm suffered by the general public.

- 919. Defendant Snap's conduct was a substantial factor in causing Plaintiffs' harms.
- 920. Many of these Plaintiffs have other minor children and/or loved ones still at risk and all Plaintiffs seek legal and equitable relief, including that Snap be required to,
- 921. Take reasonable steps to verify age, identity, and (in the case of minor users) parental consent.
 - 922. Stop distributing to minors when their parents do not consent.
- 923. Provide reasonable reporting mechanisms and act immediately on all reports of predators and drug dealers on its platforms (act at the account level and not the content level).
- 924. Enforce its one account limit using Device ID and other data in its possession, which would then reduce the ability of violators to simply close and open new accounts.
- 925. Provide warnings to minor users and their parents about the dangers of the Snapchat product.
- 926. Retain all data for a period of at least 12 months and make such evidence available in the event of law enforcement investigation; and, more importantly, notify all users that data is retained on the backend for this purpose instead of telling them that all of their data disappears.
- 927. Limit or stop distributing its direct messaging product in connection with minor accounts.
- 928. Limit or stop allowing users to find other users based on public stories features and/or Snap location products and stop allowing any location features for minor users.
 - 929. Stop using its Quick Add algorithm product in connection with minor accounts.

COUNT X – AIDING AND ABETTING

- 930. Plaintiffs re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 931. Defendant Snap encouraged and assisted each of the above-referenced Snapchat Drug Dealers in their use of Snap's unique product features to sell deadly counterfeit pills to each of Plaintiffs' children who died, and each of those children died as a result.
- 932. Snap designed its disappearing message and disappearing Stories products to appeal to users who did not want their activities to be discoverable, as they would be with most

other messaging products, *i.e.* text messages, emails, letters, instant messaging, even other social media products. Snap still is the only social media product that advertises disappearing data products and operates them as default and/or mandatory, and it does so despite knowledge that these product features are encouraging, assisting, and enabling deadly drug sales.

- 933. Snap doubled down with its "My Eyes Only" product, which serves as a hidden and/or hard to find data vault, which a user can effectively self-destruct by simply not telling their parents and/or law enforcement their access code. This is a product Snap's social media competitors companies like Meta, TikTok, and YouTube have not copied, likely due to the high risk of harm and corresponding lack of public benefit or utility. On information and belief, My Eyes Only encouraged and assisted these Snapchat Dealers by providing them with a place to store their information and records of illegal activity with no risk of detection or discovery by law enforcement. Snap claims that even Snap cannot access data stored in My Eyes Only and while it permits pin reset for users who forget their pin, the reset process effectively incinerates all data currently stored in My Eyes Only by making such data permanently inaccessible. According to Snap, that data is not recoverable by anyone once a user resets their pin.
- 934. Snap also designs its product to connect dealers to young users and provides tools it knows dealers are using the find children in their vicinity that they otherwise would not be able to find. Examples of these designs and specific Snapchat tools include but are not limited to Snap's refusal to verify age and identity, user recommendation products, public Stories and direct message products, and Snap Map location features and tools.
- 935. At all times relevant, Snap knew or should have known of its role and provision of assistance in these illegal drug distribution and advertising activities. Moreover, at some point, Snap had undeniable knowledge, including because of warrants and preservation notices it received from authorities and public reports of children dying via counterfeit pills being distributed on Snapchat. At all times relevant, Snap knew that it was encouraging and assisting in these criminal activities, and it knew that it was actively luring more young users into these inherently dangerous and deadly situations but continued to do so regardless, and for the purpose of increasing its own engagement and popularity.

- 936. Snap facilitates and profits from designing and distributing products that market and sell lethal drugs to young users. Snap was compliant "but neither dumb nor duped," and chose to stay the course to secure its own long-term success and fortune. *See Halberstam v. Welch*, 705 F.2d. 472 (D.C. Cir. 1983).
- 937. Plaintiffs were harmed by Defendant Snap's aiding and abetting of Snapchat Dealers, as detailed herein, and therefore seek compensatory and punitive damages in amounts to be determined at trial.

COUNT XI - FRAUDULENT CONCEALMENT AND MISREPRESENTATION

- 938. Plaintiffs re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 939. As set forth in more detail above, Snap knew about the defective condition of its Snapchat product and that the Snapchat product posed serious health risk to users, particularly minors and young adults.
- 940. Snap was under a duty to tell the public the truth and to disclose the defective condition of its product and that its product posed serious risks to users, particularly youth.
- 941. Snap breached its duty to the public, users, and their parents, including Plaintiffs, by concealing, failing to disclose, and making misstatements about the serious safety risks presented by the Snapchat product. Snap knew of those risks based on in its own discussions and findings surrounding the design and launch of its Snapchat product, subsequent reports of harms and reporter inquiries in the years that followed, and, as of 2020 if not sooner, direct reports from parents, putting Snap on notice of the ways in which its product contributed to the deaths of their children and was encouraging, enabling, and facilitating widespread drug distribution to young users of deadly, counterfeit narcotics. On more than one occasion, Snap itself told parents behind closed doors and in writing that it was aware of the fact that its young users "in fact much of society, remain frighteningly unaware of the opioid crisis and the deadly risks posed by counterfeit pills." Yet Snap opted to intentionally concealed those findings and its knowledge of what was happening on its platform and why, in order to not to lose users and advertising revenue, and to induce youth, including Plaintiffs, to continue using the Snapchat product.

- 942. Snap made numerous partial material representations downplaying any potential harm associated with Snapchat and reassuring the public, Congress, and parents, including Plaintiffs, that its Snapchat product was safe for children, including but not limited to,
 - a. From 2013 (if not sooner) through present, Snap advertised and marketed its product as fun and safe for children, including representations on in-app stores that Snapchat is appropriate for children ages 12+, commercials touting silly photo filter features and cartoon bitmojis, representations that Snap is just a camera company, and claims that it designed Snapchat differently from other social media products, including so that strangers could not connect with young users. These representations were false and deceptive as set forth throughout.
 - b. In 2018, Snapchat began responding to reports of rampant use of the Snapchat platform for drug distribution and similar harms with representations that Snap was actively preventing illegal conduct on its platform and helping to keep kids safe. For example, Snap touted its numerous policies prohibiting illegal activity, but without disclosing that its failure to implement reasonable means to enforce those policies (in fact, Snap often was not enforcing even when it had reason to know of violations); Snap claimed to have dedicated teams working around the clock to enforce its policies and respond to law enforcement requests, but without disclosing that those teams were grossly understaffed, that Snap had not implemented effective reporting mechanisms, and that it was destroying critical evidence before law enforcement could request it; and Snap said that it had a new in-app reporting tool, which users would effectively be able to use to report anything that did not belong on Snapchat and that Snap would act to protect its users, except that Snap knew or should have known that its reporting mechanisms were defective and ineffective by design.
 - c. On December 18, 2020, Snap added new language to its Transparency Report and related materials, meant to assure consumers that Snap cares about their safety and

25

26

27

- d. Sometime starting in late 2020 or early 2021, and through April 2021, to the present, Snap began targeting individual parents and/or parent organizations. Snap made representations aimed at convincing them that Snap was immune from legal accountability due to Section 230 of the Communications Decency Act. Snap worked hard to convince them that Snap was now aware of the problems and committed to fixing them, claiming that it was engaged at the highest level of the organization and would spare no expense to stop these deaths from happening. Snap even made commitments to implement new software that would keep dealers offs its platform and away from kids in the first place, to increase cooperation with law enforcement using its incredible resources and access to information, and to engage in widespread awareness and education campaigns in various cities and states to ensure that all of its young users quickly were made aware of the dangers of fentanyl poisoning and the purchase of what appeared to be prescription drugs via social media. Snap also told these parents that it had an effective reporting These representations were false and/or misleading in multiple mechanism. respects, and as set forth throughout this Complaint.
- e. April 21, 2021, Snap published its first Safety & Impact Blog, targeted primarily at parents and replete with false and/or misleading representations. Snap represented that safety was its top priority. "For us, nothing is more important than the safety of our Snapchat community, and we have always believed we have a responsibility

¹¹⁹ Transparency Report: January 1, 2020 – June 30, 2020, SNAP INC. (December 18, 2020), https://www.snap.com/en-US/privacy/transparency/2020-6-30?lang=en-US.

f.

to help our community learn about how to protect their security, privacy, and wellbeing when using our products." It claimed that its product was different from other social media, and safer, because it was designed in a way that prevents strangers from connecting with children, "As Evan laid out, our purpose is to design products and build technology that nurtures and supports real friendships in a healthy, safe, and fun environment" and "Snapchat doesn't have public comments or browsable profile photos -- it's one of the ways we intentionally make it more difficult for strangers to reach people they shouldn't on the app. To help protect Snapchatters under 18 in particular, we don't allow them to create Public Profiles ..." Snap also represented that is vets the content on its platform to which kids will be exposed, and even has a "dedicated infrastructure" to ensure that users who violate Snap's terms promptly are removed and kids are not exposed to harmful "content." "We don't tolerate misuse of our platform and we have a dedicated infrastructure for effectively designing and enforcing our Guidelines. One way we do this is simple: when attempts are made to violate our policies, we simply remove the content." These representations were false and/or misleading in multiple respects, and as set forth throughout this Complaint.

Throughout 2021 to present, Snap sent letters to parents both unsolicited and in response to letters from parents putting Snap on notice of how its product was involved in their children's deaths. Snap's letters repeated various misrepresentations concerning the efforts Snap was taking to fix its product, and that it was sparing no expense. In fact, Snap was ignoring and/or failing to implement the types of reasonable and meaningful changes that would keep kids on its platform safer, and help prevent drug distribution on Snapchat, in favor of unenforceable promises and small fixes that were not particularly impactful. Snap also was being asked by parents to provide warnings on its product, so that users and their parents know about the targeting of children on Snapchat for the distribution of deadly, counterfeit drugs, and Snap refused.

- g. In 2021 and to present, Snap executives began directing parents to Snap partners, which partners assisted Snap in dissuading parents from pursuing legal remedies or getting loud at Snap.
- h. October 7, 2021, Snap issued public statements about how it only recently became aware of the distribution activities on its platform (when, in fact, Snap had known for years), and about how it was "cracking down" and taking proactive steps to stop drug distribution (when, in fact, Snap was still utilizing its own user recommendation and similar technologies to affirmatively make connections between young users and drug dealers, was distributing products that made it easier for dealers to find and connect with kids, was not consistently and/or full cooperating with law enforcement, was deleting critical evidence as a matter of product design and routine policy before law enforcement could request it, and was not implementing available technologies that would make Snapchat safer in myriad ways).
- i. October 26, 2021, Snap testified under oath before Congress that its product is safe and that "the content that appears in Snapchat is appropriate for an age group that is 13 and above," even though Snap was still directing drug advertisements to children. Snap testified that it was "absolutely determined to remove drug dealers from Snapchat," but was still not using available technology to do so and still is not. Snap testified that its product was designed in a manner to prevent strangers from being able to find and connect with children, even though it still is distributing and programming certain of its products in ways that actively connect strangers to children and encourage children to accept.
- j. Through partners and/or contractors, Snap also began spreading the narrative that the death of American children by fentanyl poisoning is a social media issue in general, and not one for which Snap bears any more responsibility than other social media companies; though Snap had actual knowledge by that point that it likely had

- been involved in more of these deaths than Facebook, Instagram, and TikTok combined.
- k. As part of its attempt to blame other social media companies, in December of 2022, Snap made public statements that the DEA has "deemed Snap's approach to combating drugs as a best practice among tech companies." The National Crime Prevention Counsel and individual DEA agents later confirmed that Snap's representations in this regard were false.
- 1. In January of 2023, in one final attempt to control the narrative and assure parents that its product is safe for kids, Snap finally admitted that it knows that its product is involved in more of these deaths of American Youth than other social media products, but then tried to claim that this is only because Snap is so much more popular than any other social media product among teens. Snap knew or should have known that it was not, in fact, the most popular social media product among U.S. teens (ages 13 to 17), but also, that even if it had been more popular that other products, that could not possibly explain the fact that Snap is involved in more of these deaths than Facebook, Instagram, and TikTok combined. Snap also and including the specific executives and/or affiliates who made these representations had actual knowledge of the complaints of these parents, as well as the research, investigation, and testing done by Snap's own contractors, employees, and/or agents, including individuals like Tim Mackey.
- 943. Snap's numerous representations regarding the safety of Snapchat were false, and Snap knew that its representations about the safety of Snapchat were false when the statements were made.
- 944. Snap intentionally failed to disclose the serious safety risks posed by the design of Snapchat to the public, users, and their parents, including Plaintiffs. Such risks were known only to Snap through its designs and discussions leading up to the launch of Snapchat, and internal studies and/or observations, and external reports known to Snap in the years that followed, as well as specific design, programming, and distribution decisions Snap was making but did not disclose,

and in all cases, the public, users, and their parents, including Plaintiffs, could not have discovered such serious safety risks.

- 945. The public, users, and their parents, including Plaintiffs, did not know of the serious safety risks posed by the design of Snapchat which were known by Snap.
- 946. By intentionally concealing and failing to disclose defects inherent in the design of Snapchat, Snap knowingly and recklessly misled the public, users, and their parents, including Plaintiffs, into believing its product was safe for children to use.
- 947. By intentionally making numerous partial material representations, downplaying any potential harm associated with Snapchat, and reassuring the public, Congress, and parents, including Plaintiffs, that it was safe, Snap fraudulently misled the public, users, and their parents, including Plaintiffs, into believing Snapchat was safe for children to use.
- 948. Snap intended for public, users, and their parents, including Plaintiffs, to rely on its representations about the safety of Snapchat.
- 949. Snap knew that its concealment, misstatements, and omissions were material. A reasonable person, including Plaintiffs, would find information that impacted the users' health, safety, and well-being, such as serious adverse risks and known dangers associated with the use of Snapchat, to be important when deciding whether to use, or continue to use, or allow their children to use those products.
- 950. The public, users, and their parents, including Plaintiffs, reasonably relied on the representations made by Snap about the safety of Snapchat for use by children.
- 951. Snap intended to deceive the public, users, and their parents, including Plaintiffs, by concealing the defects in the design of Snapchat which made the product unsafe, and also effectively enabled Snap to conceal those serious adverse risks and dangers even more effectively. That is, at all times Snap closely guarded and refused to disclose to consumers, researchers, or regulators details on how it was programming and operating its product, with full knowledge that those details would at least have provided some basis for consumers, researchers, and regulators to ascertain potential risks and dangers.

- 952. Even now, Plaintiffs allege and believe that Snap is has designed and is programming and operating its Snapchat product in ways that are causing serious adverse risks and dangers, particularly to its youth users, but which defects remain unknown to Plaintiffs due to Snap's ongoing concealment and refusal to disclose material aspects of its operations.
- 953. As a direct and proximate result of Snap's material omissions, misrepresentations, and concealment of material information, Plaintiffs were not aware and could not have been aware of the facts that Snap concealed or misstated, and therefore justifiably and reasonably believed that Snapchat was safe for children to use.
- 954. If the serious safety risks presented by the design of Snapchat had been disclosed, the public, users, and their parents, including Plaintiffs, reasonably would have acted differently and/or would have ceased use of Snapchat and/or use of Snapchat in ways that presented serious safety risks due to Snapchat's design.
- 955. As a direct and proximate result of Snap's material omissions, misrepresentations, and concealment of material information, Plaintiffs sustained serious injuries and harm.
- 956. Snap's concealment and Plaintiffs' reasonable reliance on Snap's representations about the safety of Snapchat were substantial factors in causing harm to Plaintiffs.
- 957. Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.
- 958. Plaintiffs demand judgment against Snap for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT XII - FRAUDULENT MISREPRESENTATION

959. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.

- 960. At all relevant times, Snap designed, developed, managed, operated, tested, produced, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from its products used by Plaintiff and therefore owed a duty of reasonable care to avoid causing harm to users.
- 961. Snap's marketing, promotions, advertisements, and public statements contained deceptive statements that Snapchat was safe for children and posed no risk to children's safety and well-being.
- 962. Snap's marketing, promotions, advertisements, and public statements failed to disclose the serious safety risks posed by the design and operation of Snapchat to the public, to users, and to their parents.
- 963. Snap's public statements downplayed the role that Snapchat played in harboring drug dealers and connecting them with young users. Snap testified to Congress under oath that its product was safe and appropriate for users aged 13 and above, despite the fact that (at least) its "Quick Add," algorithm and recommendation, and Snap Map features aided and abetted drug sales to children by targeting children and connecting them to drug dealers and drug advertisements.
- 964. Snap's conduct was deceptive because it involved misrepresentations and omissions that had the potential to, were likely to, and did indeed mislead reasonable consumers, including the Plaintiffs. Reasonable consumers, like the Plaintiffs, would have considered information that affected their health, safety, and well-being, such as serious adverse risks and known dangers related to the use of Snapchat, to be material when deciding whether to use, or continue to use, or allow their children to use Snapchat.
- 965. Snap owed Plaintiffs a duty to disclose these facts because they were known and/or accessible exclusively to Snap, who have had exclusive and superior knowledge of the facts; because the facts would be materials to reasonable consumers; because Snapchat poses an unreasonable risk of harm; and because Snap made partial representations concerning the same subject matter as the omitted facts.

- 966. Plaintiffs reasonably and justifiably relied on Snap's misrepresentations and/or omissions. Reasonable consumers would have been expected to have relied on Snap's misrepresentations and omissions.
- 967. Snap knew or should have known that its misrepresentations and/or omissions were false and misleading, and intended for consumers to rely on such misrepresentations and omissions.
- 968. Snap's misrepresentations and/or omissions were a substantial factor in causing Plaintiffs' harms. Plaintiffs were injured as a direct and proximate result of Snap's fraudulent conduct as described herein.
- 969. Plaintiffs demand judgment against Snap for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT XIII - NEGLIGENT MISREPRESENTATION

- 970. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 971. At all relevant times, Snap designed, developed, managed, operated, tested, produced, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefitted from its apps used by Plaintiff and therefore owed a duty of reasonable care to avoid causing harm to users.
- 972. Snap was under a duty to tell the public the truth and to disclose the defective condition of its app and that its app posed serious risks to users, particularly youth.
- 973. Snap owed a heightened duty of care to minor users of its app because children's brains are not fully developed, resulting in a diminished capacity to make responsible decisions regarding the harms associated with connecting with strangers and drug use.
- 974. Snap breached its duty to the public, users, and parents, including the plaintiffs, by failing to disclose and concealing serious safety risks presented by the Snapchat app, despite that Snap knew of the risks associated with Snap from widespread media reports, direct reports from parents, and its own findings from reports submitted through Snapchat.

- 975. By concealing and failing to disclose, or taking reasonable care to disclose the defects, Snap negligently misled users and their parents, including Plaintiffs, into believing Snapchat was safe for children to use.
- 976. By making numerous partial material representations downplaying any potential harm associated with its product and reassuring the public, Congress, and parents, including Plaintiffs, that its app was safe, Snap negligently misled the public, users, and their parents, including Plaintiffs, into believing Snapchat was safe for children to use.
- 977. As a direct and proximate result of Snap's material omissions, misrepresentations, and concealment of material information, Plaintiffs were not aware and could not have been aware of the facts that Snap concealed or misstated, and therefore justifiably and reasonably believed that Snapchat safe for use.
- 978. As a direct and proximate result of Snap's material omissions, misrepresentations, and concealment of material information, Plaintiffs sustained serious injuries and harm.
- 979. Snap's conduct, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of their customers, and warrants an award of punitive damages in an amount sufficient to punish Snap and deter others from like conduct.
- 980. Plaintiffs demand judgment against Snap for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

COUNT XIV – WRONGFUL DEATH

- 981. Plaintiffs re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.
- 982. This Cause of Action is asserted by and on behalf of Plaintiffs bringing their actions as heirs of Decedents or as duly appointed representatives of the estates of Decedents pursuant to the laws of various states.

983. As a direct and proximate result of the conduct of Snap and the defective nature of its Snapchat social media product as outlined above, Decedents suffered wrongful death, and Plaintiffs suing as heirs or estate representatives of Decedents seek damages therefor, including loss of financial support, loss of society, funeral expenses, and estate administration expenses as permitted under various states' laws, and where applicable punitive damages.

984. Plaintiffs demand judgment against Snap for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, as permitted under various states' laws and all such other relief as the Court deems proper.

COUNT XV – SURVIVAL ACTION

- 985. Plaintiffs re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length.
- 986. This Cause of Action is asserted by and on behalf of heirs of Decedents or the duly-appointed representatives of the estates of Decedents, pursuant to the laws of various states.
- 987. As a direct and proximate result of the conduct of Snap and the defective nature of its Snapchat social media product as outlined above, Decedents suffered bodily injury resulting in pre-death pain and suffering, disability, disfigurement, mental anguish, emotional distress, loss of capacity of the enjoyment of life, a shortened life expectancy, expenses for hospitalizations and other medical and nursing treatments, loss of earnings, and loss of ability to earn. Plaintiffs suing as heirs or estate representatives seek damages for these injuries to their respective Decedents as permitted under various states' laws, including where applicable punitive damages.

COUNT XVI – LOSS OF CONSORTIUM AND SOCIETY

- 988. Plaintiffs 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, Sam Chapman, Dr. Laura Ann Chapman Berman, and Jessica Diacont ("Consortium Plaintiffs") re-allege and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length.
- 989. As a direct and proximate result of the conduct of Snap and the defective nature of its Snapchat social media product outlined above, the Consortium Plaintiffs have been caused and

will continue to be caused the loss of their children's, wards', spouses', parents', siblings', and/or other close family members' consortium, companionship, services, society, love, and comforts, and their familial association has been altered, and, accordingly, the Consortium Plaintiffs have been caused great mental anguish and emotional distress.

990. Snap's conduct, as described above, was willful, wanton, reckless, malicious, fraudulent, oppressive, extreme and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of Plaintiffs, and warrants an award of punitive damages.

991. Consortium Plaintiffs demand judgment against Snap for compensatory, treble, and punitive damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

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

- 1. Past, present and future general damages, the exact amount of which has yet to be ascertained, in an amount which will conform to proof at time of trial, to compensate Plaintiffs for injuries sustained as a result of the use of the Snapchat social media product including, but not limited to physical pain and suffering, mental anguish, loss of enjoyment of life, emotional distress, expenses for hospitalizations and medical treatments.
- 2. Past, present and future economic and special damages according to proof at the time of trial.
- 3. Loss of earnings and impaired earning capacity according to proof at the time of trial.
- 4. Medical expenses, past and future, according to proof at the time of trial.

- 5. Loss of consortium damages for loss of consortium, companionship, services, society, love, and comforts, alteration to their marital or filial association, and mental anguish and emotional distress, according to proof at the time of trial.
- 6. Funeral expenses and other special damages according to proof at the time of trial.
- 7. Punitive or exemplary damages according to proof at the time of trial.
- 8. All damages available for wrongful death and survival.
- 9. Exemplary, treble, and punitive damages in an amount in excess of the jurisdictional limits.
- 10. Attorneys' fees.
- 11. For costs of suit incurred herein.
- 12. Pre-judgment and post-judgment interest.
- 13. Declaratory relief including, but not limited to, a declaration that Snap defectively designed the Snapchat product, failed to provide adequate warnings, and violated state consumer protection laws.
- 14. Injunctive relief including, but not limited to, ordering Snap to, stop the harmful conduct alleged herein, remedy the unreasonably dangerous features in its Snapchat product, provide adequate warnings to minor users and parents that its products pose a clear and present danger to unsuspecting minors, and prevent future violations of state law; including by ordering Snap to do each of the following,
 - A. Stop the automatic deletion of user activity data and preserve all such data for a period of at least twelve months (and provision of warnings and disclaimers to all users regarding the same *i.e.* that while messaging and stories is still ephemeral as among Snapchat's users, Snap itself will retain all content for a minimum of twelve months

- and, in some cases, longer, will provide all content to law enforcement promptly and upon request, or in response to court order).
- B. Stop distributing the My Eyes Only product in the case of minor users, and retention of all pin numbers and data stored in My Eyes Only in accordance with the prior paragraph for all users over the age of 18.
- C. Stop 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.
- D. Stop distributing Snapchat products and/or services to any person under the age of 13 and to any person aged 13 to 17 absent written or other reasonably verifiable parental consent.
- E. Stop attempting to enter into contracts with any person under the age of 18 and stop conditioning use of its product on false or misleading terms, including notifying all users that users under the age of 18 cannot not be bound by contractual terms.
- F. Stop distributing and/or publicly displaying certain gamification product features, including Streaks, Trophies, Charms, and Scores.
- G. 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 Snap through which parents can affirmatively notify Snap of non-parental consent and their child's name and birthdate, as well as other reasonable information that would be in the parents' possession and can be used by Snap to enforce these age restrictions.

- H. Implement reasonable mechanisms to enforce other user safety related terms, including creation of reporting vehicles (mail, email, and phone) with adequate staffing and available to all persons to report violations of Snap's terms of use and other abuses of the Snapchat product in a manner that is harmful to minor users, including drug dealer accounts, bullying, exploitation, harassment, and other harms perpetrated via the Snapchat product.
- I. Provide notification to all users that Snap's limitation on multiple accounts shall be enforced and that any user found to have opened more than one account will be blocked from use of the Snapchat product; and enforcement of those terms, including by utilization of user and device data Snap collects from each Snapchat user.
- J. Provide notification to all users that Snap's policies and terms shall be enforced, and that any user found to have violated those policies and/or terms will be blocked from use of the Snapchat product, including a lifetime ban in the case of drug dealing, grooming, exploitation, or abuse of a minor, posting, circulation, or sharing of explicit content involving a minor, and any other illegal activities; and enforcement of those bans, including by utilization of user and device data Snap collects from each Snapchat user.
- K. In the case of accounts held by minors, stop,
 - 1. Sending push notifications.
 - 2. Utilizing the Quick Add recommendation feature.
 - 3. Allowing use of Direct Messaging, unless approved by all parents or legal guardians.
 - 4. Providing access between 11 pm and 5 am.

- 5. Programming and utilizing product features that identify, suggest, direct, or provide unsolicited content or user recommendations.
- 6. Programming and utilizing product features and technologies that maximize engagement type metrics over user safety.
- 7. Stop using any features or products that rank or order any content or recommendations <u>except via fully transparent and disclosed methods</u>, specifically, requiring Snap to disclose all such ranking methods to the parents of each minor user in writing.
- L. Develop effective tools for parental control and notification.
- M. Stop utilizing any feature that is known or suspected to be operating with any degree of algorithmic discrimination where such discrimination would foreseeably impact any member of any protected class.
- N. Stop allowing any setting, for users under the age of 18, that makes the account public or in any way visible to any person not already connected directly to and explicitly approved by the user.
- O. Provide warnings to all users and the parents of all minor users regarding the prevalence of Snapchat drug sales and providing users and parents of minor users with resources to discuss the same.
- 15. For such other and further relief as this Court may deem just and proper.

1	DATED this 20th day of July 2023.	
2		
3		SOCIAL MEDIA VICTIMS LAW CENTER PLLC
4		By:
5		
6		Laura Marquez Garrett <u>laura@socialmediavictims.org</u>
7		Matthew Bergman (admitted pro hac vice)
8		matt@socialmediavictims.org Glenn Draper (pro hac vice anticipated)
9		glenn@socialmediavictims.org Sydney Lottes, SBN 345387
10		sydney@socialmediavictims.org
11		SOCIAL MEDIA VICTIMS LAW CENTER 520 Pike Street, Suite 1125
12		Seattle, WA 9810
		Telephone: (206) 741-4862
13		Hannah Meropol CA Bar No. 340095
14		<u>hannah@cagolberglaw.com</u> Carrie Goldberg (<i>pro hac vice</i> anticipated)
15		<u>carrie@cagoldberglaw.com</u> Naomi Leeds (<i>pro hac vice</i> anticipated)
16		naomi@cagoldberglaw.com
17		C.A. GOLDBERG, PLLC 16 Court St
18		Brooklyn, NY 11241
19		Ph: 646-66-8908
20		Attorneys for Plaintiffs
21		
22		
23		
24		
25		
26		
27		
28		