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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18
19
20 GOOGLE LLC and YOUTUBE, LLC,

21 Plaintiff,

22 v.

23 ROB BONTA, in his official capacity as
Attorney General of California,

24 Defendant.

Case No. _____

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1
2 1. Plaintiffs Google LLC (“Google”) and YouTube, LLC (collectively, “YouTube”¹)
3 bring this action to enjoin Rob Bonta, in his capacity as the Attorney General of California
4 (“Defendant” or the “State) from enforcing Sections 27001(a), 27002(b)(2), and 27002(b)(4)
5 (collectively, the “Personalized-Feed Provisions”) of California Senate Bill 976 (“the Act”).² The
6 Personalized-Feed Provisions unconstitutionally restrict YouTube’s own protected right to curate,
7 organize, and display the third-party speech of its users in violation of the First Amendment. *Moody*
8 *v. NetChoice, LLC*, 603 U.S. 707, 731 (2024). They also unconstitutionally restrict millions of
9 minor users’ First Amendment right to access YouTube’s curated feeds and compromise
10 YouTube’s current efforts to provide responsible, enriching, and age-appropriate content for minors
11 through personalized recommendations. *Brown v. Ent. Merchs. Ass’n*, 564 U.S. 786, 795 n.3, 799–
12 800 (2011). YouTube brings this suit on its own behalf—and in recognition of the interests of the
13 millions of YouTube users who use the platform to discover relevant and valuable content every
14 day—to enjoin these violations and ensure that access to the world’s largest online video library,
15 most-viewed television-distribution platform, and leading destination to listen to music and
16 podcasts remains free and open in California.

17 2. For people of all ages, YouTube serves as the preeminent online platform for
18 viewing, sharing, and connecting with others through video content. With a collection of over 20
19 billion videos and hundreds of hours of new video content uploaded every minute, YouTube
20 provides access to an endless array of videos on virtually every topic imaginable—from how-to
21 videos to math lectures to network broadcasts. Millions of households now watch YouTube as they
22 once watched television. Beginning in 2025, YouTube has accounted for a higher percentage of
23 television use among U.S. viewers than any other media distributor in the United States. It is also
24 the most frequently used service for listening to podcasts in the United States, and a leading music

25 ¹ In this Complaint, the term “YouTube” refers to both entities collectively except where both
26 entities are separately discussed or otherwise indicated. As explained below, Google owns
27 YouTube, LLC, offers the YouTube service to the public, and is the service provider of YouTube
28 specifically, it does so under the full name, YouTube, LLC.

² These sections are codified at Cal. Health & Safety Code §§ 27001(a), 27002(b)(2), and
27002(b)(4).

1 streaming service. YouTube is a focal point of culture and content in the United States, and the
2 scale and breadth of its offerings allows users of all ages to access a vast array of valuable video
3 content about nearly any topic of interest to them—if they can find it.

4 3. To help users navigate YouTube’s vast library and create an experience that is right
5 for them, YouTube offers carefully curated, personalized recommendations. Those
6 recommendations make it easier for users to navigate the website—but the benefits of
7 personalization extend far beyond easier navigation. The billions of users who visit YouTube come
8 from all walks of life, ranging from students to grandparents to artists to scientists. Personalization
9 allows those diverse users to find inspiration, relevant information, and enjoyment on YouTube
10 despite their highly varied interests and preferences. Recommendations also allow the millions of
11 content creators on YouTube to be discovered, share their ideas, and connect with large audiences.

12 4. YouTube’s recommendations reflect data about the user like watch history and
13 expressed preferences through “likes” and “dislikes” and the “not interested” option, as well as
14 YouTube’s judgments about what kind of content may be appropriate and valuable for that user,
15 consistent with YouTube’s values as a company concerning the kind of content it wants to display
16 and prioritize on its platform. For children and teens in particular, YouTube’s personalized
17 recommendations are imbued with YouTube’s judgments developed in consultation with experts
18 about the types of content appropriate for different age groups. So YouTube’s recommendation
19 system enables minors to access a diverse range of high-quality content while ensuring their
20 experiences on the site are responsible, age-appropriate, and enriching.

21 5. But if California Senate Bill 976 takes effect, minor users will lose access to the
22 benefits of YouTube’s recommendation system. The law’s central provision prohibits platforms
23 like YouTube from providing personalized recommendations to users under 18 without parental
24 consent. The law also mandates settings that automatically strip minors’ feeds of personalization,
25 including age-appropriate recommendations, unless a “verified parent” says otherwise—and even
26 then throttles access to personalized feeds to a highly restrictive one-hour daily limit by default.

27 6. These restrictions on personalized feeds burden YouTube’s protected right to
28 express its view as to the content it believes will be relevant, valuable, and appropriate for each

1 particular user. They also burden the rights of minors to access speech and discover content without
2 the permission of a parent. The Supreme Court has made clear that “minors are entitled to a
3 significant measure of First Amendment protection” and “have the right to speak or be spoken to
4 without their parents’ consent.” *Brown*, 564 U.S. at 794, 795 n.3. And that is for good reason.
5 “Youth are people, not mere people-in-waiting or extensions of their parents. They have their own
6 interests, ideas, and minds.” *Comput. & Comm’n Indus. Ass’n v. Uthmeier*, 2025 WL 1570007,
7 at *16 (N.D. Fla. June 3, 2025). They have a constitutional right to explore their interests by
8 accessing others’ speech—a right that is infringed by restrictions in the Act that would render
9 YouTube effectively unusable or turn it into a generic chronological feed that would bury older,
10 high-quality content under an endless pile of irrelevant, more recent content.

11 7. The Personalized-Feed Provisions openly violate the First Amendment by imposing
12 government-mandated changes to YouTube’s curation of content for minors. They constitute
13 content-based restrictions on YouTube’s expressive choices about how best to curate and compile
14 third-party speech, as well as users’ right to access that speech. And they do so in a heavy-handed
15 manner that substitutes government control for parental supervision by default and undermines
16 alternatives—including many already implemented by YouTube—that are more effective in
17 protecting minors’ wellbeing and less restrictive of speech. The default-setting provisions are also
18 unconstitutionally vague because they depend on the undefined concept of a “verified parent.”

19 8. The Court should declare unconstitutional and enjoin the Personalized-Feed
20 Provisions to stop the constitutional and practical harms that will otherwise be inflicted on YouTube
21 and the millions of minor users who benefit from the platform.

22 **PARTIES & STANDING**

23 9. Google³ is a Delaware limited liability company and a wholly owned subsidiary of
24 Alphabet, Inc., with its principal place of business located in the County of Santa Clara, California.
25 Google owns and operates many products and services, including YouTube.

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27
28 ³ This section of the Complaint refers to Google and YouTube, LLC separately as appropriate to describe their relationship and clarify that both entities have standing.

1 10. YouTube, LLC is a Delaware limited liability company with its principal place of
2 business located in California. YouTube, LLC is a subsidiary of Google, and Google is the sole
3 member of YouTube, LLC.

4 11. YouTube is one of many services Google makes available to the public for free
5 when a user creates a Google Account. In order to sign into YouTube, a user must have a Google
6 Account. When a user signs up for a Google Account, either on their own behalf or to create an
7 account for an individual under the age of thirteen, they agree to both the Google Terms of Service
8 and the Google Privacy Policy. The Google Privacy Policy identifies YouTube as an example of
9 one of Google’s apps and sites, and specifically discloses to users that Google “collect[s]
10 information about your activity in our services, which we use to do things like recommend a
11 YouTube video you might like.”⁴ The Google Terms of Service inform users that YouTube is
12 governed by a separate, specific set of terms because of its unique features.⁵ The YouTube Terms
13 of Service expressly incorporate the Google Privacy Policy and indicate that Google is the entity
14 providing the YouTube service.⁶

15 12. Defendant Rob Bonta is the California Attorney General. Defendant is a California
16 resident and is sued in his official capacity. The Act gives the California Attorney General
17 enforcement authority. Cal. Health & Safety Code § 27006(a). Defendant has publicly pursued
18 enforcement against some of Google and YouTube’s fellow NetChoice members under other laws,
19 advancing claims related to minors’ online welfare. *See, e.g., Complaint, California v. Meta*
20 *Platforms, Inc.*, No. 4:23-cv-05448 (N.D. Cal. Oct. 24, 2023), Dkt. No. 1.

21 13. Google and YouTube, LLC have standing to challenge the Personalized-Feed
22 Provisions of the Act. In fact, the Court has previously observed that “[t]here is little question” that
23 NetChoice’s members, including Google and YouTube, LLC, “would otherwise have standing to
24 sue in their own right” to challenge the Act’s constitutionality. *NetChoice v. Bonta*, No. 5:24-cv-

26 ⁴ The current version of the Google Privacy Policy can be found at this URL:
<https://perma.cc/UNW6-B4AD>.

27 ⁵ The current version of the Google Terms of Service can be found at this URL:
<https://perma.cc/SP9E-V9MM>.

28 ⁶ The current version of the YouTube Terms of Service can be found at this URL:
<https://perma.cc/T79F-SYPJ>.

1 07885-EJD (N.D. Cal. Dec. 31, 2024) (“NetChoice Action”), ECF. No. 39 at 32. Further, as
2 explained herein, the Personalized-Feed Provisions interfere with YouTube’s right to disseminate
3 its speech in the form of curated compilations to its users, and “[t]he loss of First Amendment
4 freedoms, for even minimal periods of time, unquestionably constitutes” injury-in-fact—indeed,
5 “irreparable injury.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020). These
6 injuries are “imminent,” as California “has not suggested that the ... law will not be enforced.”
7 *Virginia v. Am. Booksellers Ass’n*, 484 U.S. 383, 393 (1988).⁷ And these injuries are directly
8 traceable to the Personalized-Feed Provisions of SB 976. Further, an injunction prohibiting
9 California from enforcing these provisions will address YouTube’s injuries. Therefore, Google and
10 YouTube, LLC have standing.

11 14. Moreover, Google and YouTube, LLC independently have standing due to the
12 chilling effect on their First Amendment rights created by the Personalized-Feed Provisions. “In
13 the context of First Amendment speech, a threat of enforcement” can “chill[] the exercise of First
14 Amendment rights.” *Flaxman v. Ferguson*, 151 F.4th 1178, 1186 (9th Cir. 2025). This chilling
15 effect is itself sufficient to create a “ripe First Amendment claim.” *Id.* Likewise, the possibility of
16 chilled speech (and corresponding injury to a plaintiff) is pronounced where the law at issue is a
17 “vague statute” that “abut[s] upon sensitive areas of basic First Amendment freedoms,” as is true
18 of SB 976. *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972). Such uncertainty “operates to
19 inhibit the exercise of [those] freedoms,” thus creating injury to constitutional expression. *Id.*

20 15. Google and YouTube, LLC also have standing to vindicate the First Amendment
21 rights of YouTube’s minor users to receive personalized content. As the Court explained in *Virginia*
22 *v. American Booksellers Association, Inc.*, 484 U.S. 383 (1988), “in the First Amendment context,
23 litigants ... are permitted to challenge a statute” not merely because “their own rights of free
24

25 ⁷ To the contrary, Defendant has asserted that enjoining enforcement of these provisions would
26 “inflict irreparable harm on California by preventing enforcement of a statute enacted by the
27 people’s representatives.” NetChoice Action, ECF. No. 18 at 31. And more recently, Defendant
28 stressed his desire to enforce the law as soon as possible in the context of opposing NetChoice’s
motion for a stay pending appeal. Defendant argued that it was “*pressing* that the Court adjudicate
those elements of SB 976 that were originally intended to go into effect on January 1, [2025,] *so*
that the State may proceed to enforce them.” NetChoice Action, ECF. No. 62 at 3–4 (emphasis
added).

1 expression are violated,” but also because “the statute’s very existence may cause others not before
2 the court to refrain from constitutionally protected speech or expression.” *Id.* at 393 (citation
3 omitted). Applying *American Booksellers* (which concluded that an association of booksellers had
4 standing to assert the rights of book buyers), this Court and others have held that social-media
5 companies and membership organizations have standing to vindicate the First Amendment rights
6 of users. *NetChoice Action*, ECF. No. 39 at 22 (“NetChoice may raise the rights of its members’
7 users.”); *see also NetChoice, LLC v. Yost*, 716 F. Supp. 3d 539, 551 (S.D. Ohio 2024) (“NetChoice
8 has standing to bring both its claims on behalf of its member organizations and Ohioan minors.”);
9 *NetChoice, LLC v. Griffin*, 2023 WL 5660155, at *12 (W.D. Ark. Aug. 31, 2023) (“NetChoice—
10 like the booksellers’ association in the Virginia case—is in a unique position to advocate for the
11 rights of Arkansas users and may appropriately do so here.”). Here, Google and YouTube, LLC are
12 likewise “well positioned to raise the[] concerns” of their minor users as they “have a thorough
13 understanding of the content hosted on [the YouTube] platform[] and the ways in which [their]
14 customers exercise their First Amendment rights on [the] platform[].” *Id.*

15 JURISDICTION & VENUE

16 16. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343(a).
17 This Court has authority to grant legal and equitable relief under 42 U.S.C. § 1983, injunctive relief
18 under 28 U.S.C. § 1651, and declaratory relief under 28 U.S.C. § 2201(a).

19 17. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) & (2) because
20 Defendant performs his duties and thus resides in this District, and because the injuries giving rise
21 to this action have been and will continue to be suffered by YouTube in Santa Clara County,
22 California.

23 18. Assignment to the San Jose Division is proper under Local Civil Rule 3-2(c) & (e)
24 because the injuries giving rise to this action have been and will continue to be suffered by YouTube
25 in Santa Clara County, California.

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BACKGROUND

A. Google's YouTube Service

19. YouTube is an online platform that allows users to create, upload, and share videos with others around the world. It is the world's largest online video library, with a collection of over 20 billion videos. And more than 20 million videos are added to YouTube every day, with more than 500 hours of video uploaded every minute from a diverse community of creators, who span more than 100 countries and 80 languages.

20. The videos on YouTube cover a wide range of subjects. Users can access videos explaining concepts as abstract as the building blocks of math and science, or as concrete as how to make home repairs. YouTube's videos can teach users how to throw a baseball, or show them historical World Series broadcasts; they can help users learn to play the guitar, or play a chart-topping music video. YouTube strives to be a community that fosters self-expression on an array of topics as diverse as its user base, and to nurture a thriving creative and informational ecosystem. YouTube benefits not only viewers but also millions of content creators who can reach a wide audience while earning revenue and even making a full-time living.

B. The YouTube Recommender System and Personalization on YouTube

21. YouTube does not just passively host videos uploaded by users but instead plays a role in selecting, arranging, and curating the videos presented to users. As explained above, YouTube hosts an enormous volume of content, encompassing billions of videos. Given this volume, YouTube does not present videos in reverse-chronological order. A great deal of high-quality content relevant to modern users has been on the platform for years, and such an approach would deprive users of the benefit of that content. In addition, chronological feeds allow spam and low-quality content to surface higher in results. And bad actors may be able to take advantage of chronological ordering to spread potentially harmful content to more users. Instead of chronological ordering, YouTube presents a customized and curated list of video recommendations to its users.

22. These recommendations reflect YouTube's judgment as to how to arrange and prioritize videos to ensure that each user can find videos that are relevant, trustworthy, and valuable for that particular user. YouTube implements these editorials decisions primarily through its

1 “Recommender System,” the system YouTube uses to make personalized content
2 recommendations to its users.

3 23. YouTube’s Recommender System was created by YouTube engineers, who
4 continue to refine it so that YouTube can deliver relevant, enjoyable, valuable, and high-quality
5 content for a particular user at a particular moment. To accomplish that objective, the
6 Recommender System uses a wide range of inputs—including data related to the user, other users
7 on the platform, and the quality and popularity of videos on the platform—to make
8 recommendations that are well-suited to each user. The Recommender System draws on numerous
9 signals to create these tailored recommendations, ranging from the basic but fundamental (*e.g.*,
10 what language the user speaks or what country she is located in) to the complex (*e.g.*, what new
11 genre of video a user might enjoy based on the subject matter of the video or the preferences of
12 other similar users). The Recommender System also gives users (and minors’ parents) control over
13 their personalized experience, allowing them to fine tune their recommendations by, for example,
14 removing items from their search history; pausing their search history; and liking, disliking, or
15 marking “not interested” in response to videos to express what they find valuable or off-putting.

16 24. The Recommender System also incorporates YouTube’s own standards about what
17 type of content should be available to users, and whether that content should be prioritized or
18 deprioritized. YouTube strives to prevent harmful content from spreading on its platform by taking
19 steps to ensure that its Recommender System does not recommend content that violates YouTube’s
20 Community Guidelines. The Community Guidelines provide notice of what types of content are
21 not permitted on YouTube and will be removed, including pornography, terrorist incitement,
22 promotion of fraudulent schemes, violations of intellectual property rights, and bullying and
23 harassment.

24 25. For content that does not violate the Community Guidelines and therefore *can* be
25 recommended, the Recommender System is imbued with YouTube’s own expressive judgments
26 about whether that content *should* be recommended. For example, YouTube deprioritizes
27 “clickbait,” which may generate high numbers of views but that YouTube regards as low-quality.
28 In addition, YouTube’s recommendations reflect judgment calls about how much novel, unfamiliar

1 content to show users—content which may be less valuable to them in the short term than familiar
2 content akin to what they have viewed before but may be more valuable in the long term as it helps
3 users discover more of what they might enjoy on the platform. Particularly relevant here, YouTube
4 elevates certain content that it believes is likely to be enriching for children, such as content that
5 promotes learning, curiosity, and looking after yourself and others. YouTube has also taken steps
6 to ensure teen viewers are not exposed to repeated recommendations of certain content that could
7 be problematic if viewed in high quantities, such as content that compares physical features and
8 idealizes some body types over others, displays aggression, or encourages teens to ridicule others.

9 26. YouTube provides personalized recommendations not only on a user’s homepage
10 but throughout the website. For example, YouTube designed its Search function so that a user who
11 enters a search query receives results that, in addition to being generally high-quality, are personally
12 relevant to that user.

13 27. YouTube’s Recommender System and its systems implementing YouTube’s
14 content-moderation policies work in tandem. They help YouTube prioritize and give greater
15 prominence to videos that are relevant, trustworthy, and valuable to each user and less prominence
16 to videos that are low-quality, less valuable, or are otherwise inconsistent with YouTube’s values
17 as a company.

18 **C. YouTube’s Parental Controls and Tools for Digital Wellbeing for Minors**

19 28. Recognizing that the privacy, physical safety, mental health, and wellbeing of
20 children and teenagers are important when making online content available, YouTube has adopted
21 policies and measures to help ensure that minors have age-appropriate and enriching experiences
22 on the platform. YouTube also offers an assortment of technological tools and features that
23 empower parents to tailor their children’s and teenager’s experiences on YouTube.

24 29. For users under 13, YouTube has designed a standalone app called “YouTube Kids”
25 that offers a separate experience geared toward younger users that is meant to be a safer and simpler
26 experience for kids to explore. YouTube Kids curates age-appropriate content and provides
27 additional tools—such as a built-in timer and the ability to block certain content or turn off the
28 search function—that help parents supervise their children’s experience. In addition, users known

1 to be under 13 cannot create an account on their own. Their parents must do so for them, which
2 involves linking the parent’s account to the child’s so the parent can supervise and manage the
3 child’s activity on YouTube. Through these “Supervised Experiences,” YouTube further enables
4 parents to block specific channels; adjust their child’s permissible content-level settings; and
5 review, pause, or clear their child’s watch history. YouTube also offers “Supervised Experiences
6 for Teens,” through which parents can view a teen user’s number of uploads, subscriptions, and
7 comments and receive notifications when their teen uploads a video or starts a livestream.

8 30. YouTube’s Recommender System is central to maintaining a responsible and
9 enriching platform for younger users. YouTube has determined that there are certain categories of
10 content that do not violate its Community Guidelines but that may be inappropriate for minors,
11 such as nudity and sexually suggestive content, violent or graphic content, and vulgar language.
12 Videos falling within those categories are age-gated and not recommended to users under 18. In
13 addition, YouTube has made the value judgment that certain content is “high quality” for minors
14 (like videos demonstrating healthy habits or promoting critical thinking) and should be prioritized
15 in recommendations for that group, while other content is “low quality” for minors (like videos that
16 include heavily promotional content or encourage dangerous activities) and should be deprioritized.
17 Similarly, the Recommender System ensures that teens are not overexposed to content that may be
18 harmful if viewed repeatedly—for instance, content that displays social aggression or idealizes
19 certain body types.

20 31. YouTube also offers digital wellbeing tools, which encourage minors to be mindful
21 of their screentime. This includes default tools which turn off YouTube’s autoplay feature, send
22 “take a break” reminders, or remind the user to go to bed. And YouTube notifications are silent by
23 default for all YouTube mobile app users on eligible devices between 10:00 p.m. to 8:00 a.m.

24 **D. California Senate Bill 976 and its Provisions Governing Personalized Feeds**

25 32. In September 2024, California’s Governor signed SB 976, also known as the
26 Protecting Our Kids from Social Media Addiction Act. The Act regulates social-media platforms
27 that offer users personalized feeds—described pejoratively and inaccurately throughout the Act as
28 an “addictive feed.” Under the Act, an “addictive feed” is defined as “an internet website ... in

1 which multiple pieces of media generated or shared by users are ... recommended, selected, or
2 prioritized for display to a user based ... on information provided by the user, or otherwise
3 associated with the user or the user’s device,” subject to only a limited set of exceptions.
4 § 27000.5(a).⁸ The Act imposes onerous restrictions on how (and when) covered websites may
5 select, recommend, and display content for minors based on personalized recommendations.

6 33. *Parental Consent to View Personalized Feeds (§ 27001(a))*. The Act prohibits
7 minors from accessing personalized feeds without parental consent. Specifically, under the Act, it
8 is “unlawful for the operator of” a covered website “to provide an addictive feed to” a minor “user
9 unless ... [t]he operator has obtained verifiable parental consent.” § 27001(a). Notably, even if
10 parental consent is obtained, the Act forces covered websites to create default settings for minor
11 users’ accounts that continue to restrict access until “verified parents” (an undefined term)
12 affirmatively change those settings. §§ 27002(b)(1)-(5); *see* NetChoice Action, ECF. No. 18 at 5
13 (filing by the State explaining that it understands the Act to require these settings to be on by
14 default).

15 34. *Default Restrictions Limiting Access to Personalized Feeds Altogether*
16 *(§ 27002(b)(4)) and for More than One Hour Per Day (§ 27002(b)(2)) (jointly, the “Default-*
17 *Restriction Provisions”)*. The Act mandates that personalized feeds be disabled by default unless
18 and until the minor’s “verified parent” alters that setting. § 27002(b)(4). The Act further mandates
19 a default setting restricting minors’ access to personalized feeds “to one hour per day unless
20 modified by the verified parent.” § 27002(b)(2).

21 35. *Other Provisions*. The Act also imposes a number of other requirements on covered
22 websites. Covered websites must enable default settings that restrict notifications to minors during
23 certain times of day, § 27002(b)(1); limit a minor’s ability to review “likes or other forms of
24 feedback,” § 27002(b)(3); and set minors’ accounts to “private” mode. § 27002(b)(5). In addition,
25 the Act imposes “age assurance” requirements, §§ 27001(a), 27006(b)-(c), and annual disclosure
26 obligations on covered websites, § 27005. As detailed below, these other provisions are being
27

28 _____
⁸ All references to legislative sections and provisions are to the Act unless otherwise indicated.

1 challenged by NetChoice on behalf of its members, including YouTube, and so are not at issue in
2 this as-applied challenge focused on YouTube alone.

3 **E. The NetChoice Litigation, This Court’s Decision, and the Ninth Circuit’s Order on**
4 **Appeal**

5 36. On November 12, 2024, NetChoice—an internet trade association with several
6 social-media companies among its members, including Google and YouTube—filed this action
7 seeking to enjoin enforcement of the Act. NetChoice argued that the Act violated the First
8 Amendment on its face and as applied to NetChoice’s members and was unconstitutionally vague.

9 37. Before the Act’s January 25, 2025 effective date, this Court granted a preliminary
10 injunction in part but declined to enjoin most of SB 976’s provisions. As relevant here, the Court
11 rejected NetChoice’s facial challenge to the central personalized-feed restriction because
12 NetChoice had “not made a record ... to show facial unconstitutionality.” NetChoice Action, ECF.
13 No. 39 at 22. And it concluded that NetChoice lacked associational standing to raise an as-applied
14 challenge for its members, reasoning that “NetChoice’s individual members” would need “to
15 participate in this lawsuit” for the Court to decide the as-applied First Amendment claims. *Id.* at
16 32. The Court found the Default-Restriction Provisions (§§ 27002(b)(2) and (4)) subject to the same
17 analysis and declined to enjoin them for the same reasons. *Id.* at 28.

18 38. NetChoice appealed and sought an injunction pending appeal. This Court granted a
19 30-day injunction to enable appellate review, explaining that “the First Amendment issues raised
20 by SB 976 are novel, difficult, and important, especially the law’s personalized feed provisions.”
21 NetChoice Action, ECF. No. 47 at 4. The Court also recognized that if the Act violates the First
22 Amendment, then NetChoice’s members and the public “will suffer great harm from the law’s
23 restriction of speech.” *Id.* And the Court found that, absent an injunction, companies like YouTube
24 “may need to make significant changes to their feeds” and that SB 976 could “fundamentally
25 reorient social media companies’ relationship with their users.” *Id.*

26 39. The Ninth Circuit granted a further temporary injunction, barring the State from
27 enforcing the Act during the appeal. *NetChoice v. Bonta* (9th Cir.), No. 25-146 (9th Cir. Dec. 31,
28 2024), Dkt. No. 11.

1 45. Thus, as the Supreme Court correctly concluded in *Moody*, YouTube’s personalized
2 feeds constitute expression protected by the First Amendment. 603 U.S. at 734, 740. YouTube’s
3 recommendation system “embodie[s] human value judgments” about what kind of content is
4 appropriate to recommend and which content to prioritize or deprioritize. NetChoice Action, ECF.
5 No. 39 at 18. These judgments include which content is inappropriate to recommend at all under
6 YouTube’s Community Guidelines as well as for minor users in particular, and which content
7 should be prioritized or deprioritized in recommendations for individual users. YouTube’s
8 recommendation system incorporates a variety of different inputs to make these editorial
9 determinations—including not only data about users’ online behavior but also YouTube’s
10 independent value judgments.

11 46. YouTube further engages in protected expression by choosing to rely on
12 personalized recommendations to curate content for users. Compiling a feed based on judgments
13 about what individual users will find interesting is no less an exercise of editorial discretion in
14 organizing or presenting third-party speech than any other expressive judgment. Thus, as this Court
15 previously acknowledged, if “a human designs an algorithm for the purpose of recommending
16 interesting posts on a personalized feed, the feed probably does reflect a message that users
17 receiving recommended posts are likely to find those posts interesting.” NetChoice Action, ECF.
18 No. 39 at 20. And that is precisely how YouTube’s recommendation system works: It is designed
19 to display to each individual user the content that YouTube believes will be most relevant and
20 valuable for that user, thereby communicating the message, “You are likely to find interesting the
21 compilation of videos we have selected for you.” By promoting or downgrading certain content in
22 its recommendation system on an individualized basis, YouTube sends a message about speech it
23 considers to be more valuable or less valuable for each particular user. Further, the message it
24 conveys through recommendations is not limited to what a user will be interested in or find
25 enjoyable or valuable. YouTube also communicates through its recommendations that, based on its
26 independent judgment and values, it believes the content recommended is appropriate and
27 beneficial for the user.

28

1 47. For example, specifically in connection with child-directed content, YouTube has
2 developed, in consultation with experts, a set of quality principles, which set out certain factors to
3 indicate what is considered low- or high-quality content in order to elevate high-quality, child-
4 directed content within recommendations. YouTube has designed its Recommender System to
5 implement these principles by leveraging technology to identify child-directed content that is high-
6 quality (which should be promoted) as well as low-quality content (which should be minimized).
7 Videos prioritized in recommendations as “high quality” under these principles include videos that
8 demonstrate healthy habits, promote critical thinking, and include life lessons and strong, positive
9 characters. By contrast, videos minimized in recommendations as “low quality” include heavily
10 commercial or promotional content, content that encourages dangerous activities, and content that
11 is sensational or misleading. As another example, YouTube has built its Recommender System to
12 ensure that teens on YouTube are not overly exposed to content that, while not problematic as a
13 single video, could be problematic for some teens if viewed in high quantities or on repeat, such as
14 content that displays aggression, portrays delinquency or negative behaviors, depicts teens as cruel
15 and malicious or encourages them to ridicule each other, or compares physical features or idealizes
16 some body types, fitness levels, or weights over others. Thus, when minors receive
17 recommendations from YouTube, those recommendations not only convey YouTube’s belief about
18 what will be interesting or valuable (though they certainly convey that); they also convey
19 YouTube’s judgment that content recommended to youth should be high-quality and beneficial and
20 bolster learning, education, and good values.

21 48. The Personalized-Feed Provisions burden YouTube’s expression by (1) prohibiting
22 YouTube from displaying personalized feeds to minors without parental consent, § 27001(a); and
23 (2) requiring YouTube to implement default settings that prevent minors from viewing personalized
24 feeds or limit the amount of time minors can view personalized feeds per day to a highly restrictive
25 one-hour window, §§ 27002(b)(2), 27002(b)(4).

26 49. In addition to restricting YouTube’s expressive activity, the Act burdens minors’
27 right to access a personalized compilation of speech on YouTube that is specifically designed to be
28 relevant and valuable to them. The First Amendment protects not only the right to speak but also

1 “the right to *receive* information and ideas”—a right that is “fundamental to our free society.”
2 *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (emphasis added). And “minors are entitled to a
3 significant measure of First Amendment protection.” *Brown*, 564 U.S. at 794 (citation omitted);
4 *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 214 (1975) (“[T]he values protected by the First
5 Amendment are no less applicable when government seeks to control the flow of information to
6 minors.”).

7 50. Moreover, the Supreme Court made clear in *Brown* that minors specifically have a
8 “constitutional right to speak or be spoken to *without their parents’ consent*.” 564 U.S. at 795 n.3
9 (emphasis added). The *Brown* Court invalidated a California law prohibiting the sale or rental of
10 violent video games to minors without parental consent, reasoning that a contrary rule would allow
11 States to require parental consent before a minor could attend a political rally or religious service.
12 *See id.* Such a result would be incongruous with minors’ role as “citizens in training” who need
13 robust First Amendment rights to be able to develop the “muscles” of citizenship. *Uthmeier*, 2025
14 WL 157007, at *16.

15 51. The compilation of recommended content YouTube provides through personalized
16 feeds is expressive speech that YouTube has a right to disseminate and that minors have a right to
17 access without parental consent. Absent personalized feeds, minors would be deprived of a
18 compilation of videos tailored to their interests and preferences—preventing them from effectively
19 accessing the valuable content that YouTube provides. The State has proposed a reverse-
20 chronological feed as an alternative. But given that more than 500 hours of content are uploaded to
21 YouTube *every minute*, such a feed would bury content that is most interesting and valuable to
22 individual minors under a pile of irrelevant, low-quality content. Another alternative that has been
23 suggested is organizing content by popularity or its “trending” status. But such a system would
24 promote content based solely on *other users’* preferences, thereby overriding any idiosyncratic
25 preferences a particular minor has expressed. Moreover, content that is popular or “trending” across
26 users of all ages may be less valuable, inappropriate, or potentially less safe for minors.

27 52. The Personalized-Feed Provisions burden the First Amendment rights of YouTube’s
28 minor users by (1) preventing them from viewing personalized feeds without parental consent,

1 § 27001(a); and (2) imposing default settings that prevent them from viewing personalized feeds
2 or limit the amount of time they can view personalized feeds per day to a highly restrictive one-
3 hour window, §§ 27002(b)(2), 27002(b)(4). These provisions collectively mean that the State, not
4 YouTube or its minor users, decides in the first instance (and prior to any parental involvement)
5 the amount and type of content that YouTube can display and minor users can access.

6 53. **The Personalized-Feed Provisions are content-based restrictions on speech**
7 **subject to strict scrutiny.** Because YouTube has made “a colorable claim that its First Amendment
8 rights ... are threatened with infringement,” the burden “shifts to the government to justify the
9 restriction on speech.” NetChoice Action, ECF. No. 39 at 5 (quoting *Smith v. Helzer*, 95 F. 4th
10 1207, 1214 (9th Cir. 2024)). The form of heightened scrutiny—intermediate or strict—depends on
11 whether the law is content-neutral or content-based.

12 54. “Laws that regulate speech based on its content are presumptively unconstitutional
13 and subject to strict scrutiny.” *Bonta*, 152 F.4th at 1015 (citing *Reed v. Town of Gilbert*, 576 U.S.
14 155, 163 (2015)). A law is content based if it “targets speech based on its communicative content.”
15 *City of Austin v. Reagan Nat’l Advert. of Austin, LLC*, 596 U.S. 61, 76 (2022). Some content-based
16 restrictions are “obvious, defining regulated speech by particular subject matter.” *Reed*, 576 U.S.
17 at 163. But other content-based laws “are more subtle, defining regulated speech by its function or
18 purpose.” *Id.* at 164. That is the case here, where the Act’s restriction on personalized feeds targets
19 speech with a particular quality to the exclusion of speech with other qualities and regulates speech
20 based on its function or purpose.

21 55. The Act specifically regulates speech with a particular quality: *personalized* content.
22 That is just as content-based as a restriction on publishing “interesting” or “persuasive” content.
23 And at the level of an individual user, a regulation on the personalized quality of speech is
24 equivalent to a regulation on discrete topics like sports or music. In addition, the Personalized-Feed
25 Provisions target speech based on its “function or purpose”—namely, the function of conveying
26 personalized content to individual users. *Reed*, 576 U.S. at 164. And because YouTube’s
27 personalized recommendations communicate a message to users that YouTube thinks the content
28 is suitable and worthwhile for the individual user, the Act also “targets speech based on its

1 communicative content,” *Reagan Nat’l*, 596 U.S. at 76. For all of these reasons, the Personalized-
2 Feed Provisions are content-based restrictions on protected expression.

3 **56. The Personalized-Feed Provisions fail any form of heightened scrutiny.** Because
4 the Personalized-Feed Provisions are content-based and subject to strict scrutiny, the State must
5 satisfy a “demanding standard”—showing that the requirements are “justified by a compelling state
6 interest and [are] narrowly drawn to serve that interest.” *Brown*, 564 U.S. at 799. And even if
7 intermediate scrutiny applied, the State still must establish that the statute furthers an “important
8 governmental interest[] unrelated to the suppression of free speech and does not burden
9 substantially more speech than necessary.” *Turner Broad. Sys., Inc. v. FCC*, 520 U.S. 180, 189
10 (1997). Neither standard is satisfied.

11 57. As an initial matter, the State has failed to “show a direct causal link between”
12 personalized feeds and “harm to minors.” *Brown*, 564 U.S. at 799. The State’s experts cite evidence
13 suggesting that mechanisms *other than* personalization—such as infinite scroll, autoplay, and push
14 notifications—may lead to such harm. NetChoice Action, ECF. No. 18-3 ¶ 54. With respect to
15 personalization, the State’s cited research is, at best, “based on correlation, not evidence of
16 causation,” which “will not suffice” under heightened scrutiny. *Brown*, 564 U.S. at 800 (citation
17 omitted). And the State has offered no evidence supporting its choice of a seemingly arbitrary and
18 highly restrictive one-hour window for the default setting required by Section 27002(b)(2).

19 58. Nor has the State established that the Act is “the least restrictive means among
20 available, effective alternatives.” *Ashcroft v. ACLU*, 542 U.S. 656, 666 (2004). Rather than
21 restricting personalized feeds, the State could “incentiviz[e] companies to offer voluntary” controls
22 or “educat[e] children and parents on the importance of using such tools”—which would serve the
23 State’s interest without direct governmental regulation of YouTube’s expressive compilation.
24 *Bonta*, 113 F.4th at 1121. YouTube already offers a wide range of such tools to help parents control
25 their children’s online activities, including bedtime reminders, take-a-break reminders, and
26 disabled autoplay for minors. Moreover, the State fails to account for other tools, such as literacy
27 programs promoting the wellbeing and mental health of minors, that do not broadly intrude on free
28 expression. Nor does the State consider various widely available technologies that parents can

1 select to oversee their children’s online activity without the need to restrict any particular platform:
2 parents can of course decide not to allow their children to have an Internet-enabled device, and
3 even if they do, parents can limit their children’s use settings at the level of the device, wireless
4 router, or web browser to monitor and enable notifications about their children’s online activity and
5 limit access to certain apps or websites.

6 59. The Personalized-Feed Provisions are seriously underinclusive for multiple reasons.
7 First, parental consent does not actually address the harm to minors that the State asserts. If a child
8 or teen is suffering severe mental or physical harm from social media as the State claims (but does
9 not prove), then one parent authorizing that activity to continue would not solve the issue. Thus,
10 the legislative fix of parental consent does nothing to solve the purported problem. Second, the
11 Personalized-Feed Provisions apply to websites like YouTube while exempting online streaming
12 services like Netflix or Hulu that also rely on personalized recommendations and features like
13 autoplay and therefore, under the State’s theory, would seem to pose the same asserted dangers.
14 Thus, the State “has singled out” certain websites “for disfavored treatment,” while “giv[ing] no
15 persuasive reason why.” *Brown*, 564 U.S. at 802.

16 60. In other respects, the Personalized-Feed Provisions are “vastly overinclusive.”
17 *Brown*, 564 U.S. at 804. They would restrict access to speech for *all* minors—even though even
18 the State’s experts admit that only a small number suffer from problematic Internet use. Section
19 27002(b)(4) is particularly overinclusive because it requires YouTube to establish a default setting
20 that disables personalization of any kind for minors, and unlike the main provision, contains no
21 exceptions for basic or technical information about the user such as language or country. That
22 means minors restricted by that default setting would be left to wade through an avalanche of
23 irrelevant content in different languages from unfamiliar creators discussing topics of no interest to
24 them.

25 61. Unless declared invalid and enjoined, the Personalized-Feed Provisions of the Act
26 will irreparably harm YouTube and its users, depriving them of their fundamental First Amendment
27 rights.

28

1 **Count II**

2 **42 U.S.C. § 1983**

3 **Void for Vagueness Under the Fourteenth Amendment**

4 **(Default-Restriction Provisions - §§ 27002(b)(2), 27002(b)(4))**

5 62. YouTube incorporates all prior paragraphs as though fully set forth herein.

6 63. Sections 27002(b)(2) and 27002(b)(4) of the Act are unlawful and unenforceable as
7 applied to YouTube because they are unconstitutionally vague in violation of the Due Process
8 Clause of the Fourteenth Amendment to the Constitution.

9 64. A law is unconstitutionally vague and thus violates due process if it “fails to provide
10 a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it
11 authorizes or encourages seriously discriminatory enforcement.” *United States v. Williams*, 553
12 U.S. 285, 304 (2008). A vague law implicating First Amendment freedoms is subject to “more
13 stringent” scrutiny than in other circumstances—and is facially unconstitutional if it “reaches a
14 substantial amount of constitutionally protected conduct.” *Vill. of Hoffman Ests. v. Flipside,*
15 *Hoffman Ests., Inc.*, 455 U.S. 489, 494, 499 (1982).

16 65. The Default-Restriction Provisions are unconstitutionally vague and violate the Due
17 Process Clause of the Fourteenth Amendment. They do not define or provide guidance on what
18 “verified parent” means or how a “parent” should be “verified.” The term “verified parent” does
19 not have a readily understood plain meaning. And verifying that an individual is the parent of a
20 minor user encompasses a wide range of options that impose an equally wide range of burdens on
21 YouTube, parents, and minor users. Further, the Act provides no guidance as to what it means to
22 “verify” a parental relationship or how a company is supposed to do so. The State doesn’t maintain
23 a legal database of “verified parents,” much less one that YouTube can access or align with its
24 users’ accounts.

25 66. The Act obligates YouTube to restructure its site to implement default settings that
26 bar personalized feeds for minors and alternatively restrict access to such feeds to daily limits,
27 subject to override by “verified parents.” The Act’s immediate effect means that YouTube must
28

1 implement the Default-Restriction Provisions without appropriate guidance or standards from the
2 State on the meaning of “verified parents.”

3 67. The Act’s vagueness permits Defendant to engage in arbitrary enforcement against
4 YouTube.

5 68. Unless declared invalid and enjoined, the Default-Restriction Provisions of the Act
6 will irreparably harm YouTube, depriving it of its right to due process under the Fourteenth
7 Amendment.

8 **Count III**

9 **Equitable Relief**

10 **(All Personalized-Feed Provisions - §§ 27001(a), 27002(b)(2), 27002(b)(4))**

11 69. YouTube incorporates all prior paragraphs as though fully set forth herein.

12 70. Sections 27001(a), 27002(b)(2), and 27002(b)(4) of the Act violate federal law and
13 deprive YouTube and its users of enforceable federal rights. Federal courts have the power to enjoin
14 unlawful actions by state officials. *Ex parte Young*, 209 U.S. 123, 155-56 (1908).

15 71. This Court can and should exercise its equitable power to enter an injunction pro-
16 hibiting Defendant from enforcing Sections 27001(a), 27002(b)(2), and 27002(b)(4) of the Act
17 against YouTube.

18 **Count IV**

19 **Declaratory Judgment**

20 **(All Personalized-Feed Provisions - §§ 27001(a), 27002(b)(2), 27002(b)(4))**

21 72. YouTube incorporates all prior paragraphs as if fully set forth herein.

22 73. Sections 27001(a), 27002(b)(2), and 27002(b)(4) of the Act are unlawful and
23 unenforceable as applied to YouTube because they violate the First Amendment of the Constitution
24 as applied to YouTube and thereby deprive YouTube, as well as its users, of enforceable rights.

25 74. Sections 27002(b)(2) and 27002(b)(4) of the Act are also unlawful and
26 unenforceable because they are unconstitutionally vague in violation of the Due Process Clause of
27 the Fourteenth Amendment and thereby deprive YouTube, as well as its users, of enforceable rights.

28 75. With exceptions not relevant here, in any “case of actual controversy within [their]

1 jurisdiction,” federal courts have the power to “declare the rights and other legal relations of any
2 interested party seeking such declaration.” 28 U.S.C. § 2201(a).

3 76. This Court can and should exercise its equitable power to enter a declaration that
4 Sections 27001(a), 27002(b)(2), and 27002(b)(4) of the Act are unconstitutional and unlawful.

5 **PRAYER FOR RELIEF**

6 YouTube requests an order and judgment:

7 A. Declaring that Cal. Health & Safety Code §§ 27001(a), 27002(b)(2), and
8 27002(b)(4) of the Act are unlawful as applied to YouTube;

9 B. Declaring that Cal. Health & Safety Code §§ 27001(a), 27002(b)(2), and
10 27002(b)(4) violate the First Amendment as applied to YouTube;

11 C. Declaring that Cal. Health & Safety Code §§ 27002(b)(2) and 27002(b)(4) are void
12 for vagueness under the Due Process Clause of the Fourteenth Amendment to the Constitution;

13 D. Preliminarily and then permanently enjoining Defendant and his agents, employees,
14 and all persons acting under their direction or control from taking any action to enforce Cal. Health
15 & Safety Code §§ 27001(a), 27002(b)(2), and 27002(b)(4) against Google or YouTube, LLC;

16 E. Entering judgment in favor of Google or YouTube, LLC;

17 F. Awarding Google or YouTube, LLC its attorneys’ fees and costs incurred in
18 bringing this action, including attorneys’ fees and costs under 42 U.S.C. § 1988(b) for successful
19 42 U.S.C. § 1983 claims against state officials; and

20 G. Awarding Google or YouTube, LLC all other such relief as the Court deems proper
21 and just.

22
23 Dated: November 13, 2025

COOLEY LLP

24
25 By: /s/ Elizabeth B. Prelogar
26 Elizabeth B. Prelogar

27 Attorneys for Plaintiffs Google LLC and
28 YouTube, LLC