

V.V. and E.Q., individually and as next friends
to minor C.O.

SUPERIOR COURT OF
CONNECTICUT

Plaintiffs,

v.

META PLATFORMS, INC., formally known
as FACEBOOK, INC.; SNAP, INC.;
REGINALD SHARP; and EDDIE
RODRIGUEZ

J.D. OF FAIRFIELD
AT BRIDGEPORT

MARCH 1, 2024

Defendants.

“[T]he current body of evidence indicates that while social media may have benefits for some children and adolescents, there are ample indicators that social media can also have a profound risk of harm to the mental health and well-being of children and adolescents. At this time, we do not yet have enough evidence to determine if social media is sufficiently safe for children and adolescents. We must acknowledge the growing body of research about potential harms, increase our collective understanding of the risks associated with social media use, and urgently take action to create safe and healthy digital environments that minimize harm and safeguard children’s and adolescents’ mental health and well-being during critical stages of development.”

Social Media and Youth Mental Health, The U.S. Surgeon General’s Advisory (May 23, 2023)

SUBSTITUTED COMPLAINT

Plaintiffs V.V. and E.Q., individually and as next of friends to minor C.O., bring this action against Snap, Inc. (“Snap”) (operating as “Snapchat”), Reginald Sharp (“Sharp”), and Eddie Rodriguez (“Rodriguez”) (individuals referred to collectively as “Individual Defendants” and all defendants referred to collectively as “Defendants”) for personal injuries caused to each by said Defendants and as follows:

I. INTRODUCTION

1. This lawsuit seeks to hold Snap and its Snapchat social media product responsible for causing and contributing to the burgeoning mental health crisis perpetrated upon the children and teenagers of the United States by Snap and, specifically, for the harms

Snap caused to minor C.O. and her family beginning when she was only 12. Snap’s design, programming, and operation of its social media platform and platform features, failures to warn, marketing and distribution to C.O., and C.O.’s subsequent exposure to and use of Snapchat directly and proximately caused the harms at issue in this Complaint, which include but are not limited to addiction (a/k/a problematic use), sleep deprivation, anxiety, depression, self-harm, suicidal ideation, and sexual exploitation and abuse.

2. This lawsuit further seeks to hold Snap, Sharp, and Rodriguez liable for the more specific and discreet (but still significant) harms they caused to C.O. in 2019 and 2021, after Snap built into its platform features, tools, and messaging designed to increase engagement by young users – at the expense of safety – and a user recommendation technology (often referred to as an “algorithm”) known as “Quick Add,” which Snap programmed and implemented in a manner likely to affirmatively “Add” and connect predators (including convicted sex offenders) to the accounts of minor children. This is precisely what happened to C.O.

3. On December 7, 2021, the United States Surgeon General issued an advisory cataloging a dramatic increase in teen mental health crises in the United States between the years of 2009 and 2019, including anxiety, depression, self-harm, attempted suicides, suicides, eating disorders, and inpatient admissions. While the most significant and far-reaching change to the lives of young people during that same period was the launch and light speed growth of certain social platforms, most prominently for purposes of this lawsuit, Snapchat, which was launched in 2011 (originally known as “Picaboo”).

4. Plaintiffs’ harms were directly and proximately caused by the actions and decisions of Snap, which should come as no surprise to Snap. From the outset, Snap set out to exploit vulnerabilities in human psychology to addict users and maximize user time and engagement.

5. Peer reviewed studies and available medical science have recently begun identifying a causal relationship between certain social media products, including Snapchat,

and severe mental health harms to children, including but not limited to teen suicide, suicide risk factors, depression, anxiety, and other serious harms – many of the harms suffered by C.O. and at issue in this Complaint. More to the point, on information and belief and over the last decade, Snap’s own internal observations and studies also identified the risks and harms their platform and platform features were causing to minor users. Snap knew or should have known that its actions and decisions relating to Snapchat were causing harm to some significant number of its minor users, and yet it failed to take action to protect the health and well-being of its minor users.

6. More than that, Snap spent the last decade convincing children, parents, governments, and the general public that Snapchat is not addictive or otherwise harmful to children and that it uses all available technologies to prevent distribution of its products to convicted sex offenders, to enforce its Terms of Service, and to otherwise provide a safe and fun environment for its youngest users.

7. Snap designs, markets, and distributes its product in a manner intended to convince consumers that it safe and kid-appropriate. Snap’s assurances were deliberately false and/or materially misleading.

8. The level to which Snap prioritized profits over foreseeable and known harms to human life is unprecedented; and, in all cases, the harms to C.O. and her family could and would have been avoided but for Snap’s unilateral and undisclosed product marketing, design, distribution, and programming decisions.

9. Snap has invested millions of dollars to design, develop, distribute, and market its products to engage and retain the youngest possible audience, including,

- a. Targeting minors in the marketing of Snapchat, and known distribution to children under 13 and to children under 18 absent parental consent;
- b. Marketing and making other public characterizations about Snapchat that are materially false or misleading, for example, advertising features to portray Snapchat as fun and harmless while withholding from advertising and other

disclosures features likely to cause harm to children, claiming that Snapchat is not addictive when Snap has actual knowledge to the contrary, and claiming that Snapchat is designed differently from other social media products and utilizes all available technologies to ensure the safety of kids when it does not;

- c. Designing, implementing, and making available and/or utilizing products and processes that are defective and/or inherently dangerous in connection with minor users, for example, back-end data deletion practices, direct messaging products, disappearing and inherently dangerous and/or misleading messaging products and options, and hidden data vaults;
- d. Designing, programming, and operating their user recommendation products to identify, encourage, and affirmatively connect minor users with other users (often adults), which affirmative connections Snap knows to be problematic, inappropriate, harmful, and highly detrimental to the mental and physical health of their minor users; but also, Snap's decision to do so despite repeatedly (and falsely) telling its users that it does not make recommendations unless the users are likely to know each other in real life, and similar ;
- e. Designing, programming, and operating its products group and content recommendation products to identify, encourage, and affirmatively connect minor users with subject matters (referred to as content when discussed on a piece-by-piece basis) in a manner that Snap knows or should know to be problematic, inappropriate, harmful, and highly detrimental to the mental and physical health of its minor users;
- f. Continued operation of proprietary algorithms without disclosure and despite knowledge that these products suffer an algorithmic bias and/or algorithmic discrimination defect, that is, where Snap's design, programming and/or

operational decisions are affirmatively directing disproportionately higher amounts of violent, sexual, and other harmful and unwanted subject matters to vulnerable users and/or protected classes, including children, women, persons of color, and low socio-economic status (“low-SES”);

- g. Continued operation of the “Quick Add” and, possibly, other proprietary algorithm products without disclosure and despite the fact that Snap knew or should know that these products suffer from a severe algorithmic discrimination defect – namely, that Snap’s design, programming and/or operational decisions are resulting in Snap’s provision of certain user recommendation and account viewing services to male users and adult female users that bear almost no resemblance to the same types of services Snap provides to young female users, resulting in Snap providing inherently dangerous and discriminatory services to young female users based on Snap’s determinations and assumptions regarding their age and gender;
- h. The design and sending of communications, such as push notifications and emails, to minor users in the user’s state of residence, where Snap has designed and sends such notifications and direct communications in excess and at inherently harmful times of day to encourage and compel minor users to continue using Snapchat (even after the user had already chosen to not use Snapchat); and
- i. Designing, distributing, programming, and operating Snapchat in a manner designed to create and encourage addiction in young users in other ways, some of which are known and set forth herein and others of which are unknown to anyone but Snap but will be revealed in discovery in this case.

10. Snap designed its platform around sunk cost and network effect principles and continues to implement and program and/or operate numerous product features in

manners it knows to be dangerous to young users, which designs and decisions are not known to ordinary and reasonable consumers.

11. Strict Product Liability – Design Defect. Plaintiffs bring claims against Snap for strict liability based upon the defective design of its product that renders such product not reasonably safe for ordinary consumers or minor users. It is technologically feasible to design Snapchat in a manner that would substantially decrease both the incidence and magnitude of harm to minors arising from their foreseeable use of Snapchat – including sexual exploitation from predatory adults -- with a negligible increase in production cost. In fact, on information and belief, over the last several months Snap has been representing that is making at least some such changes to its Quick Add programming. At all time relevant, Snap simply chose profits over safety.

12. Strict Product Liability – Failure to Warn. Plaintiffs bring claims against Snap for strict liability based on its failure to provide adequate warnings to minor users and their parents of the dangers of mental, physical, and emotional harms and sexual abuse arising from the foreseeable use of Snapchat as currently designed, distributed, and operated by Snap. The addictive quality of Snapchat and the impacts of Snap’s harmful product designs and features, including but not limited to its recommendation algorithms and programming decisions, direct messaging products and messaging options, disappearing messaging and secret data vault products, hidden rewards products, bitmoji and other product features which make the platform appear safe and kid-appropriate while facilitating the sexual exploitation of minors by predatory adults and Snap’s own messaging and manipulation of young users, among others, are unknown to minor users and their parents.

13. Negligence – Design Defect and Failure to Warn. Plaintiffs bring claims for common law negligence against Snap arising from its unreasonably dangerous social media product and its failure to warn of such dangers. Snap knew, or in the exercise of ordinary care should have known, that its social media product and product features were harmful to a significant percentage of its minor users and failed to redesign Snapchat to ameliorate these

harms or warn minor users and their parents of dangers arising out of the foreseeable use of its products.

14. Connecticut Unfair Trade Practices Act, C.G.S. §§ 42-110g, et seq. (“CUTPA”). Plaintiffs bring claims against Snap for committing unfair and/or deceptive acts or practices by marketing and representing its products as being safe for minor users when Snap knew or should have known that its social media products were harmful to a significant percentage of its minor users yet it failed to redesign its products to limit the potential harms or warn minor users and their parents of the dangers inherent in the foreseeable use of its products. The unfair and/or deceptive acts or practices of Snap were a proximate cause of the harm suffered by the plaintiffs, C.O. and her parents.

15. Unjust Enrichment. Plaintiffs also bring a claim for unjust enrichment against Snap. Snap received a direct benefit from problematic and harmful use of their product, as well as the opening of accounts by C.O.’s parents under the (mistaken but reasonable) belief that they could utilize those accounts to help monitor or protect their child online. Under the circumstances, it would be unjust and inequitable for Snap to retain those ill-gotten benefits.

16. Invasion of Privacy. Plaintiffs bring claims for invasion of privacy. Snap’s conduct detailed herein frustrated and intruded upon Plaintiffs’ fundamental right to protect their child and to monitor and control her use of social media, and this intrusion occurred in a manner that was highly offensive to a reasonable person.

17. Negligence. Plaintiffs also bring a claim of negligence against Snap for its affirmative design and distribution of Snapchat in a manner that foreseeably interfered with the ability of young users to recognize danger, including mandatory product settings, such as Snap’s Bitmoji, that made all users appear friendly and harmless, and Snap’s own representations and messaging, designed to convince and manipulate young users into providing Snap with access to personal data and that complete strangers were really their “friends.” Plaintiffs also bring a claim of negligence against Snap for sharing C.O.’s account and/or personal information with strangers and for pushing C.O., as a matter of

product design, towards and into interacting with adult users; for failing to implement reasonable safety features that would help protect minor users from sexual exploitation, assault, and battery at the hands of adult users, particularly where such sexual exploitation, assault, and battery was the foreseeable product of Snap's deliberate programming and operational decisions; by permitting and even encouraging and enabling adult users to freely interact with minor users of their products when Snap knew, or should have known that it was putting minor users at risk of sexual exploitation, assault, and battery; by affirmatively connecting minor female users with adult male users thereby increasing the risk that minor users would be sexually exploited, assaulted, or battered; by failing to establish, maintain and enforce a policy of reporting, investigating, and removing users engaged in sexual misconduct or exploitation; and/or by failing to recognize the risks that adult users were using Snap's products to sexually exploit, assault and batter minor users such as C.O.

18. Assault and Battery. Plaintiffs also bring claims against Reginald Sharp for his sexual exploitation, assault and battery of the minor plaintiff, who was introduced to this defendant exclusively through her use of Snapchat.

19. Assault and Battery. Plaintiffs also bring claims against Eddie Rodriguez for his sexual exploitation, assault and battery of the minor plaintiff, who was introduced to this defendant exclusively through her use of Snapchat.

II. PARTIES

20. Plaintiffs V.V. and E.Q. are C.O.'s parents and legal guardians. C.O. currently is 17 years old and has suffered harms caused by Snap and the Snapchat platform since at least the age of 12.

21. V.V. and E.Q. have not entered into a User Agreement or other contractual relationship with Snap herein in connection with C.O.'s use of Snapchat, and further disaffirm all agreements that their child may have entered with Snap. As such, Plaintiffs are not bound by any arbitration, forum selection, choice of law, or class action waiver set forth in any such agreements.

22. Defendant Snap, Inc. (“Snap”) 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 product Snap distributes and makes widely available to users in the State of Connecticut. At all times relevant hereto Defendant Snap 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.

23. Defendant Reginald Sharp is an individual who currently resides at the Cheshire Correctional Institution located in Cheshire, Connecticut.

24. Defendant Eddie Rodriguez is an individual who currently resides at the Hartford Correctional Center, located in Hartford, Connecticut.

III. JURISDICTION AND VENUE

25. This Court has personal jurisdiction over Snap because it transacts business in Connecticut with Connecticut residents, Plaintiffs’ claims set forth herein arise out of and relate to Snap’s activities in the State of Connecticut, and Snap has purposefully availed itself of the benefit of transacting business in Connecticut with Connecticut residents. For example, Snap advertises and encourages use of its social media products in Connecticut; enters into millions of contracts with Connecticut residents, including as relating to use of the same social media product; provides access to significant percentages of Connecticut’s population to its social media product; generates and send emails and other communications to Connecticut residents, including to C.O.; designs and distributes push notifications, recommendations, and other communications to Connecticut residents, aimed at encouraging addiction and use of Snap’s social media products, as Snap did here; actively and extensively collecting personal and location information belonging to Connecticut residents, including C.O.; and generating revenue from Connecticut activities that dwarf what most Connecticut-based businesses generate.

26. Defendant Snap also will not stop doing business in Connecticut or bar Connecticut residents from use of its social media products. The revenue Snap generates

because of Connecticut users and because its business model relies on being able to distribute its products to and enter into product-related contracts and transactions with Connecticut residents (including children) is too significant. Walling off distribution and sales to Connecticut would have a devastating impact on Snap's entire business, irrespective of their total number of users and locations worldwide.

27. Plaintiffs are residents of Connecticut and Snap distributed and C.O. acquired and used Snap's products in Connecticut, and Plaintiffs suffered injuries here as a result.

28. On information and belief, Reginald Sharp and Eddie Rodriguez are residents of the state of Connecticut.

29. Venue is proper in this county because Plaintiffs reside here.

IV. FACTUAL ALLEGATIONS

A. Sexual Predators Use Social Media to Groom Vulnerable Kids

30. Child sexual abuse is a significant public health problem and an adverse childhood experience. Child sexual abuse refers to the involvement of a child (person less than 18 years old) in sexual activity that violates the laws or social taboos of society and that he/she (1) does not fully comprehend; (2) does not consent to or is unable to give informed consent to, or (3) is not developmentally prepared for and cannot give consent to.

31. According to the Center for Disease Control, approximately 1 in 4 girls and 1 in 20 boys in the United States experience child sexual abuse.¹ However, many children wait to report or never report child sexual abuse. Therefore, these numbers likely underestimate the true impact of the problem.

32. According to the Center for Disease Control, 91 percent of sexual abuse is perpetrated by someone who the child either knows or trusts. One tool commonly used by predators to gain kids' trust is grooming.

¹ *Fast Facts: Preventing Child Sexual Abuse*, Centers For Disease Control And Prevention (Apr. 26, 2022), <https://www.cdc.gov/violenceprevention/childsexualabuse/fastfact.html>.

33. “Grooming” is a general term for the preparatory manipulation of children into sexual victimization; it describes a course of conduct engaged in for the purpose of encouraging or manipulating the child or young person to engage in sexual behavior.² Grooming is when a predator builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Children and young people who are groomed can be sexually abused, exploited, or trafficked.

34. UNICEF has identified online grooming as one of the key global threats that "expose[s] children to sexual abuse and exploitation."³ A distinctive feature of online grooming is the manner in which interactions occur; the exploitation may consist of getting the young person to send sexually explicit photographs of themselves, to take part in sexual activities via a webcam or smartphone, to have sexual conversations online or by text, and/or to agree to meet with the offender so that contact abuse can take place.⁴ Pedophiles frequently present themselves online as younger and with similar interests and attitudes as their child victim. Less security conscious than older users when using social media, children and young people can quickly befriend strangers via interactions on social media⁵

35. Grooming is a creeping process that develops over a period of time. This characteristic is what makes it so dangerous and difficult to detect within the early stages. Perpetrators tend to target children online by creating fake profiles. After establishing trust through consistent attention and creating the appearance of a friendly or even romantic relationship, perpetrators will begin to sexualize the relationship, often times by inciting the child to create and share self-generated intimate content. The images are then used by the

² Samantha Craven et al., *Current Responses to Sexual Grooming: Implications for Prevention*, 46 *Howard Journal of Crime and Justice*. 60, 61 (2007)

³ International Center for Missing & Exploited Children, *Online Grooming of Children for Sexual Purposes: Model Legislation and Global Review* 5 (2017)

⁴ Claire Lilley, *UK Policy Responses and Their International Relevance*, *Online Risk to Children: Impact, Protection and Prevention* 189, 191 (2017)

⁵ Owen Gough, *Millennial Employees Sloppiest at Cyber Security, Study Finds*, *Small Business*. (Oct. 18, 2017),

groomer to extort even more content and to blackmail the child into continuing the abusive relationship.

36. Grooming can take place online or in-person and follows a similar pattern.

- Victim selection: Abusers often observe possible victims and select them based on ease of access to them or their perceived vulnerability.
- Gaining access and isolating the victim: Abusers will attempt to physically or emotionally separate a victim from those protecting them and often seek out positions in which they have contact with minors.
- Trust development and keeping secrets: Abusers attempt to gain trust of a potential victim through gifts, attention, sharing “secrets” and other means to make them feel that they have a caring relationship and to train them to keep the relationship secret.
- Desensitization to touch and discussion of sexual topics: Abusers will often start to touch a victim in ways that appear harmless, such as hugging, wrestling and tickling, and later escalate to increasingly more sexual contact, such as massages or showering together. Abusers may also show the victim pornography or discuss sexual topics with them, to introduce the idea of sexual contact.
- Attempt by abusers to make their behavior seem natural, to avoid raising suspicions. For teens, who may be closer in age to the abuser, it can be particularly hard to recognize tactics used in grooming. Be alert for signs that your teen has a relationship with an adult that includes secrecy, undue influence or control, or pushes personal boundaries.

37. Online grooming often involves adults creating fake social media profiles and posing as children or teens in order to befriend someone and gain their trust. This may be the first step towards sexual abuse or online stalking or harassment. It is easy to pretend to be someone else on social media which is frequently known as online impersonation. Children often have conversations on social media with people whose real identities they may not know.

38. Groomers go on social media platforms used by young people and pretend to be one of them. They might attempt to gain trust by using fake profile pictures, pretending to have similar interests, offering gifts and saying nice things to the child. The child might not yet have the emotional intelligence to judge whether someone is genuine.

39. Once they have the child's trust, the groomer often steers the online conversation towards their sexual experiences, even asking them to send sexual photographs or videos of themselves. Some may try to set up a meeting or even blackmail children by threatening to share the pictures or videos with the child's family and friends.

40. Online groomers target children on sites and platforms popular with young people. On social media, online groomers will often target a number of young people at any one time by sending out friend requests to see who responds. Through online forums and online games, they may strike up a conversation to build a relationship with a child and ask them to continue talking on another platform or chat privately.

41. Sextortion is a form of online sexual exploitation where children are threatened or blackmailed, most often with the possibility of sharing with the public a nude or sexual images of them, by a person who demands additional sexual content, sexual activity or money from the child. This crime may happen when a child has shared an image with someone they thought they knew or trusted, but in many cases they are targeted by an individual they met online who obtained a sexual image from the child through deceit, coercion, or some other method. In many cases, the blackmailers may have stolen or taken

images of another person and they are communicating through a fake account. The blackmailer may have sent images as well.

42. Those involved in the sextortion of children often:

- Approach a child on social media after using it to learn about the child's interests, friends, school, family, etc.
- Move quickly and ask for nudes immediately after following or friending a child on a social media platform.
- Intentionally move their communications with the child from one online platform to another (e.g., moving from social media to private video chat or messaging apps).

43. These offenders may use tactics to coerce a child, including:

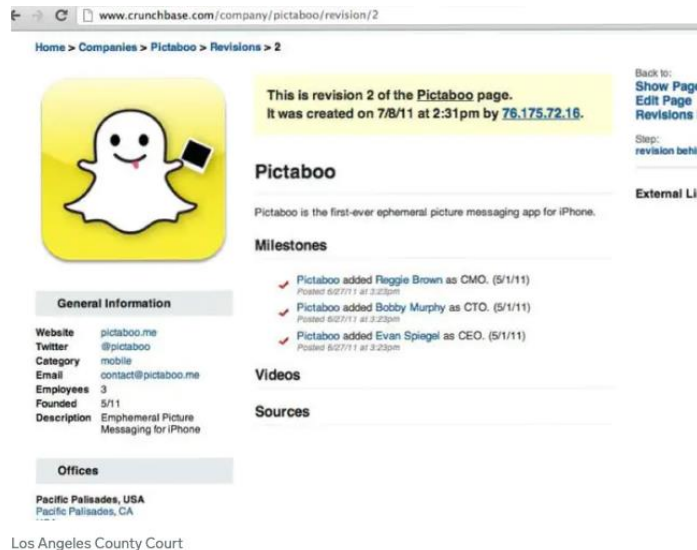
- Reciprocation ("I'll show you, if you show me").
- Pretending to work for a modeling agency to obtain sexual images of the child.
- Developing a bond with the child by establishing a friendship/romantic relationship.
- Using multiple false online identities to contact a child.
- Pretending to be younger and/or a member of the opposite sex.
- Accessing the child's online account without authorization and stealing sexual images or videos of the child.
- Threatening to create sexual images or videos of the child using digital-editing tools.

B. Background on Snap and Snapchat

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

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

46. Snapchat, originally called *Picaboo*, began as a simple smartphone-based product premised on disappearing messages, a feature that remains foundational to its popularity.



47. 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.”⁶ Evan Spiegel is one of the youngest billionaires in the world because of Snapchat.⁷

48. 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

⁶ 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-instagramcocaine-mdma-how-10812890>.

⁷ 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>.

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...”⁸

49. 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. 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.”⁹ In one email he tells members of his fraternity, “Hope at least six girl[s] sucked your dicks last night. Cuz that didn’t happen for me,” and signs it, “Fuckbitchesgetleid.”¹⁰ Other emails ruminate on fraternity pledge parties fueled by illegal drugs and underage drinking and lauds the resulting sexual conquests.¹¹

50. 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.

51. 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 illegal drugs and alcohol to ply upon minors for purposes of sexual conquests occurred at the same time

⁸ 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/>.

⁹ 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> (last accessed Feb. 27, 2024).

¹⁰ “Fuck Bitches Get Leid” – The Sleazy Frat Emails of Snapchat’s CEO, <https://ohnotheydidnt.livejournal.com/88559742.html>, last accessed Feb. 27, 2024; *see also* 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>, last accessed in 2023, but link appears to be inaccessible since the last time it was cited in a Court pleading.

¹¹ *Id.*

he was designing the Snapchat product. It is apparent that a significant motivation for Snapchat's design was to facilitate such activity and provide cover for those engaged in illicit and illegal conduct. Snapchat's designers also wanted to create a vehicle to convince girls to send them nude photographs.

52. 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.

53. 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 evidence of their online activities outside of illicit and/or otherwise problematic conduct. "Everyone said, 'That is a 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."¹²

54. After its launch in 2011 and initial lack of popularity, Snapchat founder Bobby Murphy proposed targeting Snapchat to mature audiences for its most obvious

¹² 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-of-snapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=3c52f29467d2>.

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!”¹³

55. The consequences of these design decisions have encouraged and facilitated child sexual exploitation and abuse across the socioeconomic spectrum.

56. Despite 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.¹⁴

57. Months after its launch, *Picaboo* had amassed only 127 users¹⁵ so the trio “pivoted” with a name change to Snapchat and began marketing to and targeting high school students. Within a year, and with its new target audience of children and teens, Snapchat grew to more than 100,000 users.

58. By 2021, Snap employed 5,661 people and made 4.12 billion in revenue; by Q2 2022, Snapchat had 347 million daily active users worldwide and an average of over 5 billion Snaps are sent every day.¹⁶ Snapchat is now one of the most widely used social media products in the world and is used by more than 69% of all U.S. teens (age 13 to 17).¹⁷ Snap

¹³ Colao, *supra* note 8. 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-indiscreet-photos-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.”).

¹⁴ See Colao, *supra* note 8 (explaining that by Fall of 2011, Snap’s founders noticed that its userbase were school-aged kids who used the app primarily between the school hours of 9:00 a.m. and 3:00 p.m.).

¹⁵ *The History of Snapchat and the Future of Disappearing Photo Apps*, FROZEN FIRE, <https://frozenfire.com/history-of-snapchat/> (last visited Feb. 28, 2024).

¹⁶ Jack Shepherd, *25 Essential Snapchat Statistics You Need to Know in 2024*, SOCIAL SHEPHERD (Feb. 26, 2024), <https://thesocialshepherd.com/blog/snapchat-statistics>.

¹⁷ See *Snapchat Statistics*, SMART INSIGHTS (Mar. 18, 2020), <https://www.smartinsights.com/social-media-marketing/social-media-strategy/snapchat-statistics/>.

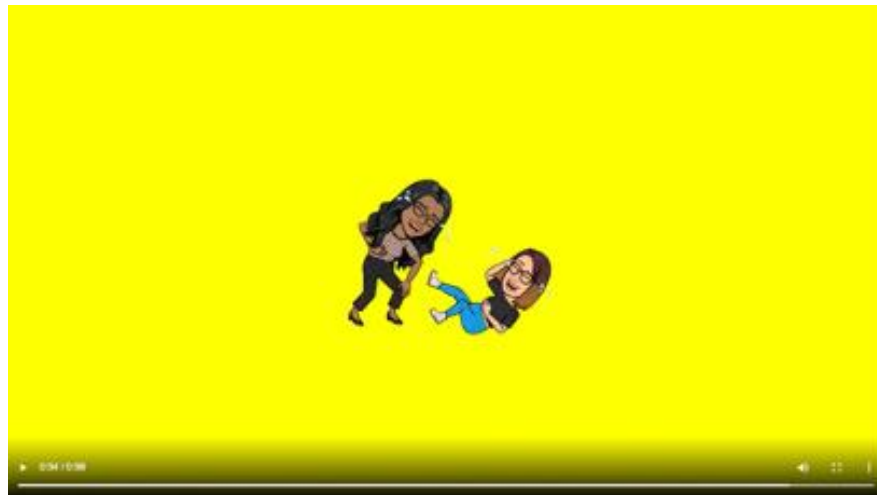
itself estimates having between 92.8 and 96.6 million users in the U.S., at least 17 to 17.7 million of which are under the age of 18.

C. Snap Targets Minor Users.

59. By 2020, Snapchat was being used by an estimated 69% to 82% of all U.S. teens (aged 13 to 17) – though Snap estimated that number to be as high as 90% – and 36% of U.S. teens report that Snap is their favorite of all the social media apps.¹⁸

60. 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.

61. 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:

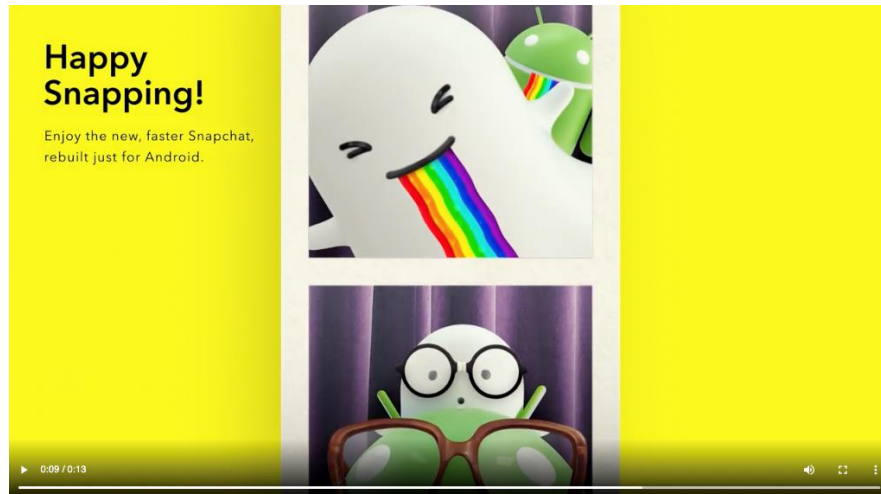


¹⁸ Aran Ali, *Snapchat: The Most Popular Social Media Among U.S. Teens*, VISUAL CAPITALIST (Dec. 16, 2020), <https://www.visualcapitalist.com/snapchat-the-most-popular-social-media-among-us-teens/> (hosting a graphic that shows “over 75% of the 13-34 year old U.S. population uses Snapchat” and stating that Snap “has emerged as the most popular social media app for U.S. teens”).

62. 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:



63. 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:



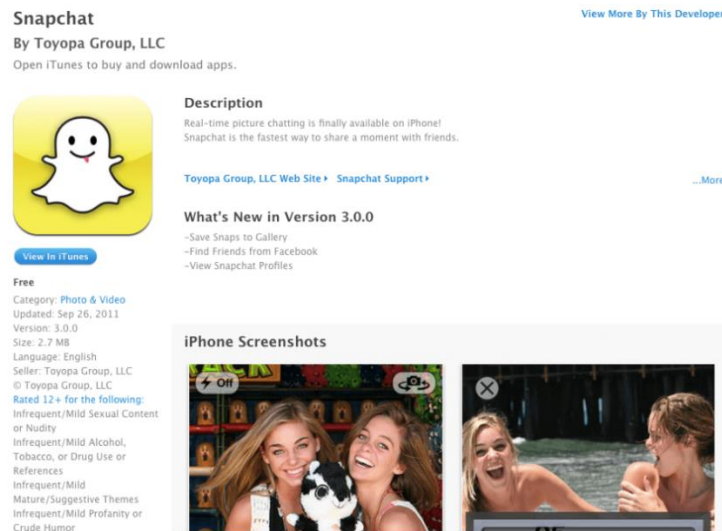
64. Snap is considered a leader even among its competitors when it comes to effectively marketing and appealing to minors, to the point where Meta Platforms Inc. (formerly, Facebook) (“Meta”) has studied Snap’s success.

65. 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 it¹⁹:

- “I don’t like making accounts on stuff except for Snapchat ... I feel safer with just one thing.” – 10-year-old child
- “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
- “I found out about Snapchat because most of my friends use it.” – 12-year-old child

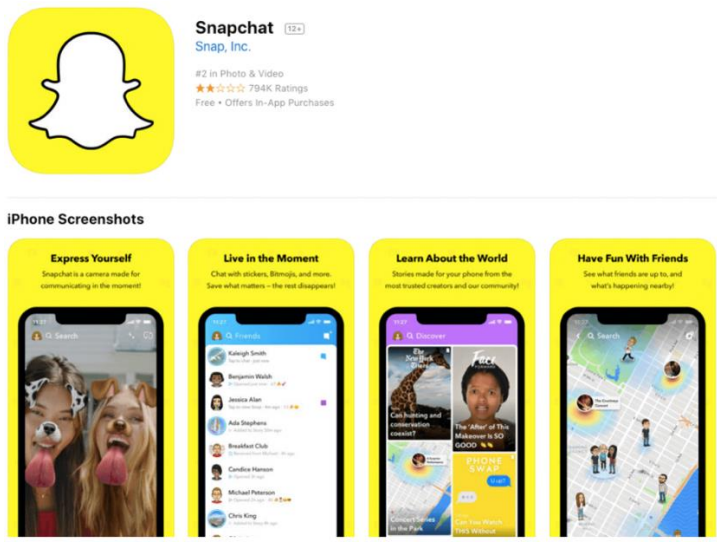
66. This evolution of Snap as sexting app to one its founders targeted at children is reflected in its App Store marketing over the years as well. For example, this is how Snapchat marketed itself in the App Store when it was first released in 2011:²⁰



67. This is how Snapchat was marketing itself in the App Store by 2021:

¹⁹ Tweens and Social Media (October 9, 2017), https://www.documentcloud.org/documents/23322940-copy-of-tweens-and-social-media_sanitized_opt.

²⁰ *Snapchat's History: Evolution of Snapchat and Timeline (2024)* (Jan. 3, 2024), <https://www.buycustomgeofilters.com/blog/snapchat-history-and-updated-timeline>, (last visited Feb. 27, 2024).



68. And this is how Snapchat is marketing itself in the App Store now (screenshots taken on February 27, 2024):





Snapchat 12+
Share the moment
Snap, Inc.
#4 in Photo & Video
★★★★ 4.6 • 2.2M Ratings
Free • Offers In-App Purchases

iPhone Screenshots



Snapchat is a fast and fun way to share the moment with your friends and family

SNAP

- Snapchat opens right to the Camera — just tap to take a photo, or press and hold for video.
- Express yourself with Lenses, Filters, Bitmoji and more!
- Try out new Lenses daily created by the Snapchat community!

CHAT

- Stay in touch with friends through live messaging, or share your day with Group Stories.
- Video Chat with up to 16 friends at once — you can even use Lenses and Filters when chatting!
- Express yourself with Friendmojis — exclusive Bitmoji made just for you and a friend.

STORIES

- Watch friends' Stories to see their day unfold.
- See Stories from the Snapchat community that are based on your interests.
- Discover breaking news and exclusive Original Shows.

SPOTLIGHT

- Spotlight showcases the best of Snapchat!
- Submit your own Snaps or sit back, relax, and watch.
- Pick your favorites and share them with friends.

MAP

- Share your location with your best friends or go off the grid with Ghost Mode.
- See what your friends are up to on your most personal map when they share their location with you.
- Explore live Stories from the community nearby or across the world!

MEMORIES

- Save unlimited photos and videos of all your favorite moments.
- Edit and send old moments to friends or save them to your Camera Roll.
- Create Stories from your favorite Memories to share with friends and family.

FRIENDSHIP PROFILE

- Every friendship has its own special profile to see the moments you've saved together.
- Discover new things you have in common with Charms — see how long you've been friends, your astrological compatibility, your Bitmoji fashion sense, and more!
- Friendship Profiles are just between you and a friend, so you can bond over what makes your friendship special.

Happy Snapping!

•••

Please note: Snapchatters can always capture or save your messages by taking a screenshot, using a camera, or otherwise. Be mindful of what you Snap!

69. 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 platforms at the time.

D. Snap Misrepresents the Safety of its Product.

70. 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. For example, in April of 2021, Snap published a “Safety”-related Blog touting its many alleged efforts to protect minor users.

71. 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 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.”²¹

72. In truth, Snap ensures that there is no real way for parents to learn what Snap is doing – what products it is distributing to their children, how it has designed and programmed those products to target children, 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.

²¹ See *Snapchat, Privacy & Safety: The Basics*, SNAP INC., (Apr. 21, 2021), <https://values.snap.com/news/snapchat-privacy-and-safety-the-basics>.

73. 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 is designing its entire platform in a manner intended to lull children into a false sense of safety and actively is connecting children to predatory Snapchat users to increase its own engagement, is unfair, deceptive, false, and misleading.

E. Snapchat is a Product

74. 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.²²

75. 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.”²³

76. 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.

²² Snap, Inc. Form 10-K at 6, https://s25.q4cdn.com/442043304/files/doc_financials/2022/q4/SNAP-2022.12.31-10K.pdf.

²³ 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>.

77. 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.

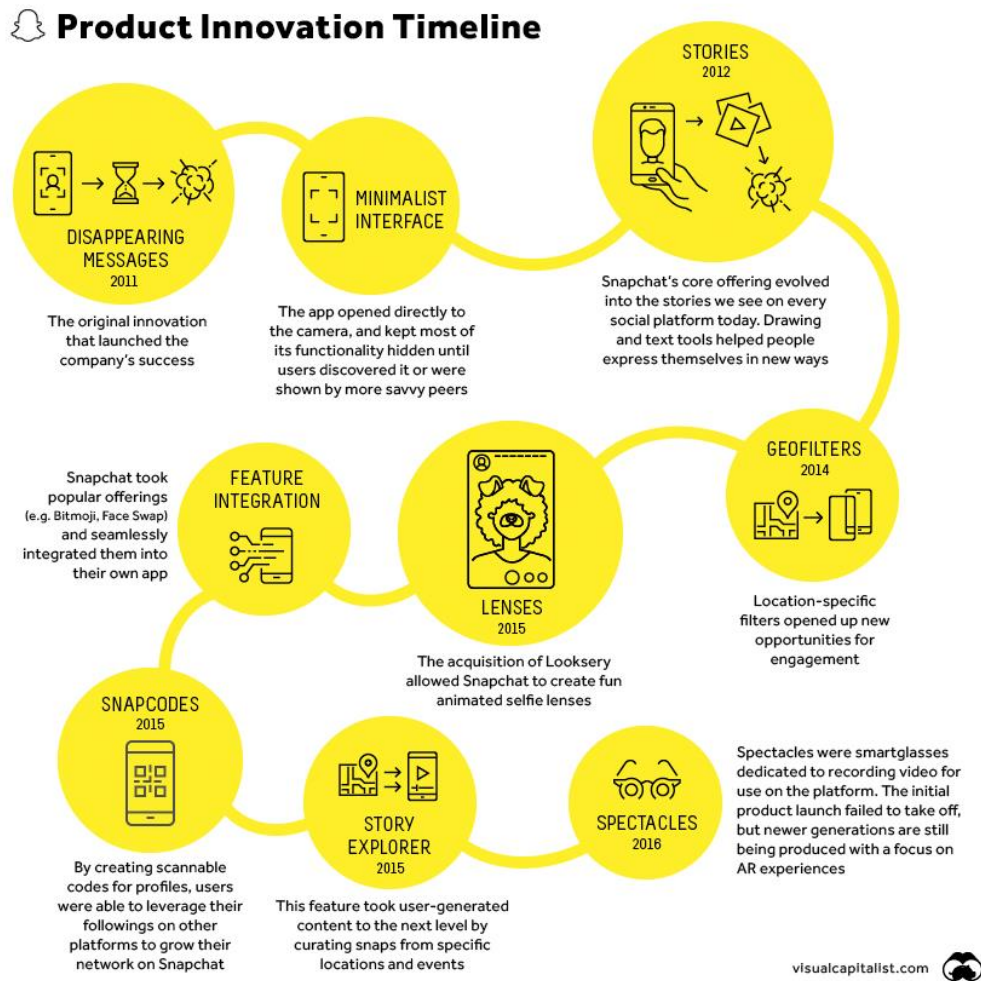
78. Snapchat is akin to a tangible product for purposes of product liability law. Snap can be heard and seen. It takes up memory and depletes battery life. Snap can be turned on and off. It can be moved from one screen to another. When installed on a consumer's device, it has a definite appearance and 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."

79. 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.

80. Since its inception in 2011 Snap's leadership designed and re-designed new product features in what became an epic race with competing social media manufacturers to increase popularity among America's youth and secure the title of go-to app for tweens, teens, and young adults. Snap is known within the industry for being an innovator whose product ideas other companies like Meta steal.²⁴

²⁴ 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/> ("Many of the features we now see baked into every social app originated from Snapchat."); see also Dave Johnson, *What is Vanish Mode on Instagram? Here's what you need to know about the platform's disappearing messages feature*, BUSINESS INSIDER (Feb. 1, 2021), <https://www.businessinsider.com/guides/tech/vanish-mode-instagram?amp> (Instagram did not implement its Vanish Mode feature until "late 2020," and the feature is one that must be selected by the user, rather than the default).

81. The following is a product innovation timeline, illustrating Snap’s evolution over time from a simple product to one with several different (and dangerous) product features:²⁵



82. In 2012, Snapchat launched on Android and added video capabilities, pushing the number of “snaps” to 50 million per day.²⁶

83. In 2013, Snap added its “Chat” and “Stories” features – skyrocketing Snap’s popularity among American youth and “changing the face of social media timelines

²⁵ Routley, *supra* note 18.

²⁶ Brian O’Connell, *History of Snapchat: Timeline and Facts*, THE STREET (Feb. 28, 2020), <https://www.thestreet.com/technology/history-of-snapchat>.

forever[.]”²⁷ This same year, Instagram launched Instagram Direct in an effort to compete with Snapchat’s photo messaging platform; and in response to *that*, Snap launched filters, timestamps, temperature and speed overlays, and Snap replays.²⁸

84. In 2014, Snap added text conversations, live video chat capabilities, “Our Story,” Geofilters, and Snapcash. Chat allowed users to talk to one another in the chat window via live video chat,²⁹ which feature also is appealing to predators as it means no evidence – no call logs or text message trails that can be used by parents or the police. Snap does not limit use of that product, or any of these products, to adult users. Snap also does not widely advertise these products, such that most parents do not know they exist.

85. By 2015, Snapchat had over 75 million monthly active users and was the most popular social media application amongst American teenagers in terms of number of users and time spent using the platform. Snap then introduced Discover (“a fun and interactive source of content from media partners such as National Geographic, Comedy Central, CNN, and more”),³⁰ QR code incorporation, and facial recognition software, and began its monetization strategy. Snap also launched several “hilarious animated selfie

²⁷ *Id.*; see also, e.g., Routley, *supra* note 18 (“... the concept of stories is perhaps the most significant contribution to the digital landscape. Disappearing short-form videos started off as a messaging tool, but ended up transforming the way people share their lives online.”); see also, e.g., Vaynerchuk, *supra* note 4 (“This update marked Snapchat’s first big move into becoming a major platform by creating its own social language and context. It already had functionality very different from any other social network at the time ... But after Stories the platform began to take off and mature as a content destination.”); 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> (“parents and other members of older generations have a dominant presence on Facebook, causing younger users to seek out a new platform. Snapchat came on the scene at just the right time.”).

²⁸ FROZEN FIRE, *supra* note 10.

²⁹ O’Connell, *supra* note 20.

³⁰ Vaynerchuk, *supra* note 4 (the Discover product put Snap “in a very aggressive place within the overall user interface of the app and delivers an unmatched form of attention from their youthful user base.”).

lenses” in 2015.³¹ Advertisements were now a huge source of Snap’s revenue – according to company financials, they made up 99% of total revenue.³²

86. In 2016, Snap introduced Memories, Groups, and the My Eyes Only self-destructing data vault product. The same year, Instagram launched its own “Stories” product, directly copying from the Snapchat Stories product Snap introduced back in 2013 and due to how wildly popular Stories proved to be with teens and young adults.³³

87. For years Snap has received reports of child abuse and bullying occurring through its product and because of its product features,³⁴ yet has kept those features in place as removing them would result in considerable impact on the popularity of Snap’s social media product. Harmful and dangerous interactions likewise occur because of these and other Snapchat messaging features, which provide direct and unsupervised access to children and teens. But also, Snapchat is a dangerous product because it does not operate as advertised. Snap’s disappearing design and marketing of this feature is particularly harmful to teens who rely on Snap’s representations when taking and sending photos, only learning after the fact that recipients have means to save photos – and are often bullied, exploited, and/or sexually abused as a direct result.

88. Snap advertises and promotes its product as safe and fun—which could not be further from the truth.

89. The Snapchat product is used by many millions of children every day, children who have become addicted to the product by design.

³¹ O’Connell, *supra* note 20.

³² *Id.*

³³ *See, e.g.*, FROZEN FIRE, *supra* note 10; Routley, *supra* note 18.

³⁴ *See, e.g.*, Zak Doffman, *Snapchat Has Become A ‘Haven For Child Abuse’ With Its ‘Self-Destruction Messages’*, FORBES (May 26, 2019), <https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a> (Snapchat Has Become A ‘Haven for Child Abuse’ With Its ‘Self-Destructing Messages’).

F. Snap Designed and Distributed Inherently Dangerous and/or Defective Products to Minors and Failed to Warn

90. Snapchat contains numerous features that serve no critical purpose relating to product functionality.

91. While this Complaint addresses known features, on information and belief, there are other features and technologies designed, developed, manufactured, operated, and distributed by Snap that currently are unknown to Plaintiffs for the simple reason that these Snap has concealed the truth and operates with zero transparency. Plaintiffs believe that they will identify other examples of harmful product features and conduct through discovery in this case and, as such, it is in the interest of the State of Connecticut for this Court to permit discovery on these issues.

i. Snap Has Ineffective Age Verification and Parental Controls

92. 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 18.³⁵

93. 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 to be under 13 and/or under 18 and without parental consent.

94. In February 2024, Snap stated in discovery in this case that all times relevant “Snap’s Terms of Service prohibited users under the age of 18 from using Snapchat without obtaining a parent’s consent,” but that “Snap does not verify parental consent to use Snapchat.” (Emphasis added).

95. 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 – has long represented that the Snapchat product is safe for users “12+.”³⁶

³⁵ Snap Inc. Terms of Service (effective Nov. 15, 2021), *available at* <https://www.snap.com/en-US/terms> (last visited Feb. 28, 2024).

³⁶ *See* Snapchat Apple App Store Preview, *available at* <https://apps.apple.com/us/app/snapchat/id447188370> (last visited Feb. 28, 2024).

App Store Preview

Information

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

96. When a user signs up for Snap, they are prompted to enter their birthday. According to Snap, if a user enters a date of birth under the age of 13, Snap notifies the user that they need to be older to be eligible for Snapchat. But then Snap allows the child to enter a new date of birth and proceeds to create an account for them.

97. In some instances, however, users have reported Snap allowing them onto the app despite inputting an age below 13. For example, in 2019, one member of British Parliament “said he had joined the app easily despite supplying a date of birth that indicated he was 12 years old.”³⁷ While C.O. does not recall having been required to enter a birthdate in connection with all of the multiple Snapchat accounts she opened.

98. Snapchat also allows adults to pretend they’re kids and kids to pretend they’re older. Snapchat’s method of age verification is botched and dangerous and, 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.

99. Moreover, many times Snap has actual knowledge when its users use an incorrect birthdate upon account opening. This is because Snap utilizes technologies that enable it to ascertain or estimate the actual age of each user with reasonable certainty

³⁷ *Snapchat under scrutiny from MP’s over ‘addictive’ streaks*, BBC (Mar. 19, 2019), <https://www.bbc.com/news/technology-47623626>.

(referred to as approximate, estimated, or inferred age). These are, in essence, signals which tell Snap that a user is not the age they stated upon account opening, which Snap has recognized as being a more reliable predictor of age than its single self-reporting question.

100. Snap uses these technologies and resulting knowledge for assessment and/or advertising purposes but ignores the same knowledge with regard potential violations of its Terms of Services and the use of its product by underage children.

101. In January 2018, major alcohol brands pulled advertising business from Snapchat based on information calling “into question the adequacy of self-reported age as the sole means of targeting alcohol advertising on Snapchat.”³⁸

102. In order to win back these lucrative accounts, Snap invested significantly in its age signaling technologies such that, by the end of 2018, Snap stopped relying on self-reported age for certain marketing purposes and, instead, ascertained the actual age of its users with a greater degree of certainty via various data points it collects:

“Since then, several alcohol companies – including beer company Heineken, owner of 250 brands, and spirits companies Mast-Jägermeister and Campari Group, maker of 50 brands like Campari, Aperol and SKYY Vodka – are bringing their ad dollars back to Snapchat, citing progress Snapchat has made in guaranteeing their ads won’t be shown to minors. The progress has been attributed to Snapchat’s move away from age-gating ads purely off of users’ self-declared ages and, instead, factoring in things such as how long someone has been on the platform, the age of their closest friends and the type of content they view. If a user declares themselves as 25, for example, but their closest friends are all 13, that person will no longer be targeted with alcohol ads, according to Frank Amorese, media director at Heineken.”³⁹

³⁸Leonie Roderick, *Diageo pulls ads from Snapchat over age verification concerns*, Marketing Week (Jan. 3, 2018), <https://www.marketingweek.com/diageo-pulls-ads-snapchat-audience-safety-concerns/>.

³⁹Illyse Liffreing, *Snapchat lures back alcohol brands*, DIGIDAY (Oct. 31, 2018), <https://digiday.com/marketing/snapchat-lures-back-alcohol-brands/>; *see also* Robert Williams, *Report: Alcohol brands return to Snapchat*, Marketing Dive (Nov. 1, 2018), <https://www.marketingdive.com/news/report-alcohol-brands-return-to-snapchat/541119/>.

103. Snap’s relationship with its underage users is analogous to a liquor store that is prohibited from selling alcohol to persons under 21 but is not required to check customers’ identifications. Snap’s willful allowance of its underage users on Snapchat is functionally equivalent to a situation in which a thirteen-year-old child rides up to the liquor store on a bicycle, looks thirteen, is dressed in a school uniform with a backpack and middle school student ID badge clipped to their pocket, walks into the store, and tries to buy a six pack of beer. The clerk tells the child that he cannot buy the beer if he is under 21 and then asks if he is over 21, and the child says “yes,” however, the clerk has knowledge of multiple other factors that would leave no doubt in any reasonable person’s mind that this child is not over 21. The clerk knows based on multiple observed signals that the child is underage and, further, knows that those signals are more reliable than the simple “yes” provided in response to his prompt.

104. In this scenario, Snap chooses to sell the child the alcohol anyway, and claims it is not technically in violation of the age restriction because, even though it knew the child was a minor, he said he was over 12. This is exactly what Snap does in the case of underage users and minors to whom it provides access without parental consent. Also, perhaps even more disturbingly, in the case of predatory adults Snap knows to be adults despite them posing as minors through the mechanisms, tools, and features Snapchat provides.

105. Snap has failed to stop distributing its product after receipt of actual notice of no parental consent via the filing of a legal Complaint, and until it had no choice.⁴⁰

⁴⁰ *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, pp. 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.”).

106. 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

107. 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.

108. 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.

109. 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 sexual exploitation abound – remains hidden and still disappears after the allotted time. 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. 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.

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>.

110. 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 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.

111. A British report from March 2023 further 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 time period, “Snapchat had disclosed that it had removed approximately 60 accounts per month, or just over 700 total.”⁴³

112. A source inside Snapchat confirmed that “It makes no sense that Snapchat is blocking a fraction of the number of children that TikTok is.”⁴⁴ 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.

113. With failed systems to detect underage users, users without parental consent, and facilitate parental controls, parents are left with no tools to effectively stop or monitor their child’s activity on Snapchat.

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>.

⁴³ 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/>.

⁴⁴ *Id.*

114. 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. 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.

115. Snap also 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.

116. 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.

117. Indeed, according to Snap's Privacy and Safety website, Snap provided its first video instruction on in-app reporting in February 2022.

118. Snap's age verification systems and policies are so defective—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.

119. Snap also 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 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.

ii. **Snapchat's Quick Add Feature Connects Underage Users to Predatory Adults**

120. 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. This technology affirmatively selects and sends recommendations to users regarding people and/or groups Snap wants them to “friend.”

121. These technologies and specific products function by taking user data obtained through Snap's data collection practices and technologies to then identify and affirmatively direct users to one another via recommendations of Snap's sole choosing.

122. These user recommendation products are good for Snap's engagement, including because they help users connect with other users with whom they otherwise would not connect.

123. At the same time, however, these user recommendation products are dangerous *because* Snap at all times relevant opted both to utilize them in connection with minor accounts and to design, program, and operate them for engagement over safety. Snap's business decisions in this regard have aided, facilitated, and otherwise contributed to

a significant amount of the adult/minor grooming and exploitation that has occurred on Snapchat, including the abuses of minor C.O. at issue in this Complaint.

124. On information and belief, the way Snap’s technologies work (under the programming choices being made at all times relevant to this Complaint) effectively reward predatory users for past success. That is, the more success a user has exploiting and abusing minors, the more the Snapchat rewards them by connecting them with young (under 14) and vulnerable female users. In this scenario, Snap’s technologies recognize and are programmed to act on the fact that optimal engagement is served by finding that predator more young and vulnerable female users—irrespective of the harms to those minor users. While this may sound like an extreme result, it is precisely what Plaintiffs believe Snap is doing to minor users.

125. These types programming and product features allow strangers to identify, and contact underage users not already on their “friend” list – that is, complete strangers who these children do not know in real life or even virtually. While Snap determined that such access to minor users (all users, really) is good for its engagement, at all times relevant it also knew that it was exposing children to strangers in a manner against which parents cannot protect. Snap could have turned Quick Add off by default for minor accounts and could have provided other default, safety options and restricted data collection options for minor users.

126. These programming and product features are unnecessary to any communication aspects of Snap’s platform and serve no critical purpose as to product functionality or a user’s ability to access content posted by other users. They do, however, encourage and provide adult users the ability to identify and access minors for the purpose of sexual abuse and exploitation—a dangerous defect known to Snap.

127. Snap knew about these products and their programming of these products, while the U.S. government and consumers did not; and they knew that their design, distribution, and programming decisions were causing and/or contributing to the abuse and exploitation of millions of children.

iii. Direct Messaging, Disappearing Messaging, and Other Dangerous Products and Features

128. Snap's direct messaging products are inherently dangerous and defective when utilized in connection with minor users.

129. Snap's direct-messaging products provide other users—including anonymous and semi-anonymous adult users, bullies under the age of eighteen, and any other stranger for whom a parent would not allow access—with unrestricted and unsupervised access to minor users. Minor users lack the cognitive ability and life experience to identify online grooming behavior by prurient adults and the psychosocial maturity to decline invitations to exchange salacious material and mass-messaging capabilities. These products further allow direct messaging with and by minors without parental notification.

130. Snap has actual knowledge that its products are harming minors and opt to design and distribute for engagement regardless.

131. Snap's direct and disappearing messaging products are unnecessary and serve no critical purpose as to product functionality. They are, however, incredibly profitable in terms of engagement and retention of teen users; as well as engagement and retention of adult users who want access to vulnerable children and teens outside the purview of their parents. Snap could have restricted such products so that minor users could not use them, or could only receive such messages from persons approved by the minor's parent or guardian.

132. Snap now have various modes of direct messaging, including things like Live Audio and Video Chats, which further endanger minor users and make it impossible for parents to monitor their children.

133. In addition to connecting predators with kids, Snap has implemented further product designs that actively assist predators in finding children in real life. For example, Snapchat allowed users to enable the sharing of their location, through a tool called Snap Map, which allows the users' followers (and the public for Snaps submitted by the users) to

see the user’s location on a map. At all times relevant, Snap made this feature available to all users, including minors. This product feature has directly contributed to stalking and other, physical harms and assaults perpetrated on minors, and these harms are known to Defendant Snap.

134. Further, Snap’s design, programming, and distribution of these products—as described above—discriminate against young, female users. That is, and as will be illustrated by the facts specific to C.O. (along with countless other young women), Snap targeted C.O. with harmful connections and/or content because of her gender. There are connections and content they would not have directed at her otherwise and did not direct to similarly situated teen boys. Snap operated their products despite knowledge of this algorithmic discrimination and millions of young women in the U.S., including C.O., have suffered as direct and proximate result.

iv. Push Notifications and Emails

135. Snap’s push notifications and emails encourage addictive behavior and are designed specifically to increase use of Snapchat.

136. Push notifications are clickable, pop-up notifications that Snap “pushes” to users after they have logged off Snapchat, and specifically to pull them back and persuade them to continue using. On information and belief, Snap has put significant time and thought into the wording of those notifications, designing and re-designing them over time and to make them more effective. On information and belief Snap also target young users with email and other forms of communication, where they have access to such information.

137. Snap’s notifications to individual users are specifically designed to, and do, prompt them to open Snap’s social media products and view the content Snap select, thereby increasing sessions and profits to Snap. Snap drafts and decides the language of these notifications. Snap’s notifications have been designed with the purpose of pulling users back onto its social media platform—irrespective of a user’s health or wellbeing. For example, instead of telling a user what someone on their “friends” list said, Snap will create and push

a vague and enticing message to the user to maximize the likelihood that the user will log back onto its product.

138. Snap targets young users with these notifications and sends them to young users in the state of Connecticut at all hours of the day and night – including during school and sleeping hours. The average American consumer, for example, receives an estimated 56 push notifications each day⁴⁵ while (on information and belief) Snap sends more of these notifications to minor users than they do to the average American consumer.

v. **Social Comparison, and Other Addictive Product Features**

139. Snap incorporates several unique product features that serve no functional purpose, but that do make its products more appealing to children and teens (*i.e.*, filters, avatars, emojis, and games) while simultaneously increasing social comparison pressure and resulting harm.

140. Snapchat is designed around a series of features that do not add to the communication utility of the applications, but instead seek to exploit minor users' susceptibility to persuasive design and unlimited accumulation of unpredictable and uncertain rewards. Examples of this in the Snapchat product include but are not limited to features like Snap's series of rewards, including trophies, streaks, and other signals of social recognition, recommendation technologies, and unlimited scrolling features.

141. The Snap Streak feature is unique to Defendant Snap's product and is one of the most – if not the most – addictive products available especially to teenagers. Snap knows that its Snap Streak product is addictive and has known for years but continues to provide that product to teens and children.

⁴⁵ See Martin Pielot et al., *Dismissed! A detailed exploration of how mobile phone users handle push notifications*, (Sept. 3, 2018), available at <https://doi.org/10.1145/3229434.3229445>; see also Olivia Rudgard, *Stop sending children social media notifications during the night, says privacy expert*, The Telegraph (Mar. 22, 2018), <https://www.telegraph.co.uk/news/2018/03/22/stop-sending-children-social-media-notifications-night-says/>.

142. For example, in March 2019, BBC reported that British Members of Parliament (MPs) were concerned about the potentially addictive nature of Snap Streaks and had met with Snap executives. Snap reportedly told British MPs that it would “revisit” its Streaks feature,⁴⁶ however, on information and belief, Snap opted to maintain this particularly addictive feature irrespective of such warnings and knowledge.

143. More recently, on February 17, 2024, CNY Central reported on how Snap’s Streak is meant to addict teens by design,

... Dr. Christopher Lucas, the vice chair of psychiatry at Upstate University Hospital, “I think what’s different about the streak is that your performance is on display to others so there can be a real pressure to compete with others.”

Dr. Lucas says tech companies deliberately try to engage kids on the platforms. Some promise rewards, but Dr. Lucas said they can cause distress among some children if they don’t complete a task.

“Every time those things happen, you get a buzz of dopamine in your brain which is the reward chemical and that can be the same as eating a cookie or smoking a cigarette. It’s the same mechanism. And after a while, your brain attenuates to that so that you need more and more in order to get the same positive effect.”⁴⁷

144. Each of the above products, design, distribution, and programming decisions are dangerous alone, but they are substantially more dangerous when combined. For example, Snap’s disappearing and direct-messaging products are more dangerous when coupled with minor accounts of which parents have no knowledge (or means to monitor) and do not consent; and when combined with Snap’s recommendation features.

⁴⁶ *Snapchat under scrutiny from MPs over ‘addictive’ streaks*, BCC (Mar. 19, 2019), <https://www.bbc.com/news/technology-47623626> (“Snapchat’s senior director of public policy, Stephen Collins, and Will Scougal, Snap’s creative strategy director, downplayed their significance, saying they were part of a suite of features introduced in 2015 and not an integral part of the app.”).

⁴⁷ Megan Coleman, *How ‘streaks’ spur young people’s growing addiction to social media*, CNY Central (Feb. 27, 2024), <https://cnycentral.com/news/local/how-streaks-spur-young-peoples-growing-addiction-to-social-media>.

145. Snap deliberately designed their products this way to increase engagement; employed invasive, surreptitious means to operate these technologies; failed to warn users or their parents of these dangers known only to Snap; and refused to restrict their use of these products in connection with minors' accounts or otherwise make these products safe, despite knowledge of the harms perpetrated on American youth in general and on Plaintiffs in particular. The cost of designing safer products and fixing known defects is negligible. In fact, each of the above examples could be addressed in a matter of hours, not days. These products serve no purpose for consumers, and the benefit of making the necessary changes would be high in terms of reducing the quantum of mental and physical injury sustained by minor users and their families.

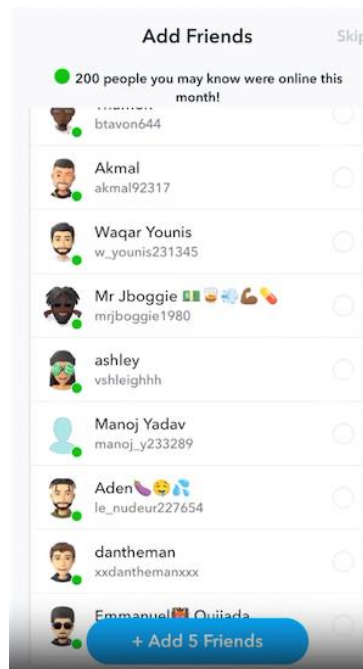
G. Product Testing Confirms Dangerous Snap Messaging and Programming and Lack of User Control – Snap itself is leading minors into danger.

146. In June of 2023, in response to claims Snap made in other litigation (including the *L.W. et al v. Snap* lawsuit) about how its Quick Add product worked, Plaintiffs' counsel purchased new cell phone devices and opened new Snapchat test accounts. These devices each were purchased with a new phone number, and then a new Snapchat account was opened – identifying each time 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.”

147. The first of Plaintiffs' 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. These tests further show how Snap controls the user experience for many self-identified minor users, and how it pushes those users into harms' way without the user having every searched, sought out, or otherwise operated the platform in any manner that could explain or justify the inherently dangerous recommendations Snap makes.

148. 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. 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):



149. A few days later, the user accepted several of Snap's Quick Add recommendations – from top to bottom – 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.

150. On June 12, 2023, Plaintiffs’ counsel 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”.

151. That same day, on June 12, 2023, Plaintiffs’ counsel 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, and again, many of those were explicit on their face.

152. 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).⁴⁸ 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 profile, allowing them to obtain maximum visibility on Snapchat's "Discover" feed, an algorithmically derived feed.

153. 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.

154. 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,⁴⁹ or that the recommended accounts might be a pedophile.

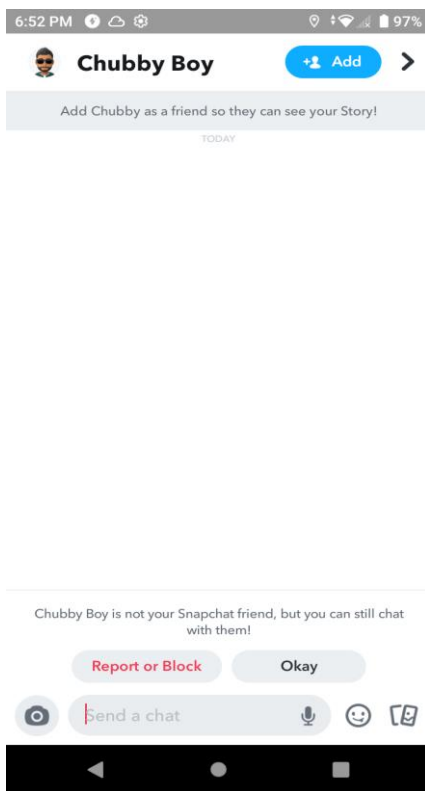
155. In January 2022, Snap announced a change to its Quick Add feature such that users who self-identified as 13 to 17 years of age would need to have "multiple" "friends"

⁴⁸ 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>.

⁴⁹ 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).

in common before the user would be suggested as a “friend” through Quick Add.⁵⁰ Snap did not specify how many “Friends” they would need to have in common before being algorithmically “matched”⁵¹

156. Because of Snap’s defect and/or inherently harmful designs, savvy pedophiles 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 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),



⁵⁰ 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/>.

⁵¹ *Id.*

157. 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.”

158. Snap’s content recommendation technologies also serve no countervailing benefit to consumers. Users are perfectly capable of running their own searches, as they do with any number of available search engines. And if the harmful third-party content were being provided in that manner – *i.e.* if this was content requested and sought out by users as opposed to content identified and force fed to users as means to make Snap more money – it would not be at issue in this case.

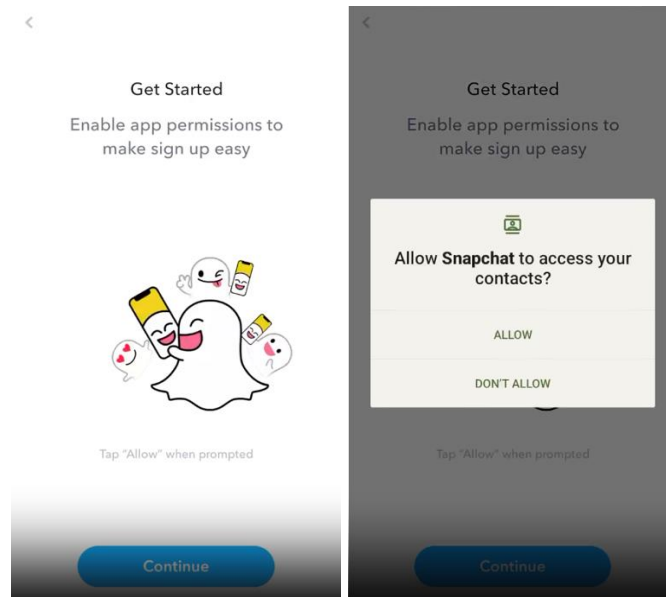
H. Snap’s Own Messaging and Devices Manipulate Kids to Connect With Adult Predators

159. At times relevant hereto, Snapchat had an “Add All” button tied to Quick Add, such that a new user had the option to add 200 Snapchat users at one time. A substantial number of minors used this feature, trusting Snap’s representations that they knew these strangers and that connecting with them would make their Snapchat experience more fun.

160. At times relevant hereto, Snapchat also had an “Add 5” button, urging users on an ongoing basis to simply push the “Add 5” button to accept five of Snapchat’s Quick Add recommendations at one time. A substantial number of minors also used this feature, trusting Snap’s representations that they knew these strangers and that connecting with them would make their Snapchat experience more fun.

161. But also, the testing conducted by Plaintiffs’ counsel in June 2023, informed Plaintiffs of multiple manipulative techniques used by Snapchat in its platform to manipulate users into sharing their personal information and accept strangers as “friends.”

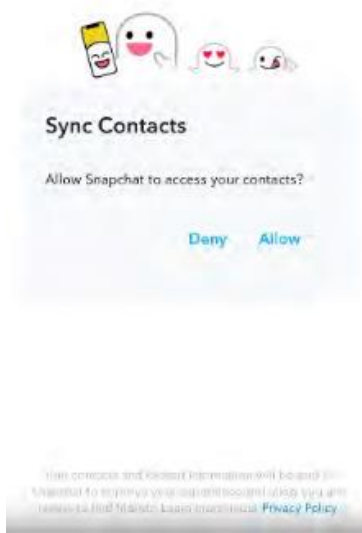
162. Snap pressured the test user, who self-identified as a sixteen-year-old child, into providing it with access to her contacts.



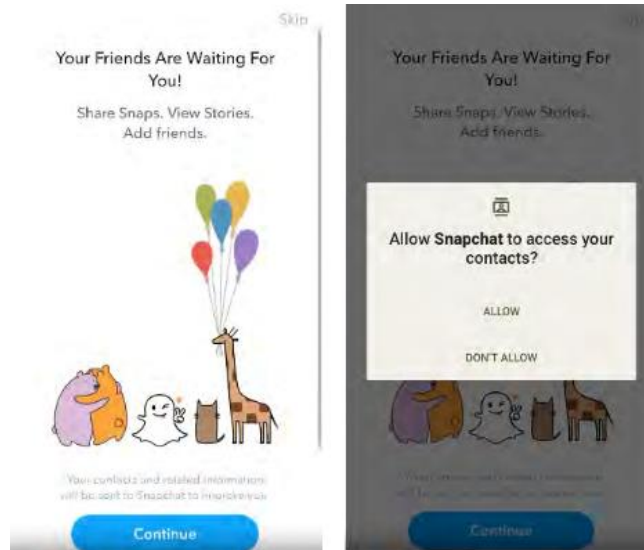
It did so via what are called dark patterns, or manipulative messaging and interface designs intended to and that do get users to push buttons, provide access, and otherwise act in ways they might not otherwise. The messaging in the first screen which says “Tap Allow” when prompted,” then the second screen includes the faded messaging behind the access pop-up, which conveys that enabling app permissions will make sign up easy. All of this messaging – Snap’s speech – is designed to push users into allowing Snap access to their personal data.

163. When the test user made the choice to not allow access, Snap could have moved on, but instead, sent two more requests, both with their own dark patterns designed to get the user to allow access despite having already made it clear that she did not want this. The images Snap chose to use also became more child-like, which Plaintiffs allege on information and belief, Snap intended to put users at ease and make its request for access to personal information appear harmless, if not essential to the full Snapchat experience – neither of which were true.

164. Here is Snap’s second attempt to get such access:



165. Here is Snap’s third attempt to get such access:



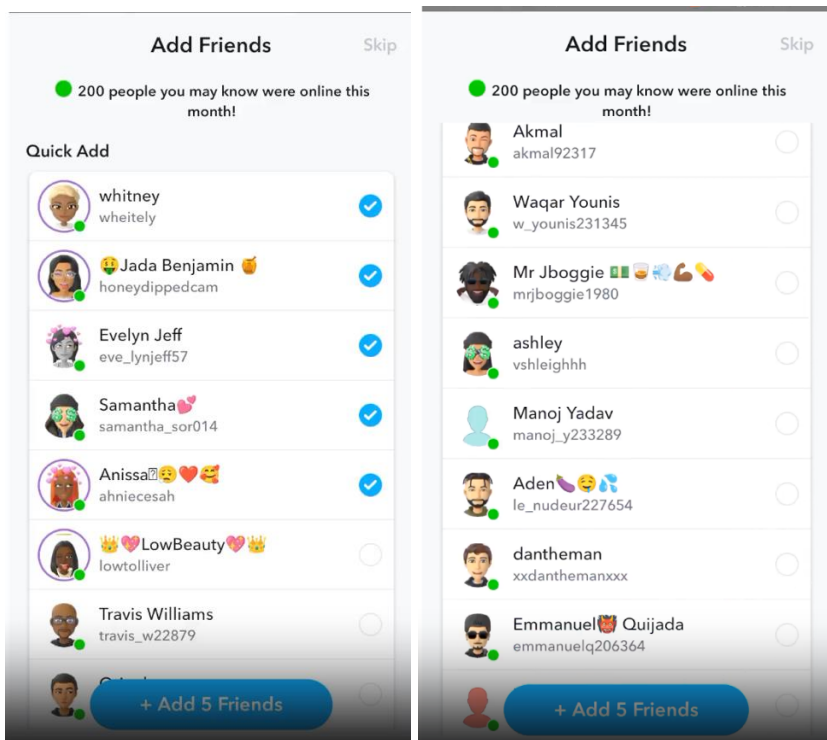
This test user selected “Don’t Allow” all three times, however, on information and belief, most minor users are susceptible to this form of manipulation and allow.

166. C.O. does not recall the Snapchat sign up process, but on information and belief, would almost certainly have been susceptible to such manipulation and would have allowed access. One reason this is material is because allowing such access is intended to and does convey to users that when Snap then makes Quick Add recommendations, those recommendations are persons who they know or likely know in real life.

167. Many kids accept Snap’s Quick Add recommendations, at least in part, because they believe on the basis of Snap’s messaging and affirmative statements to them, that those recommendations are for people they know in real life or, at the very least, people who know in real life people they know in real life. That is precisely what Snap intends with its messaging and manipulation.

168. At all times relevant, Snap then or shortly thereafter directed users to its Quick Add feature, which is the feature pursuant to which Snap affirmatively connects Snapchat users with other Snapchat users.

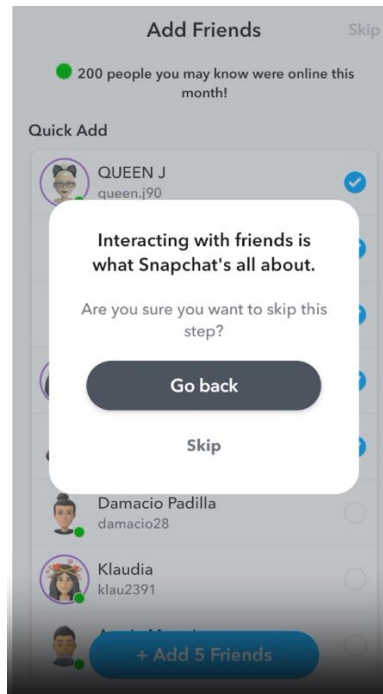
169. Snap again made statements and used messaging designed to push minor users, like and including C.O., to engage with strangers for its own benefit. For example, as also taken from the above-mentioned June 2023 testing, Snap told C.O. that these were “Friends” and “people you may know.”



170. Children like C.O. believe Snap’s representations and rely on them, accepting Snap’s recommended connections under the misguided belief that these are people they know – not convicted sex offenders who pose a serious danger to their safety.

171. Moreover, on information and belief, Snap’s messaging has changed over time, including its efforts to make its product appear safer since the filing of the first social media complaints in January 2022. In other words, there is a chance that Snap’s statements at the time when C.O. opened her own Snapchat account were even more manipulative and intentionally misleading. There is no way to know, however, absent discovery in this case.

172. Snap also often refused to allow users to simply make their choice to not add friends, instead harassing them with more pop-up windows designed to push them back to the Add Friends page and to convince them to add Friends. The following is one example, taken in June 2023 and, again, Plaintiffs will require discovery to know if Snap’s workflow was even more aggressive during the time relevant to this Complaint.



173. On information and belief, when C.O. was using Snapchat, Snap’s design also was such that it would have been recommending minor users (even where they self-

identified as minors) to adult users and complete strangers, like the convicted sex offenders at issue in this case. But again, Snap did not tell C.O. that it was doing so, and she reasonably relied on Snap's many representations and statements that the persons with whom Snapchat was connecting and/or recommending her were persons she either knew in real life, or people she knew in real life knew in real life.

174. Snap's design and programming decisions, as described above, were designed to control and manipulate users and, in particular, minor users. Snap was aware at all times relevant that minor users were both vulnerable and profitable, and so Snap designed its entire platform around exploiting those vulnerabilities.

I. Snap's Business Model is Based on Maximizing User Screen Time

175. Snap advertises its products as "free" because it does not charge users for downloading or using its products. What many users do not know is that, in fact, Snap makes a profit by finding unique and increasingly dangerous ways to capture user attention and target advertisements to its users. Snap receives revenue from advertisers who pay a premium to target advertisements to specific demographic groups of users in the applications. Snap also receives revenue from selling its users' data to third parties.

176. The amount of revenue Snap receives is based upon the amount of time and level of user engagement on their platforms, which directly correlates with the number of advertisements that can be shown to each user.

177. Snap uses unknown and changing rewards that are designed to prompt users who consume its social media products in excessive and dangerous ways. Snap knows, or in the exercise of ordinary care should know, that its designs have created extreme and addictive usage by its minor users, and Snap knowingly or purposefully designed its products to encourage such addictive behaviors. This design conforms to well-established principles of operant conditioning wherein intermittent reinforcement provides the most reliable tool to maintain a desired behavior over time.

178. Snap has intentionally designed its products to maximize users' screen time, using complex technologies (including algorithms) designed to exploit human psychology and driven by the most advanced computer algorithms and artificial intelligence available to one of the largest technology companies in the world.

J. Snap Misrepresents Snapchat's Addictive Design

179. In addition to not warning consumers and concerned parents, Snap affirmatively misrepresented the addictive and harmful design and operation of its social media products.

180. Snap actively concealed the dangerous and addictive nature of its products, lulling users and parents into a false sense of security. This includes consistently playing down its products' negative effects on teens in public statements and advertising, making false or materially misleading statements concerning product safety, and refusing to make their research public or available to academics or lawmakers who have asked for it.

181. Snap has represented to the public and governments around the world that its products are safe and not addictive.

182. During the relevant time period, Snap stated in public comments that its products are not addictive and were not designed to be addictive. Snap knew or should have known that those statements were untrue.

183. During the relevant time period, Snap advertised via commercials and/or third parties that its products are fun and safe to use, and that Snap employs its technologies to ensure safe and age-appropriate experiences. Snap knows or should have known that those statements were untrue.

184. Snap did not warn users or their parents of the addictive and mentally harmful effects that the use of its products was known, by Snap, to cause amongst minor users. On the contrary, it has gone to significant lengths to conceal and/or avoid disclosure as to the true nature of its products.

185. Snap has denied for years that its products are harmful or addictive while, in fact, its products *are* harmful and addictive. Snap knew the truth and chose to conceal it and not disclose to the public or parents of young users, as they knew that such disclosure would prevent them from further growth and development of these products and product features.

K. Minor Users’ Incomplete Brain Development Renders Them Susceptible to Snapchat’s Manipulative Technologies and Less Resilient to Malign Social Media Influences

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

187. The frontal lobes—and in particular the prefrontal cortex—of the brain play an essential part in higher-order cognitive functions, impulse control, and executive decision-making. These regions of the brain are central to the process of planning and decision-making, including the evaluation of future consequences and the weighing of risk and reward. They are also essential to the ability to control emotions and inhibit impulses. MRI studies have shown that the prefrontal cortex is one of the last regions of the brain to mature.

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

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

190. Various products features (including but not limited to the recommendation technologies and hidden rewards) Snap programs, utilizes, and distributes as part of its social media products are designed to exploit young users' diminished decision-making capacity, impulse control, emotional maturity, and psychological resiliency caused by users' incomplete brain development. Snap knows or should know that because its youngest users' frontal lobes are not fully developed, they experience enhanced dopamine responses to stimuli on Snapchat and are therefore much more likely to become addicted to Snap's products; exercise poor judgment in their social media activity; and act impulsively in response to negative social media encounters.

191. Snap also knows that young users of Snapchat are much more likely to sustain serious physical and psychological harm through their social media use than adult users. Nevertheless, Snap knowingly designed Snapchat to be addictive to young users and failed to include safeguards to account for and ameliorate the psychosocial immaturity of those users.

L. Plaintiffs Do Not Seek to Hold Snap Liable As A Publisher But Rather For its Design and Marketing of Unreasonably Dangerous Social Media Products.

192. Plaintiffs' claims arise from Snap's status as designer, marketer, distributor, and operator of dangerously defective social media products, as well as Snap's own statements and actions.

193. Snap designed and has progressively modified Snapchat to promote problematic and excessive use, particularly as among children, teens, and young adults,

which Snap know to be indicative of addictive and self-destructive use. Snap designs its product features to be addictive and harmful in themselves, without regard to any content that may exist on its platform.

194. Snap’s products are designed to and do addict users.

195. The structure of Snap’s social media products and technologies are, standing alone, harmful to users irrespective of content. For example, Snap programs its technologies to first determine individual user preferences so that they can then influence user behavior and choices once the user is hooked—which is particularly dangerous in the case of teens. The manipulation and control Snap knowingly wields over its users is profoundly dangerous.

196. Snap also designed product features that encourage and assist children in evasion of parental oversight, protection, and consent, which features are wholly unnecessary to the operation of these products.

197. Snap is responsible for these harms, which are caused by Snap’s designs and business decisions.

198. Children like C.O. are being harmed by Snap’s products, marketing and misrepresentations, programming, and decisions to expose teens and children to harmful product features and users.

199. C.O. and children like her do not open social media accounts in the hopes of becoming addicted, sleep deprived, anxious, and depressed. Nonetheless, such children *do* become addicted, and sleep deprived, leading them to engage in foreseeable addict behaviors and to suffer from foreseeable addiction-related harms.

200. C.O. and children like her do not start using social media in the hopes of being exposed to product features that cause harm to them. Yet the use of Snapchat involves harmful forms of social comparison and inevitably push such children towards harmful “rabbit holes,” causing anxiety, depression, eating disorders, self-harm, and suicidality. These are findings the American public had a right to know, while Snap has concealed them for years for its own gain and competitive advantage.

201. C.O. and children like her do not open social media accounts in the hopes of being targeted and exploited by predatory, adult users. They do not know that they will be essentially trafficked by Snap’s technologies the moment they open an account, exposed to danger and, in the case of young female users, inundated with solicitation and exploitation attempts as direct result of Snap sharing their information, location, and/or vulnerabilities to other, adult users in an attempt to profit. Yet Snap has covertly designed and programmed Snapchat to do just that – to identify and connect predators with new, potential victims based on an AI assessment and sharing of information, often personal information, Snap collected from these minors without their parents’ knowledge or consent.

202. None of Plaintiffs’ Claims for Relief set forth herein treat Snap as a speaker or publisher of content posted by third parties. Plaintiffs seek to hold Snap liable for its own content and its own silence in failing to warn users and parents of the foreseeable dangers (foreseeable to Snap only) arising from anticipated use of its social media products. Snap marketed those products as safe, and purposefully did not disclose the actual harms its products were causing – which were far more nefarious and catastrophic than any consumer or parent had any reason to suspect. In short, no matter what else the public may have known about the risks of too much screen time, Snapchat—marketed, sold, distributed, and programmed by Snap—is something else entirely.

203. Snap could have manifestly fulfilled its legal duty to design reasonably safe social media products and could have furnished adequate warnings of foreseeable dangers arising out of the use of its products to users and parents without altering, deleting, or modifying the content of a single third-party post or communication or removing a single Snapchat user from its platform. Snap simply chose to not do so, despite knowledge that thousands, if not millions, of American teens and children were suffering as result.

M. In the Alternative, Plaintiffs Seek To Hold Snap Liable As The Publisher of Malign Content Co-Created By Snapchat

204. Snap is responsible for the creation or development of much of the content displayed on Snapchat. Because of Snap’s involvement in the creation and development of content on its platform, Snapchat is not *exclusively* an “interactive computer service.” Rather, Snap is wholly or partly responsible for the creation or development of content – including content materially contributing to the harms at issue in this case – on Snapchat and is therefore, and to the extent of such contributions, “an information content provider.”

1. Snapchat Lenses Are Snap Created Content

205. Snapchat Lenses are augmented reality-based special effects and sounds for users to apply to pictures and videos users post on Snapchat, and World Lenses to augment the environment around posts. Snap also has acquired publication rights to music, audio, and video content that its users can incorporate in the pictures and videos they post on Snapchat.

206. These images, Lenses, and licensed audio and video content supplied and created by Snapchat frequently make a material contribution to the creation or development of the user’s Snapchat posts.

207. Frequently, the *only* content in a user’s post are images, videos and audio content provided by Snapchat. 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.

208. 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 “an unrestricted, worldwide, royalty-free, irrevocable, and perpetual right and license to create derivative works from, promote, exhibit, broadcast, syndicate, reproduce, distribute, synchronize, overlay graphics and auditory effects on, publicly perform, and publicly display

all or any portion of your Public Content in any form and in any and all media or distribution methods”

2. Snapchat Bitmojis are Snap Created Content

209. Emoji are widely used and are frequently perceived as cute or benign adjuncts to online communications. Emoji perform a similar function in online communications to that of small talk and non-verbal behavior in offline, ordinary speech—they can inject emotion, nuance, humor, and sociability. Emoji can perform what linguists call a "phatic function" analogous to small talk in offline speech; that is, they often facilitate interactions rather than having the purpose of simply conveying or seeking information. Just as non-verbal behavior such as pitch, volume, speed of speech, gestures, and facial expressions fundamentally informs our verbal communications, emoji can also improve one-dimensional texting and posting by adding emotion, sociability, and humor. In essence, just as people rely on non-verbal behavior to help them express themselves and to understand others, emoji perform a similar role in online communications: they manage the communication climate

210. One example of Snap’s role as an information content provider on Snapchat and in connection with the harms at issue in this case is its Bitmojis product. Snapchat’s Terms of Use specify that “Snap is the owner of the Services, which includes all related brands, works of authorship, Bitmoji avatars that you assemble, software, and other proprietary content, features, and technology.”⁵²

211. Immediately after creating a Snapchat account, users are prompted to create a Bitmoji, an avatar that serves as their profile picture on Snapchat (Figure 1). Currently, to do this Snapchat requires that the user grants access to their camera to allow the user to take a selfie of themselves (Figure 2). Snapchat uses the selfie provided by the user to generate three cartoon-like renditions from which the user can choose to serve as their avatar. To demonstrate this process, the undersigned law firm created a new snapchat account. When

⁵² Snap Terms of Service, SNAP INC., <https://snap.com/en-US/terms> (last visited Feb. 26, 2024).

prompted to take a selfie, we used a stock image retrieved through the google search of “14-year-old girl,” (Figure 3) and faced it towards the camera lens.

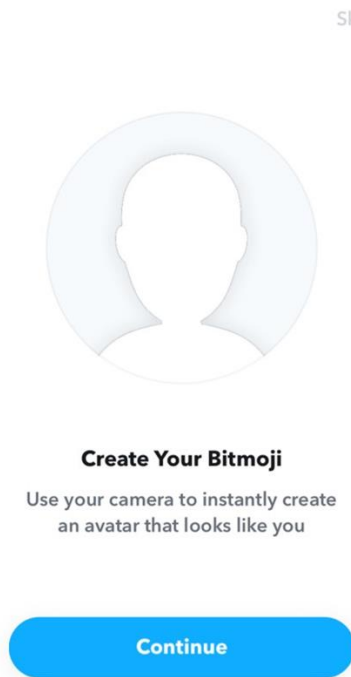


Figure 1

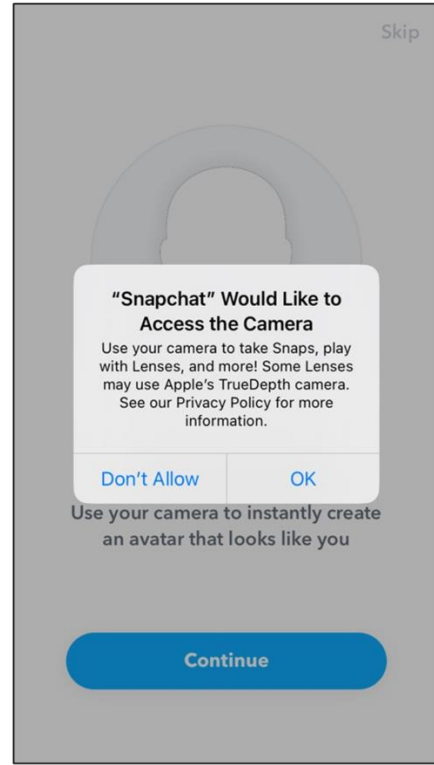


Figure 2

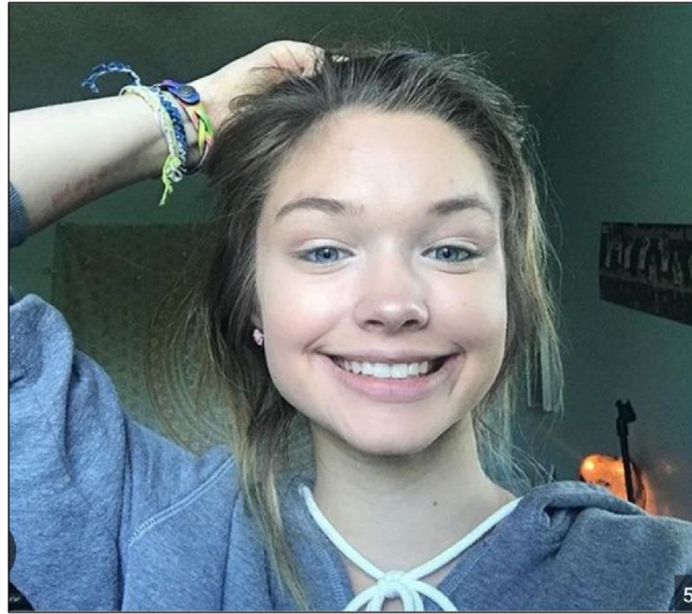


Figure 3

Snapchat generated three variations of Bitmojis based on the image provided (*Figure 4*). Once an avatar is selected (*Figure 5*), the user can choose to edit Snapchat’s pre-generated choices. Aspects of the avatar such as the color, size and style of hair, facial features, and clothing can be altered (*Figure 6*).

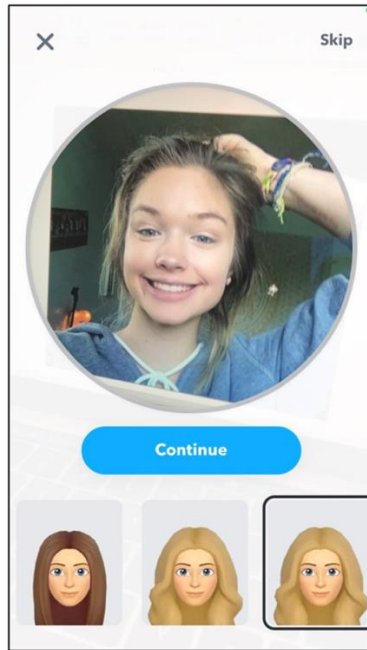


Figure 4

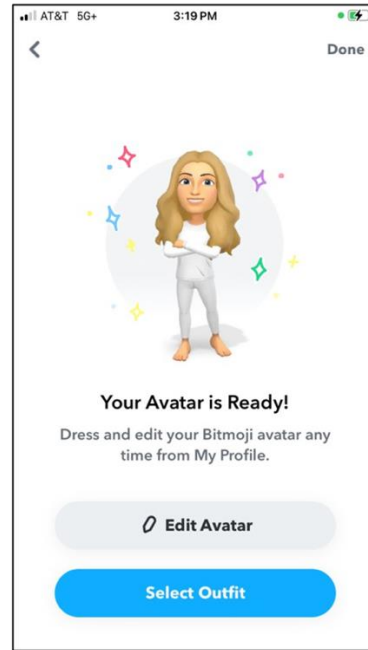


Figure 5

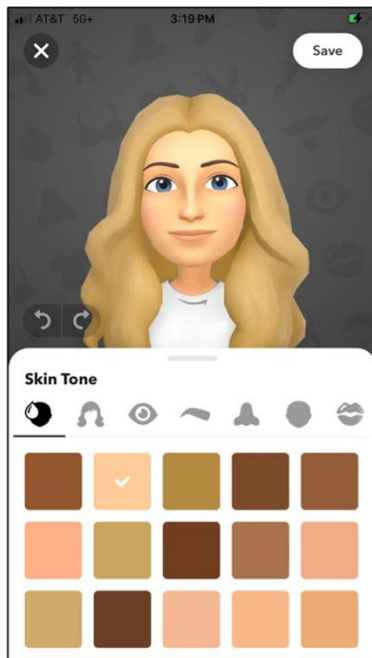


Figure 6

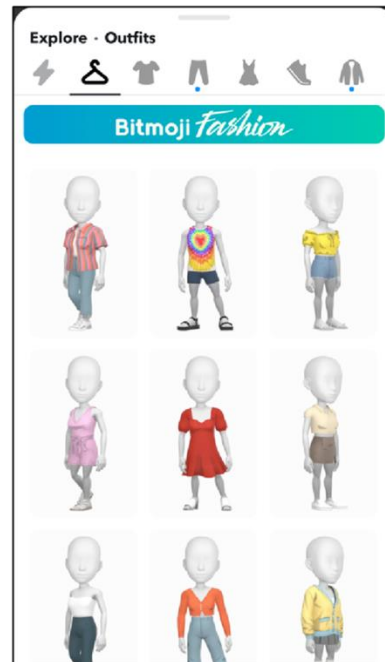


Figure 7

212. Every Snapchat user’s Bitmoji was created by Snapchat and is limited by the tools and processes Snap requires. In many instances Snap is creating the avatar itself, with little to no user input. While a portion of Snapchat’s users may choose to edit certain aspects of the avatar Snapchat creates for them, in most cases there are likely residual elements preserved from Snapchat’s original creation, making Snapchat responsible, at least in part, for the creation and development of the avatar. Whereas, the portion of Snapchat users that opt to leave their avatar as is, are contrastingly represented by a Bitmoji created wholly by Snapchat.

213. In addition to creating the actual avatar, Snapchat also offers “Bitmoji Fashion” (Figure 7) as outfit choices from which users can select to dress their Bitmoji, which is another aspect of the Bitmoji that is completely created and designed by Snapchat. Snapchat also offers a feature called Bitmoji Stories, a comic strip of the user’s personalized avatar in different scenarios. Snapchat will often choose to feature a user’s Bitmoji with a “co-star,” the Bitmoji of the last person with whom the user interacted (Figure 8 & Figure 9). The Bitmoji Stories are similarly content that is completely designed and created by Snapchat.



Figure 8



Figure 9

3. Snapchat created Bitmojis make malign actors appear innocuous and lovable

214. The Nobel prize winning ethnologist Karl Lorenz identified *Kindchenschema*-- baby schema--that characterizes an infant's face: a protruding forehead, a large head, a round face, big eyes, and a small nose or mouth.⁵³ These features, when integrated, make a child's face appear to be cute, attractive, and lovable. Lorenz posited that these cues are part of an innate releasing mechanism that automatically evokes humans to show liking and caring for the young. Subsequent researchers have found that baby schema influences appeals of not only infants' faces but also children's faces because facial cranial growth is gradual during early childhood and certain crucial infantile facial cues remain readily available during this period.⁵⁴

215. Over the past decade, *Kindchenschema* has had a significant impact on online communication. A 2024 study by Japanese and Israeli researchers showed that avatars featuring baby schema features received higher ratings and were perceived as more "cute," "likable," "approachable," "pleasant," and elicited more positive emotions than neutral mature avatar designs.⁵⁵ Participants from both Israel and Japan assessed the cute avatars similarly, implying that utilizing cute avatar designs could encourage positive interactions in computer-mediated communication.

216. Snap has exploited *Kindchenschema* in creating Snapchat Bitmojis. Bitmojis are stylistically cherubic, their enlarged eyes, small body and cartoon design foster a child-like innocence that can be misleading in certain circumstances. Snapchat Bitmojis

⁵³ Karl Lorenz, *Die angeborenen Formen möglicher Erfahrung (The innate forms of experience)*. 5 *Zeitschrift für Tierpsychologie*, 235–409 K. (1943).

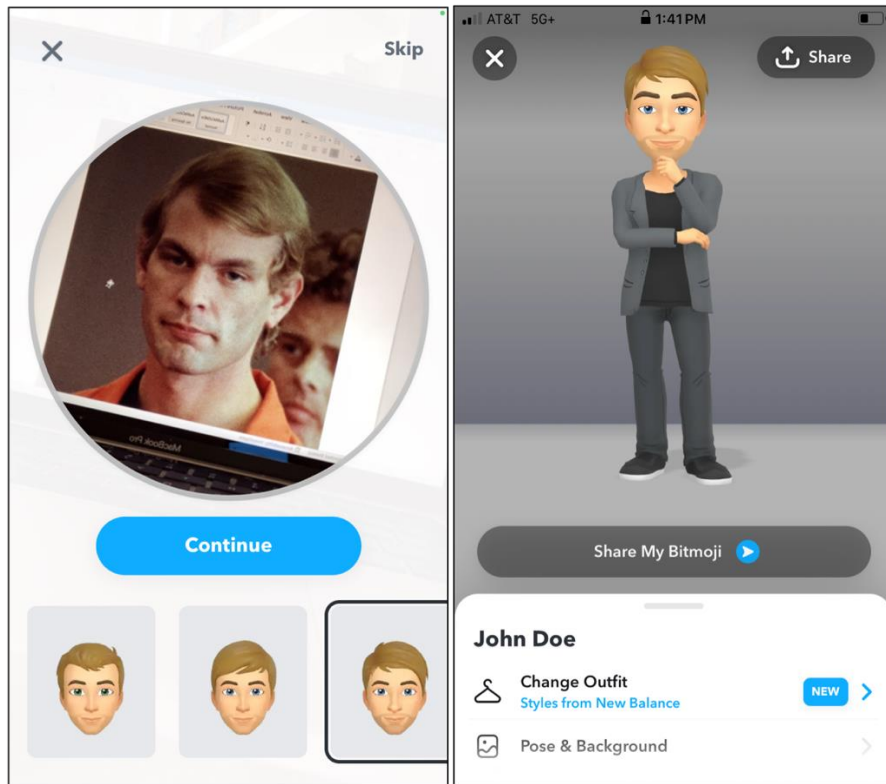
⁵⁴ Li Zhu Luo, Hong Li, Kang Lee *Are children's faces really more appealing than those of adults? Testing the baby schema hypothesis beyond infancy* *Journal of Experimental Child Psychology* 110 (2011)

⁵⁵ Shiri Lieber-Milo, Yair Amichai-Hamburger¹, Tomoko Yonezawa, Kazunori Sugiura *Cuteness in avatar design: a cross-cultural study on the influence of baby schema features and other visual characteristics* *AI & Society* (2024)

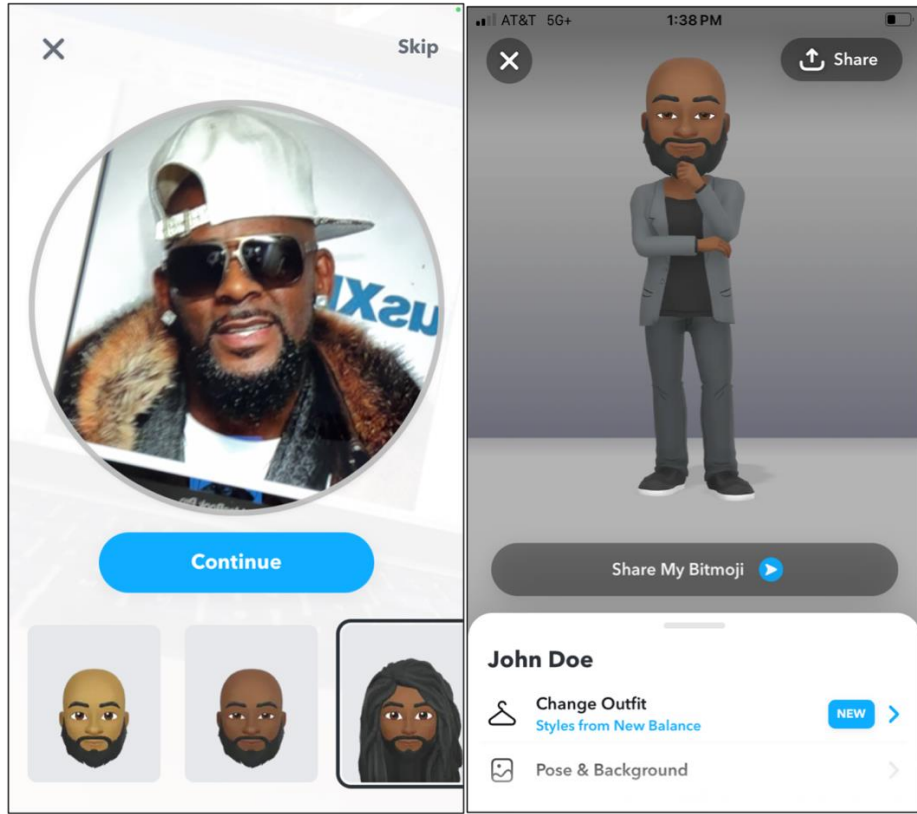
imbue predators and malign actors with benign and benevolent images providing a false sense of security to vulnerable users who encounter these actors on Snapchat.

217. The following examples were used by taking photograph of notorious criminals and running them through the Snapchat Bitmoji which prompted and/or required the creation of a new and misleadingly benign image.

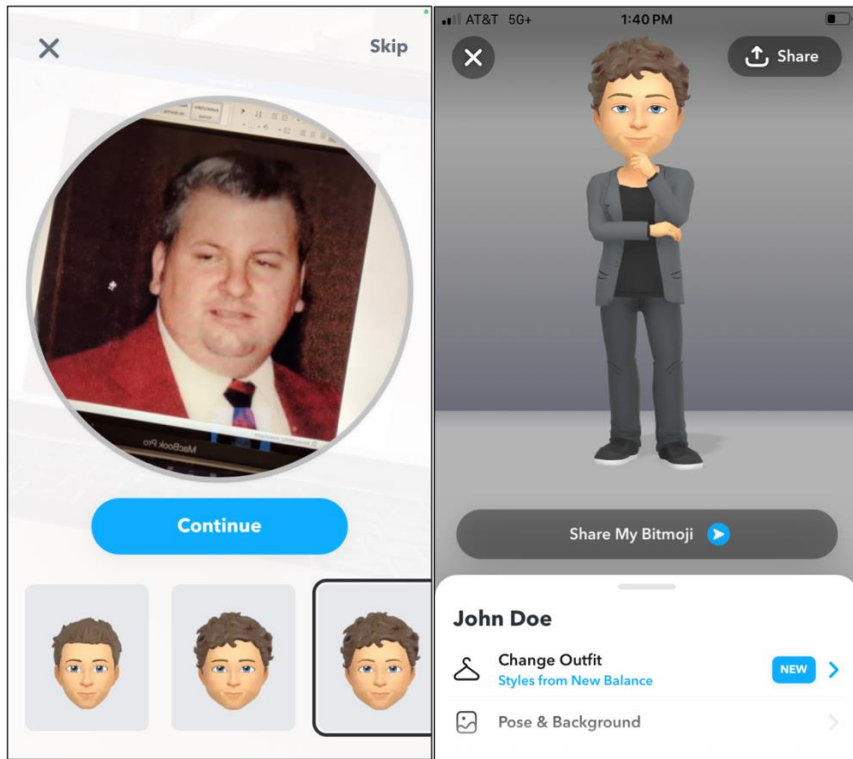
Jeffrey Dahmer



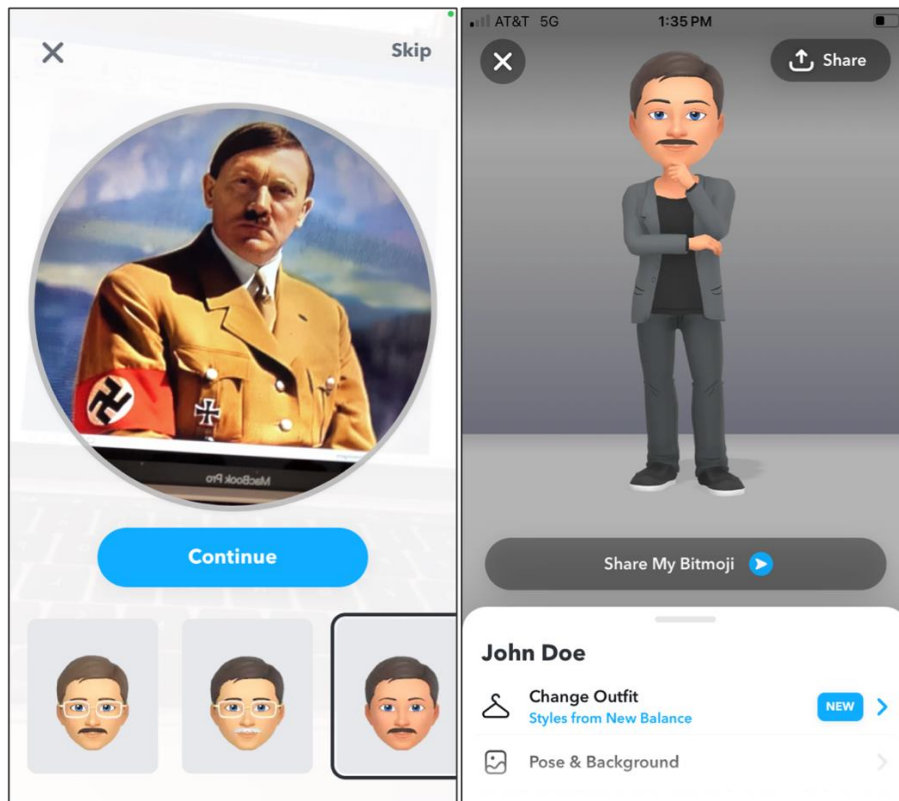
R. Kelly



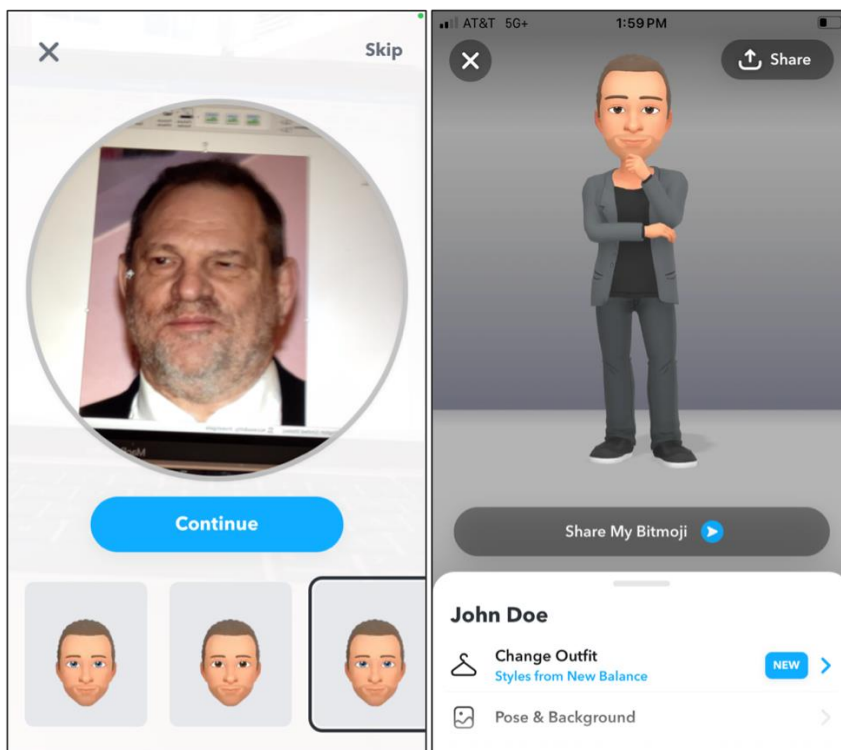
John Wayne Gacy



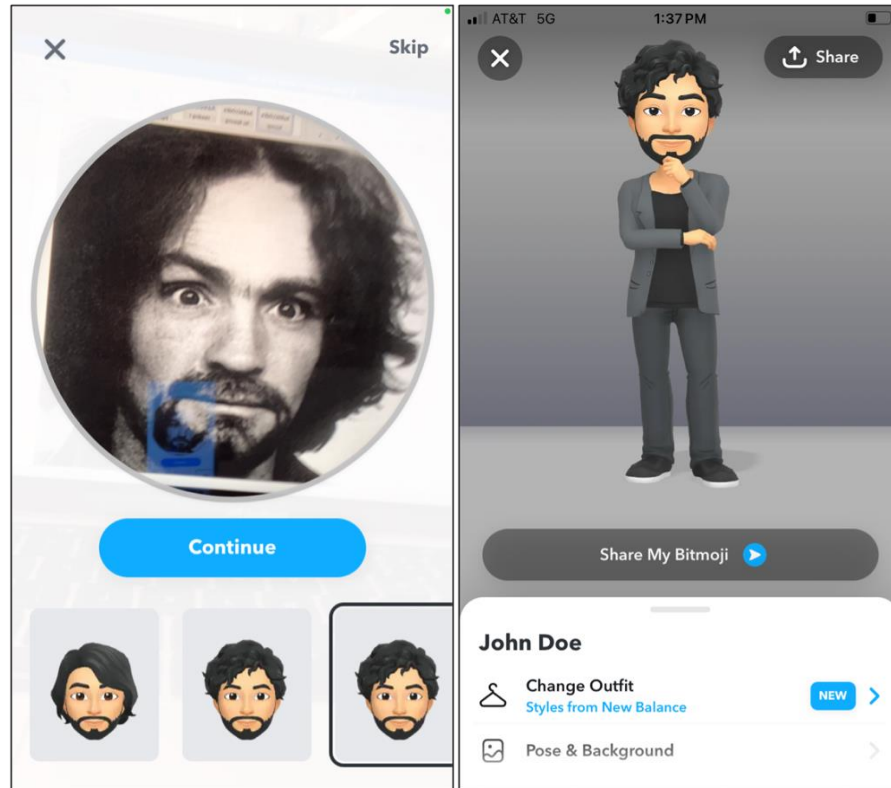
Adolph Hitler



Harvey Weinstein



Charles Manson



4. Snapchat created Bitmojis encourage vulnerable minors to interact with predatorily adults.

218. Snapchats feature and tools were designed to increase engagement among its users, including by stripping adult users of the types of signals children are taught to fear and associate with strangers.

219. In a scholarly review of a sampling of criminal cases from diverse jurisdictions, researchers found that emoji are being increasingly recognized as a facilitator or adjunct to unlawful sexual solicitation made on online platforms.⁵⁶ Bitmojis perform such a sinister role when used facilitate the sexual exploitation of minors. Bitmojis exploit the emotive function of *Kindchenschema* in facilitating kids' trust, albeit for a criminal purpose.

⁵⁶ Marilyn McMahon & Elizabeth Kirley, When Cute Becomes Criminal: Emoji, Threats and Online Grooming, 21 Minnesota Journal of Law Science and Technology 37 (2019)

220. The central perceived attribute of Bitmojis -their cuteness and playfulness-- makes them an ideal grooming tool to be used by those seeking to sexually exploit minors. The anonymity of the web, combined with apparently innocent and benign emoji, can easily mask the criminal purpose of solicitation. The use of Bitmojis to facilitate online communication makes message friendlier and fun but these cartoonish images have a darker side that reveals their association with criminal behavior.

221. Bitmojis contribute significantly to a sense of playfulness, as well as promote trust.⁵⁷ Research that has analyzed the actual online conversations of convicted sexual offenders confirms that the use of emoji and emoticon are common in their grooming conversations, and are used for these purposes.⁵⁸

5. Snapchat Cameos and Filters are Snap Created Content

222. Snapchat also offers a feature called cameos, sticker like images that are customized to feature the user's face. Snapchat generates cameos by inserting a selfie taken by the user into stickers that they designed (*Figure 15 & Figure 16*). Users can send Cameos in chats or insert them into Snaps, making cameos a feature that frequent Snapchat communication and content. Cameos are sometimes even used in Snapchat ads. Similar to Bitmojis, cameos are content that is created and designed by Snapchat. The images into which users' selfies are inserted are Snapchat's creation.

⁵⁷ Valerie Sheehan & Joe Sullivan, A Qualitative Analysis of Child Sex Offenders Involved in the Manufacture of Indecent Images of Children, 16(2) Journal of Sexual Agression 143 (2010)

⁵⁸ April Kontostathis et al., Chat Coder: Toward the Tracking and Categorization of Internet Predators, Ursinus (2019)

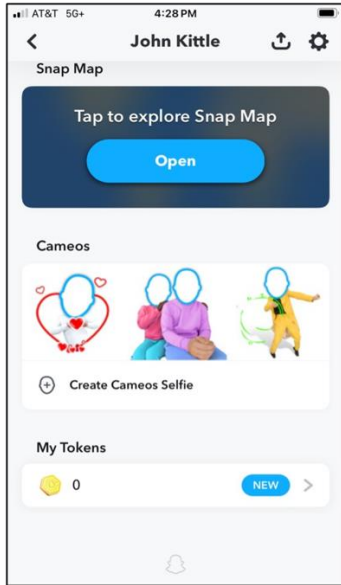


Figure 5

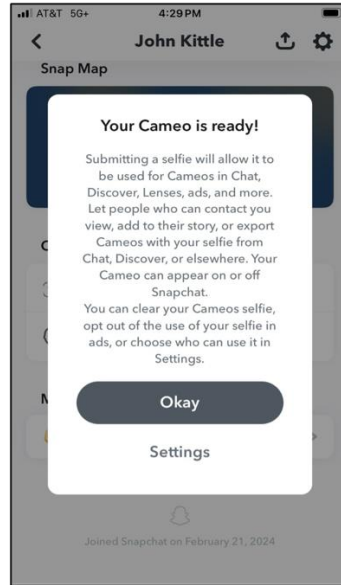


Figure 6

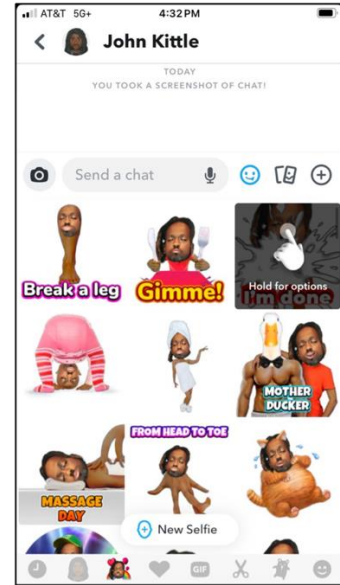


Figure 7

223. Snapchat also contributes to the content creation process by supplying predesigned Snapchat stickers (Figure 19). The stickers are designed by Snapchat themselves, the text and aesthetic purely a Snapchat creation. These stickers are often featured in users' Snaps, as seen in Figure 20 & Figure 21, making Snapchat partly responsible for the creation of that content.



Figure 19



Figure 20



Figure 21

6. Snapchat's Filters and Music are Snap Created Content

224. In addition to Bitmojis, cameos, and stickers, the filters offered to users as an overlay when taking pictures or selfies are another example of Snapchat's direct involvement in content creation on their app. While some of the filters are created by the users themselves, as seen in *Figure 22* featuring the Pit Vipers filter by Tyler Crane, others are clearly labeled as being created by Snapchat (*Figure 23 & Figure 24*), for example the funny strawberry filter or the light filter.

225. In addition to creating the filters, Snapchat often pairs their filters with certain songs, a design choice that is made by Snapchat alone (as seen in *Figure 23 & Figure 24*, top center of the image). Both the creation of select filters on Snapchat and the design choice to pair certain filters with certain songs on their application are examples of Snapchat creating and developing content on their own platform.

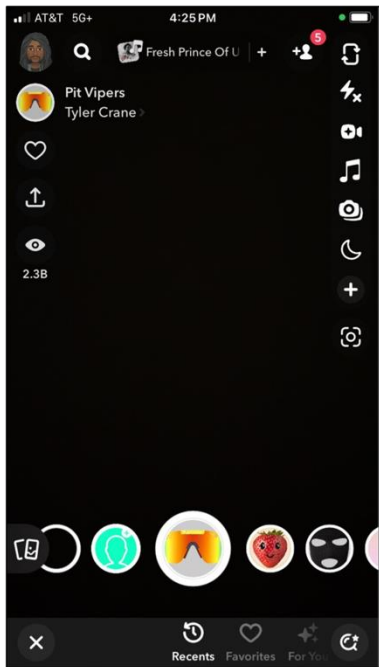


Figure 22

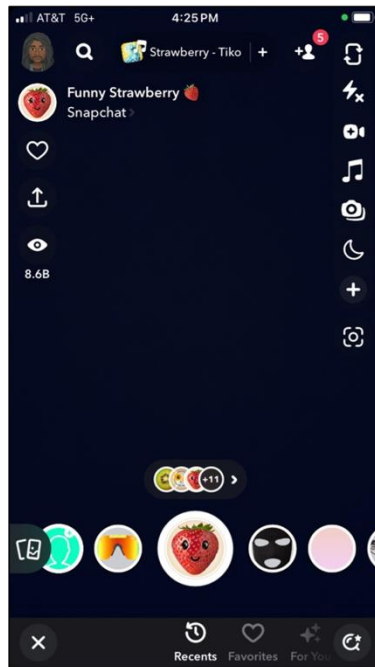


Figure 23

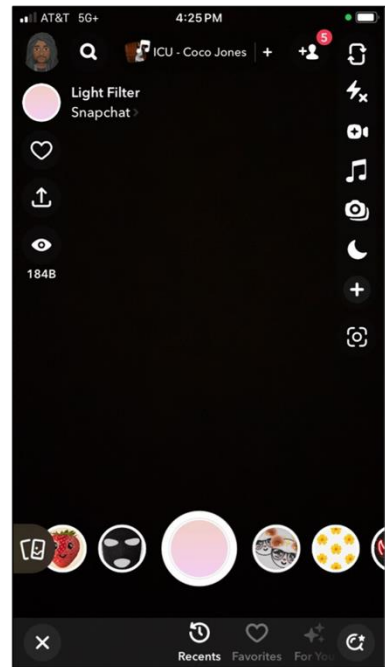


Figure 24

226. As seen through the presence of Bitmoji avatars, cameos, stickers, filters, and music on the Snapchat application, Snapchat is more than just an interactive computer service. Snapchat is responsible, in whole and in part, for the creation and development of

content on its platform, a reality which should disqualify Snap from benefiting from the immunity with which Section 230 has supplied them in the past.

227. These are products and platform features Snap designs, creates, and distributes, in stark contrast to other types of neutral online platforms and technologies, and which products and features materially contribute to and cause the types of harm at issue.

N. Snap Directly and Proximately Caused Harms to Plaintiffs, including Aiding and Abetting of Snap Sharp and Rodriguez, Who Caused Additional Harms to C.O. in 2019 and 2021

228. C.O. is currently 15 years old.

229. She was a happy and outgoing child, who always enjoyed school and spending time with her family and friends.

230. C.O. opened a Snapchat account when she was 12 years old, if not younger, without her parents' knowledge or consent and kept her use of Snapchat secret as long as possible.

231. C.O.'s parents, V.V. and E.Q., did not grow up with social media and did not have any accounts outside of a single Facebook that they used on occasion to stay in touch with family. They did not know much about social media in general, and knew nothing about Snapchat. They did not know that C.O. would be able to access these products on her iPad, and did not know that the manufacturers and distributors of these products could provide access to children without some form of age verification and/or parental consent. Social media was not a part of their world, and they had no reason to think that their underage daughter was accessing and using Snapchat in their own home as often as she could – but she was, and the fact of her use (and increasingly problematic use at that) was known only to C.O. and Snap.

232. In addition to not verifying age and parental consent, Snap allowed and encouraged young users to open multiple accounts.

233. Snap's Terms of Service purport to prohibit multiple, personal accounts; however, Snap has chosen to not utilize its available technologies or even information in its

actual knowledge to enforce these terms. Instead, Snap allows minors to open multiple accounts without their parents' knowledge or consent. This failure to enforce its terms – despite the ability to do so – also means that predators open multiple accounts for nefarious purposes, *i.e.* pretending to be someone they are not, harassing minors, and continuing in harmful, even illegal, activities.

234. C.O. eventually opened multiple Snapchat accounts, such that, when her parents *did* eventually realize that she was using Snapchat and *were* able to take affirmative steps to try to stop her from using it, she was able to simply open new accounts they did not know about. But Snap knew and made the business decision to allow C.O. – and millions of children like her – to continue using its platform despite such use across multiple accounts being a violation of its Terms of Service.

235. As only recently confirmed by Snap in discovery, for example, C.O. opened at least three accounts using the same phone number. The usernames for those accounts are combinations of her actual first and last name, which suggests that Snap itself recommended them to her. Specifically, during the sign up process Snap makes a recommended username based on the name information a user provides. Users can change that recommendation, but often, kids creating multiple accounts just keep whatever Snap recommends. In the case of test accounts created by Plaintiffs' counsel in June 2023, for example, a test user input the following names and Snap created the following usernames:

First and Last Name	Snap Created Username
Arianna Stewart	a_stewart238217
Lilly Johnson	Lilly_j2356
Jasmine Lopez	Jasmine_1206956

236. While C.O. cannot recall every detail of the information she provided Snap when opening the multiple Snapchat accounts, this confirms her belief that she would have provided her first and last name in connection with each account. She was not hiding her

identity from Snap. She also used the same device to access these multiple accounts, which fact Snap also knew.

237. On information and belief, Snap collects Device ID information each time a user logs-on, which information is device specific and unique. In other words, Snap had information in its possession at all times relevant that provided it with actual knowledge that a single user, minor C.O., had opened multiple Snapchat accounts. This fact alone constituted a violation of Snap's Terms of Service and, had Snap made any reasonable effort to enforce those terms, it would not have allowed C.O. to continue using its platform in the first place.

238. At all times relevant Snap represented to the American public and its users, via its marketing, Terms of Service, and elsewhere, that "If Snap becomes aware that a user is using Snapchat in violation of Snap's Terms of Services, Snap takes appropriate steps to investigate and remove that user." In fact, this quote comes from two of Snap's supplemental responses to discovery in this case, served in February 2024. But it simply is not true, at least not at any of the times relevant to Plaintiffs' claims.

239. Had Snap done as promised and undertaken reasonable effort to enforce its Terms of Services, C.O. would not have had access to the Snapchat platform, nor would either of the Individual Defendants.

240. Snap's design, distribution, and operational decisions enabled and aided C.O. in the opening of multiple accounts, and also ensured that her parents had no means of ascertaining how many accounts she had opened or her usernames.

241. C.O. does not recall the exact number of Snapchat accounts she opened, as there were many, but recent discovery from Snap confirms that she opened more than three different accounts on Snapchat.

242. Snap did not verify phone numbers, emails, or other information C.O. provided, making it easier for her to open multiple accounts without parental consent.

243. Minors also frequently enter inconsistent birthdates across multiple accounts. Sometimes this happens for the simple reason that they do not remember what was provided before, because there is no need for them to remember – they know that Snap is not going to act. While at the same time Snap knows or should know that one or more of these birthdates are false, including because the accounts are linked or linkable via data Snap collects or otherwise possesses, for example, Device ID data (which is unique to each device), user names, location, user provided phone number, email, and a variety of other data points that enable Snap to identify with reasonable certainty single user multiple account situations. Minors also frequently disclose their true age in in Snaps, Stories, and comments; open accounts with school issued emails (elementary schools); access accounts from school issued devices; openly discuss school, school events, and classmates; and post photos and videos making it abundantly clear that they are under 13.

244. To the extent C.O. created multiple accounts when she was under the age of 13, she would have provided inconsistent birthdate information across related accounts, or no birthdate information at all. To the extent C.O. provided inconsistent birthdate information across relatable accounts, Snap ignored this information as well.

245. C.O. also made no effort to hide her real age in any of her dealings with Snapchat. She did not need to, as Snap had no real interest or intent to shut down underage or unauthorized accounts – each account meant more money for Snap and its executives.

246. Snap also knew or should have known from the data it collected in connection with C.O., i.e. her multiple accounts, activity on those accounts, and other data points in Snap's possession, that she was not old enough to be using its social media product and, eventually, that she was a minor who lacked parental consent.

247. At all relevant times, Snap knew that C.O. was underage and then that she was a minor who did not have parental consent to use its product.

248. In February 2024, Snap stated in discovery that its Terms of Service “prohibited users under the age of 18 from using Snapchat without obtaining a parent’s consent.” However, “Snap does not verify parental consent to use Snapchat.”

249. Instead, Snap continued to provide minor C.O. with account after account, without parental consent, having enough data to know that she was a minor and had opened multiple accounts in violation of its Terms of Service. Snap profited handsomely as a result.

250. At all times relevant, V.V. and E.Q. believed that C.O. was using her iPad and other devices for games, kid-appropriate videos, and educational or emergency purposes only. V.V. and E.Q. would never have allowed C.O. to open and use her own Snapchat account. V.V. and E.Q. simply did not know enough about Snapchat or other social media platforms to be okay with their child using them. At the same time, however, Snap was designing, distributing, and operating its product in a manner that deliberately stripped V.V. and E.Q. of the right to make that choice.

251. When C.O.’s parents did eventually learn about her use of Snapchat, they tried to stop her from using it and, when that failed, they tried to open their own Snapchat account in an effort to monitor and protect their child. Ultimately, however, they could not even figure out how Snapchat worked. They also asked others about Snapchat, and were told that Snapchat was an app where pictures would pop up and you would see the picture and then it would disappear. They understood that Snapchat was a silly photo app for kids and that it did not connect kids with strangers, that is, it was used by kids to interact with people they already knew.

252. Snap also represented that it uses its technologies to keep kids safe, and widely advertised its platform as fun and safe for kids and families.

253. C.O.’s secretive use of Snap’s social media product coincided with a severe and steady decline in C.O.’s mental and physical health.

254. C.O. had trouble sleeping and, over time, experienced severe sleep deprivation and related harms such as anxiety, depression, moodiness, and inability to

regulate her emotions. The sleep deprivation led to her being tired during the day, anxiety, and uncharacteristic mood swings and emotional reactions. V.V. and E.Q. did not realize that C.O. was staying up late using Snap's product, though Snap did as its tracks usage of its product on a per-user basis.

255. C.O. and her parents also had no reason to suspect that Snap's social media product, including its marketing, design, programming, and distribution decisions, were causing C.O.'s increased difficulties sleeping, anxiety, and depression. Snap, however, knew or should have known that its product were causing dependency issues and that a significant number of minor users felt that they could not stop using Snapchat and to the point where such "problematic use" was interfering with education, interpersonal relationships, and ability to sleep, among other things.

256. In fact, Snap specifically designed its platform to hook young users, utilizing a variety of extended use designs – which designs were known to Snap, but not ordinary consumers. The following are just some examples.

257. Snap inundated C.O. with push notifications, which had the intended effect of pulling her back onto Snapchat – at the direct expense of C.O.'s health and wellbeing. C.O. likewise became dependent on Snap's features, including gamification features and rewards, and often found herself losing track of time while using Snap's products due to its manipulative design features. These are specific product features Snap designed, implemented, and distributed to minors, despite knowledge of their potentially harmful effects.

258. Defendant Snap has known for years that it is harming children and teens through use of these products, and could have stopped utilizing push notifications and other product features in connection with young users, like C.O., but opted to stay the course instead.

259. Snap also designed and programmed its technologies to addict young users, including but not limited to things such the speed of its algorithm and hidden rewards. C.O.

would often stay up late or wake up after her parents had gone to bed to use Snapchat. Even when she knew she needed to sleep and wanted to sleep, she couldn't help herself.

260. Snap knows it could make small adjustments to its features that would have a big impact on minor users like C.O.

261. C.O. suffered from severe sleep deprivation, and her dependency on Snap's products caused significant anxiety, depression, and guilt. C.O. had always been close with her family and had always enjoyed school, but now, using social platforms was all she wanted to do and she began resenting her parents for trying to stop her.

262. Shortly after the opening of these accounts, Snap also began targeting C.O. with harmful content and advertising. As direct and proximate result of Snap's actions, C.O. experienced increased anxiety and depression, as well as devastating harms to her sense of self and self-esteem. These harms made her even more vulnerable to outside influences than she otherwise would have been by reason of being a child.

263. C.O. and her parents had no reason to suspect that Snap's social platform, including its marketing, design, programming, and distribution decisions, was causing C.O.'s anxiety and depression, and the incredible and myriad harms to her self-esteem and identity that manifested over time.

264. Snap, in contrast, knew that it was targeting C.O. with its "friend" recommendation algorithms, and knew that it was designing, programming, and distributing Snapchat to minors in a manner meant to prioritize engagement over user safety and wellbeing.

265. Snap flooded C.O. with harmful social comparison content – content encouraging disordered eating and self-harm, highly sexualized content, and other content that was not appropriate for a minor user of any age, much less one under 13.

266. Shortly after the opening of these accounts, Snap also began actively exposing C.O. to defective and/or inherently dangerous products and features (such as geolocation tools that would allow strangers to find her location and direct messaging

features), and even further, trafficking C.O. through complex and proprietary user recommendation technologies for Snap's own financial gain. Snap took and used C.O.'s personal information, without her knowledge or consent, and utilized and disseminated or otherwise made that personal information available to third parties – including predatory strangers. Snap –designed, programmed, and operated Snapchat in a manner that actively exposed and connected C.O. to predatory users and has actual knowledge of the harms its design, programming, and operational decisions were causing, and stayed the course regardless.

267. As the foreseeable, if not inevitable, consequence of Defendant Snap's marketing, product design, distribution, programming, and operational decisions, C.O. was exploited and raped by multiple predatory users of its social platform – users Snap connected to C.O. (using personal data in a manner for which C.O. did not and/or could not consent). But also, C.O. would not have had access to the Snapchat platform in the first place had Snap utilized its knowledge to enforce its Terms of Service in multiple regards – from allowing C.O. to open multiple accounts and use its platform despite information in its possession notifying Snap that she was underage, to purposefully doing nothing to verify parental consent and ignoring data in its possession that Snap knew to signify a lack of such consent, to allowing known and convicted sexual predators to continue using its platform and even connecting such predators to minor users via Quick Add.

268. C.O. and her parents had no reason to know how Snap was designing, programming, and distributing its product, and no reason to suspect that Snap was connecting and otherwise trafficking their daughter through complex and proprietary technologies and other features known and understood only by Snap. No one had reason to suspect that this is what Snapchat was doing, but it was and it did – and millions of children like C.O. have suffered devastating mental, emotional, and physical harms as a result.

269. Snap's technologies, as currently designed, developed, programmed, and operated by Snap, suffer from algorithmic discrimination. That is, its product-related and

programming decisions are disproportionately harming certain protected classes of users – in this case, young girls – as compared to their male and adult counterparts.

270. C.O.’s experiences with Snap illustrate this point: that is, 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.

271. 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. The decisions Snap made based on this protected characteristic information were designed to increase Snap’s engagement. Through its programming, Snap deliberately acted in a manner that it knew to be connecting predators with young girls, including, on information and belief, things like making recommendations and using personal information in a manner Snap knew would subject young female users of Snapchat to higher amounts of harassment and harm, due to their age and gender. On information and belief, Snap has chosen to not correct or mitigate the algorithmic discrimination it knows to exist in its programming and technologies.

272. Shortly after she opened her own Snapchat account, C.O. began struggling in school. Her grades began slipping, and her personality changed. Her parents learned after the fact that, in addition to the harms caused by sleep deprivation and dependency on Snap’s products, kids were bullying C.O. through the group chat and other direct messaging features Snap makes available to minor users. These incidents, however, were far worse than any

traditional form of bullying her parents may have witnessed or experienced *because* of the product features Snap made available to her, and inherent defects in the same, as well as C.O.'s addiction to Snapchat. That is, Snap provided other users with unfettered access to C.O. If she blocked one user account, the bully could simply open five more and start direct messaging her that way. With no controls or system settings to prevent other users from contacting C.O. directly, she had no way to protect herself from other users. Likewise, because Snap was providing her with secret and unauthorized access, she felt like she could not turn to her parents or any adult for help.

273. C.O. also could not stop using Snapchat no matter how bad it made her feel, or how much others bullied and abused her. That is one of the most dangerous aspects of Snap's extended use design features and mechanisms when it comes to kids, and, on information and belief, Snap has actual knowledge that a significant number of young users feel as though they cannot stop using Snapchat even when they no longer enjoy that use and even when they want to stop.

274. C.O. became overwhelmed and angry as a direct result of Snap's product and product features and the harms those were causing her; and she was only 12 years old. She was not even old enough to be using Snap's social platform. Snap knew that it was allowing underage users to use its platform and had it made any reasonable or actual effort to prevent such use, she would not have suffered these harms at all.

275. Snap deceived, manipulated, and exploited C.O. as a matter of product marketing, design, distribution, and programming. These were business decisions Snap made knowing (or having reason to know) that they were creating significant and foreseeable risk of exploitation, abuse, and even rape – which is precisely what happened to C.O.

276. While Snap's Snapchat platform does not default minors into public profiles, its Quick Add feature at all times relevant made minors' accounts discoverable and displayed minor users' nicknames, usernames, and bitmoji avatars that may identify them as young females.

277. These product settings are even more invasive and dangerous when combined with Snap's direct messaging and geolocation features, described above, as they expose minor users to predators. This is like a phone company deciding to publish your child's name, age, and photograph to every stranger within a 50 mile radius and then giving those strangers your child's phone number, but also designing the phone and messaging apps so that any contact your child receives from a stranger disappears and/or cannot be monitored by you. This design would be defective and inherently dangerous, and the phone company would be shut down in short order for committing such gross violations of children's privacy and parental rights to protect and care for children.

278. Snap's inherently dangerous user recommendation system, known as "Quick Add," also immediately began recommending C.O. to adult Snapchat users, and encouraged those complete strangers reach out and try to connect with C.O. and vice versa. Defendant Snap has gamified its platform to actually incentivize and encourage children to accept the recommendations Snap makes. For example, a user's Snap score – a matter of social prestige and pressure among minors – goes up with each new connection accepted and/or user interactions which increase with each connection and the Snapchat product previously allowed and encouraged minors to accept all Quick Add requests via a single click of a button. Snap has gone to great lengths to design its product to not only make such connections, but to ensure that its youngest users accept them, even when they would otherwise not be so inclined.

279. This is just one more example of Snap prioritizing engagement over the safety of its youngest users. Their design, implementation, and programming of these user recommendation technologies in connection with minor accounts directly and proximately caused harm to C.O. and her family. In fact, more recently, Snap has claimed that it has made various changes to Quick Add to make it safer for minors. Plaintiffs do not point to this as a subsequent remedial measure, but instead, to establish the fact that Snap knew it was harming children like C.O. and that there were quick and cost-effective changes it could

have made to its platform to reduce such harms years ago, but chose to stay the course regardless and, ultimately, at C.O.'s expense.

280. Moreover, C.O.'s experiences with Snapchat is proof that Snap is operating its social platform with some degree of algorithmic discrimination. C.O. was never targeted when she used accounts Snap believed were operated by adults, nor were her male counterparts were targeted in this manner.

281. When C.O. was 12 she got her first cell phone, which her parents wanted her to have in case she needed to reach them. But also, V.V. and E.Q. thought that they would be able to better monitor what she was doing with a phone. Specifically, they told her no social media apps, and checked her phone every day at first to make sure none were being used. On a few occasions, they found a social media app and immediately deleted it. Over time, however, C.O. appeared to stop trying as they no longer found any evidence of social media use on her phone. Feeling more secure, V.V. and E.Q. eventually started checking every other day instead of every day, and then the time between checks increased.

282. What V.V. and E.Q. did not know was that C.O. was accessing Snapchat through other means, and was even downloading Snapchat onto her device in ways designed to evade detection. For example, she would download the app after her parents were asleep or after she left for school, and delete it before her parents woke up or before she got home from school. This incessant downloading of an app onto a device is presumably a form of distribution Snap could prevent, but it doesn't; and many underage and unauthorized users employ this method to hide their social media use from their parents (to Snap's financial benefit).

283. When C.O. first started being targeted by Snap's technologies – that is, when Snap began directing her information to predators and/or predator information to her because of her age and gender – C.O. at first believed Snap and thought that these strangers were her “friends.” Snap said she probably knew them, and constantly messaged to C.O. that adding

“friends” by Quick Add is what Snapchat is all about. She was a child and nothing Snap said or did seemed dangerous. It seemed like it was fun and Snap said that it was safe.

284. As Snapchat directed more and more predatory users to her, she felt uncomfortable and tried to obtain help via Snap’s purported in-app reporting mechanism.

285. Snap claims and represents to users that it has a feature where you can screen shot violating chats and send them to Snap. In February 2024, Snap responded to discovery in this case as follows:

Supplemental Response: Snap’s Terms of Service and Community Guidelines prohibit using Snapchat for criminal conduct, including grooming and other crimes against children. Users can report grooming to Snap through the Snapchat in-app reporting options or through Snap’s website. Snap investigates each report and, when appropriate based on the information available to it, transmits allegations of criminal conduct to the relevant authorities.

At all times relevant, Snap represented and promised that if someone is harassing you then you can report them and Snap will take action. Only Snap never took action to protect C.O. despite her having done exactly what Snap told her to do.

286. After C.O. opened her own Snapchat account (instead of using the one belonging to her grandmother and aunt), complete strangers started sending her dick pics. The way the Snap product is designed, she could not see what the image was until opening it, and then it was too late – she was exposed to numerous explicit photos in this manner, none of which were photos she wanted to see.

287. C.O. reported these incidents to Snap. She reported them via every option Snap provided, telling Snap that these users were people she did not know and were harassing her. She sent in the explicit photos and every single time Snap did nothing in response. On the contrary, often a single user would continue sending her photo after photo; and she would report photo after photo, but again, Snap did not email her back or respond or ban the violating users. Nothing happened, and C.O. realized that she was on her own and Snap was not going to help.

288. Then, on July 15, 2019, when C.O. was still only 12 years old, Snap directed and connected her to Defendant Reginald Sharp, depicted in Figure 10.

289. C.O. did not know Sharp in real life and, on information and belief, Snap directed him to her via its Quick Add feature.

290. Snap advertises and claims that it does not connect its users to strangers. For example, in its February 2024 supplemental discovery responses, Snap represented that,

Snap has designed Quick Add with a focus on safety and privacy. As part of that, Snap has engineered the feature to focus on helping people find their real-life friends and connections. It does so by recommending user accounts based on existing social connections, as determined by friends, friends of friends, individuals in one's contacts, and one's presence in others' contacts, among other factors. As of 2021, Snap also requires that minors share a number of mutual friends before that minor is recommended to someone as a friend. The number of mutual friends required has increased over time.

291. But C.O. recalls having been connected to many Snapchat users she did not know in real life; including where she does not recall sharing Snapchat friends and did not have that person in her device contacts. That includes Individual Defendant Reginald Sharp.

292. . Sharp was a registered sex offender, and went by the username **JASONMORGAN5660**. Sharp's Bitmoji, the avatar that served as a profile for his Snapchat account under the name of Jason Morgan, is clearly quite different from his countenance in reality (*Figure 11*). While seeing an actual image of Sharp when their connection first began would have alerted minor C.O. that Defendant Sharp was an older male user, his Bitmoji portrays him as a young, innocuous, and friendly looking boy.



Figure 10

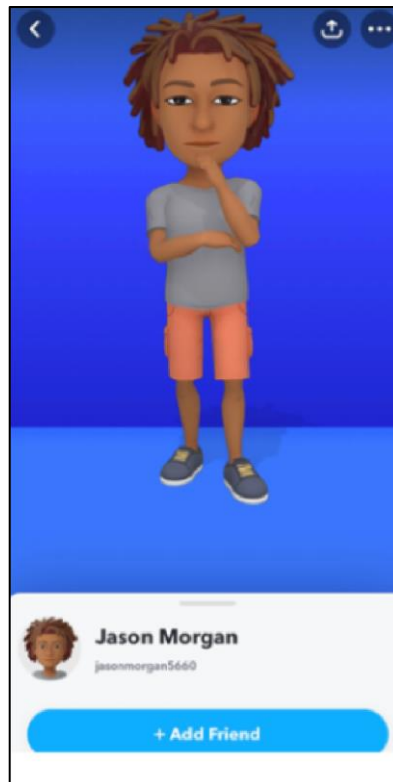


Figure 11

293. Sharp used Snapchat’s editing feature to co-create a Bitmoji that appeared youthful. This is part of the design and purpose of Snap’s Bitmoji product feature. In fact, had Snap created the avatar for Defendant Sharp it would also have appeared in a manner meant to convey friendliness and the absence of danger. As seen in *Figures 12, 13, and 14*, when the undersigned law firm fed Snapchat the image of Sharp as he appears in real life (*Figure 10*) under a new account name, it generated a Bitmoji that, while it is slightly older looking than the edited Bitmoji likely first viewed by minor C.O., it is still friendly and cherubic looking by nature.

294. This is an effect and the direct result of Snap’s own stylistic choices when it creates and/or distributes the Bitmoji product and options. Snapchat’s involvement in the creation of Bitmojis, either wholly or in part, misleads and masks the actual appearance of more sinister and older looking users.

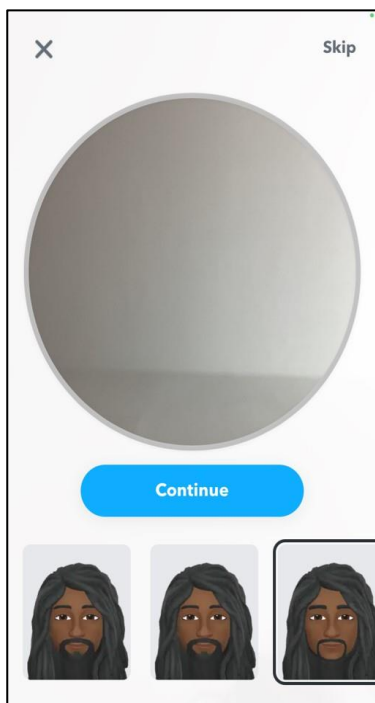


Figure 12

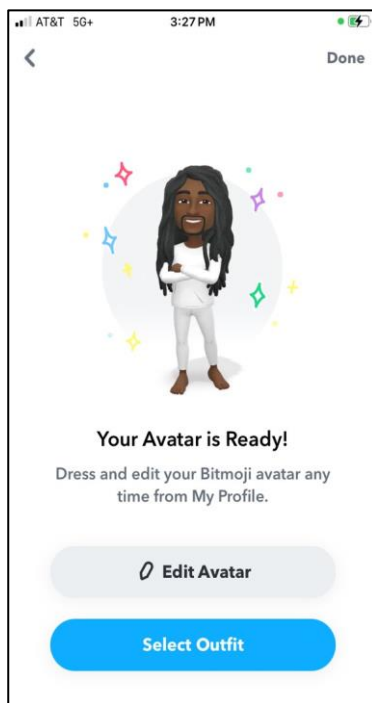


Figure 13

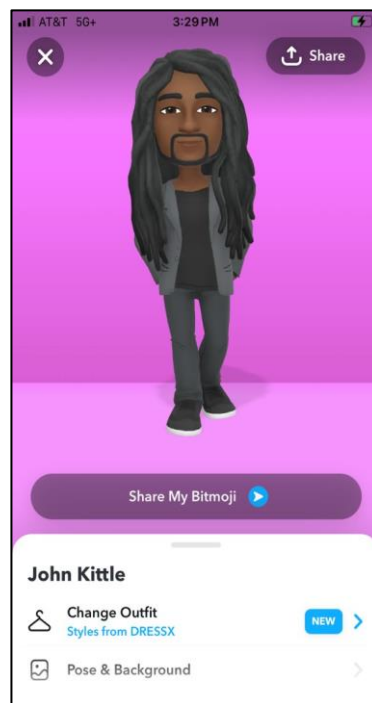


Figure 14

295. After Snap identified and connected C.O. to Sharp, he used the youthful image created by Snapchat's Bitmoji feature to gain her trust. If Snapchat had not created an atmosphere of trust, including its provision to Sharp of the tools required to create an image of himself that, by design, disguised his age and appearance, C.O. would have been alerted to the danger. In fact, Snap not only provides its users with these tools, but does not provide them with alternatives. On information and belief, unlike other social platforms, users do not and/or no longer even have the option to use a real photograph for their Snapchat account.

296. Instead, the image created in part by Snapchat provided C.O. with a false sense of security that Jason Morgan was an innocuous looking adolescent boy with a smooth cherubic face, dressed in kid-like tee-shirt, shorts, and sneakers. Snapchat's platform and design allowed Defendant Sharp to gain trust from C.O. that he would not have gained using either his real photograph or a bare text message.

297. In designing and implementing these unique features, Snap makes itself much more than a neutral communication platform. It falsely assures and convinces children and even parents that its platform is made for young people and safe and contributes materially to the harms suffered by young children as a result. Snap ensures that every user appears harmless, and then packages those products with Snap’s own messaging such as telling C.O. – a 12-year-old child at the time – that Defendant Sharp was “someone you may know” and a “friend” and that making friends is what Snapchat is all about.

298. Once Defendant Sharp gained C.O.’s trust through Snapchat’s imagery and Snapchat’s assurances and messaging designed to convince her to add as many friends and strangers as possible, Sharp quickly began grooming her to engage in sexually explicit communications, and promised her money in exchange for sending him explicit photographs or meeting in person. C.O. was only 12, and Sharp gained access to her through and because of Snap’s messaging, design, and product features, which Snap knowingly and deliberately made available to minor users to increase its own revenue.

299. After C.O. sent Sharp explicit photographs, he threatened to post those on Snapchat unless she had sex with him. C.O. was 12 and Sharp knew she was 12. On information and belief, Defendant Snap also knew or had information in its possession from which it knew she was 12. Snap simply chooses to use those types of information for marketing purposes, while ignoring them for purposes of enforcing its own Terms of Service and the safety of its youngest users.

300. On July 23, 2019, Sharp coerced C.O. into sneaking out of her home in the middle of the night to meet him and, when she met him, he raped her.

301. C.O.’s mother knew something was wrong immediately the next morning, found out what had happened, and reported it to the police who investigated.

302. Even though Sharp did not use his real name in connection with his Snapchat account—he used the name Jason Morgan—the investigating detectives (who had none of

his personal information) were able to determine his true identity and his status as a registered sex offender quickly.

The analysis shows "JASONMORGAN5660" was the snapchat username communicating with V1. From the analysis Detective Torres was able to locate another Jason Morgan on the social media platform "Facebook". The "Facebook" name "Jason Morgan" had several photographs and videos that were open without any privacy settings. The "Facebook" username also had an open, not private "friends" list. By evaluating the "friends" list we were able to develop a possible suspect, Reginald Sharp (DOB 03/13/1985) 34 years old.

303. Detectives also quickly confirmed everything C.O. had told them about what happened to her on Snapchat,

partment and a departmental consent to search form was completed. The victim's cellular phone was turned over to the Stratford Police Department Computer Forensics Unit for analysis. The analysis of the cellular phone showed that Snap Chat user "JASONMORGAN5660" (Sharp) initiated a conversation with the victim on July 15, 2019. JASONMORGAN5660 and the victim exchanged their ages; victim told JASONMORGAN5660 that she was 12 years old. The victim exchanged photographs with the suspect, including nude photos and videos, which the victim deleted. The conversations between im and Sharp became sexually explicit to the point where Sharp enticed the victim with money and drugs for sexual acts. Affiant Iannucci knows from training and experience that individuals involved in human trafficking will often manipulate or "groom" their victims by telling victims "I will take care of you" and promise to provide them with money and/or drugs. Sharp sent the victim numerous voice messages over Snap Chat asking to meet the victim and provide her with money and/or drugs.

Additionally, at one point during the conversation Sharp asked the victim if he could "nut" inside of her, meaning ejaculate inside of her. When the victim expresses concern of becoming pregnant, Sharp told her he would take care of the baby until she is older. Sharp also asked the victim if she would be his "il" girlfriend and told her how having sex with him would help make sexual intercourse with her boyfriend better because it would not hurt after she had intercourse four to five times. At times during this conversation exchange Sharp becomes angry and frustrated with the victim when she does not meet his demands of meeting him for sexual intercourse. Sharp was able to convince the victim to meet him through manipulation and guilt.

And they presented Snap with both a preservation notice and search warrant, identifying the predatory Snapchat user who, according to Snap, still had an active account,

On 07/23/2019, I, Detective Policano, report that Snapchat responder on request and advised the account of "JASONMORGAN5660" is active and is now preserved under case # 48634353.

A search warrant for the Snap Chat account was completed based on the following facts and circumstances:

On July 23, 2019 at approximately 2:08 P.M. Detective Policano and Detective Torres presented a Search and Seizure W for any subscriber information ass with the Snap Chat username "JASONMORGAN5660" honorable Judge Russo at Bridgeport Superior Court. Judge Russo reviewed and approved the Search Warrant. Detective Policano served the Search Warrant on Snap Chat. Results are pending.

304. Detectives identified the Snapchat predator as Reginald Sharp. Despite the fact that Defendant Reginald Sharp is a registered sex offender, and despite the fact that Snapchat connected him with a 12 year old child who he then raped and that Snap knows or has reason to know that he is using its product to rape (possibly even traffic) young girls and that its product is affirmatively helped him find those young girls, Defendant Sharp's

Snapchat account *appears* to still be active on the Snapchat platform. On December 10, 2022, more than three years after his arrest, counsel for Plaintiffs located the profile of Sharp in Figure 12, above, on Snapchat.

305. In fact, Sharp's profile appears to not only still be up on the Snapchat platform today, but may be actively in use. Plaintiffs base this allegation on the following Snapchat photo, which was found via a Snapchat search on February 27, 2024,



The avatar in this photo is wearing the same clothing as the prior image (Figure 12) but is in a different pose and with a different colored background. This suggests either that Snap itself made changes to the appearance of this avatar in the last year, or that whoever is using the account – an account that has been identified to Snap multiple times as one registered to a convicted sex offender – still is actively using it.

306. As recently as February 2024 and in response to discovery in this case, Snap represented that,

Supplemental Response: Snap uses a zero-tolerance approach for users who try to commit severe harms, such as threats to another user's physical or emotional well-being, sexual exploitation, and the sale of illicit drugs. If Snap finds accounts engaging in this activity, it immediately bans the account, applies measures to prevent the account holder from getting back on Snapchat, and may report that account holder to law enforcement. Moreover, when prospective users sign up for Snapchat, they must agree to the Terms of Service, which include that the prospective user is not a convicted and registered sex offender. If Snap becomes aware that a user is

using Snapchat in violation of Snap's Terms of Services, Snap takes appropriate steps to investigate and remove that user.

Once again, Snap is making statements to consumers, and even this Court, about what it does and how its social media products work that do not appear to be accurate. Plaintiffs, the Court, and the residents of Connecticut are entitled to discovery on these issues.

307. Snap provided access to minor C.O. to its platform, in a manner intended to and that did evade parental consent and purposefully put C.O. in harms' way. Snap then connected C.O. to numerous predatory users, because those connections were ones Snap decided (via its algorithm programming) as being in Snap's best interest. Snap directed and connected countless predators to C.O., from the moment she stopped using her aunt and grandmother's Snapchat accounts and opened her own.

308. In October of 2021, when C.O. was only 14, Snap connected her to another predator who also met with her in person and sexually assaulted her. By that time, her parents knew she was using the Snapchat product and did everything they could to stop her – but ultimately, there was no way to prevent such use short of locking C.O. in her room with no access to any electronic devices and eyes' on monitoring 24/7. That is how Snap designs its platform – to ensure that there is nothing parents can do.

309. V.V. and E.Q. monitored C.O.'s phone. They did not allow her to use social platforms, but also could not physically stop her from leaving when they took it away. Eventually, knowing that if she did not have social media access she would leave, E.Q. began sleeping on the bathroom floor and in other locations where he thought he might be able to hear her if she tried to sneak out. Ultimately, however, she got past him.

310. One of the predators Snapchat connected to C.O. in October of 2021 (via its Quick Add product) was Defendant "Eddie" Rodriguez, a former police officer and a registered sex offender. On information and belief, Snapchat also portrayed Rodriguez as harmless, as a matter of platform design, and also either created a visual image for Rodriguez

or ensured that he had the tools and required him to create such an image that gave C.O. a false sense of security that he could be trusted.

311. Defendant Rodriguez used the access Snapchat provided to him to obtain C.O.'s phone number and address, and thereafter began a grooming process that over time led to the exchange of explicit messages and photos. Then Rodriguez convinced C.O. to meet him in-person before school, which she did. He offered her a ride to school, but when C.O. got into his car, Defendant Rodriguez sexually assaulted her.

312. C.O. became anxious and overwhelmed as a direct result of Snap's products and product features and the harms those were causing her. According to Snap's terms of service, it would not distribute its product to her if she was under 18 and without parental consent; however, she was under 18 and her parents did not consent. Snap distributed its product to her anyway, and had Snap made a reasonable or actual effort to enforce its terms in this regard, C.O. would not have suffered these harms—addiction, sleep deprivation, anxiety, depression, bullying, sexual assault, exploitation, trafficking, coercion to engage in commercial sex acts, and the myriad of resulting and long-term mental and emotional harms—at all.

313. C.O. has suffered serious mental, emotional, and physical harms as direct and proximate result of Snap's marketing, design, distribution, and programming decisions. Snap has profited handsomely from her use of its product, while simultaneously taking from C.O. the majority of her childhood and jeopardizing her future.

314. Snap did not warn C.O. or her parents of any of the harms its platform might cause; indeed, Snap did not warn anyone, despite its own knowledge that Snapchat was harming young users, like C.O.

315. C.O. began using Snap's social platform because she did not feel like she had a choice. It seemed like all of her peers were using these products, and everyone knew that Snap did not care how old you were. Snap would let you use its platform and would not stop you even if your photos, statements, and/or activity made it clear that you were a kid.

316. C.O. hid her use from her parents, which she was able to do because Snap make no reasonable or actual effort to verify age or identity. C.O. recalls opening at least some accounts where Defendant Snap did not even ask her age, and Snap allowed her to use whatever age she wanted across otherwise connected accounts, i.e. accounts she accessed via the same device and for which she used some of the same identifying information.

317. Sometimes when C.O. was struggling and felt like she might feel better if she could just stop using Snapchat, she would delete her account. She did the same with the social platform, Instagram, and kept her Instagram account closed. But she had a more difficult time keeping her Snapchat account closed, and would often close her account then re-open when she felt like she couldn't live without Snapchat anymore.

318. Again, across these multiple accounts she would use some variation of her first name in her username, she would use her same devices to access these accounts, and she would list her same phone number to open these accounts. Snap knew she was a minor, did not have parental consent, and was opening multiple accounts in violation of its Terms of Service. Snap simply did not care as it wanted to profit from C.O.'s harmful dependency on its platform.

319. C.O. has been hospitalized and in counseling because of the harms Snap caused her; she has isolated herself socially; she has suffered from anxiety and depression, thoughts of self-harm and suicide; and tremendous pain and guilt for what her dependency on these products and her inability to just stop using them has caused her family. She recalls times when her father would sleep on the bathroom floor to try to stop her from running away, and she would find another way out of their apartment. She recalls times when she would lie to her friends or even the police and authorities, in an attempt evade her parent's control of her access to Snapchat. In the moment, she felt like she would do anything to just be left alone, but she always regretted it after and felt guilty and ashamed of what she put her parents and family through—all because she felt like she needed Snapchat and could not live without it.

320. C.O. was underage and should not have been allowed to use Snapchat. If Snap had taken reasonable measures to prevent distribution of its products to C.O. or if Snap had provided her parents with sufficient warnings and resources to exercise control, C.O. would not have been harmed.

321. If C.O. had known, she would not have used Snapchat. She would have deleted Snapchat, and she would have waited until she was older and better equipped to protect herself from the harms it causes before even trying to use Snap's social media products.

322. But Snap never told her that these were the risks she faced if she used Snapchat. Snap at all times relevant to this Complaint knew exactly what it was doing, and stayed silent regardless – and C.O. and her family were severely harmed as a result.

COUNT I - STRICT PRODUCT LIABILITY (Design Defect)

323. Plaintiffs reallege each of the allegations in the preceding paragraphs as if full set forth herein.

324. Under Restatement (Second) of Torts § 402(a) and Connecticut General Statutes §§ 52-572m, *et seq.*, 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.

325. Snap's products are 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 these products 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.

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

327. Snap's products were unreasonably dangerous because they contained numerous design characteristics that are not necessary for the utility provided to the user but are unreasonably dangerous and implemented by Snap solely to increase the profits they derived from each additional user and the length of time they could keep each user dependent on their product.

328. Snap's products were unreasonably dangerous because they contain no effectual reporting mechanisms, or other means to ensure user safety, despite the incredible and inherent dangers they pose to minor users.

A. Inadequate Safeguards From Harmful and Exploitative Content, and Material Contributions to Such Harms

329. Snapchat is defectively designed.

330. As designed Snapchat convinces young users that they are safe on the Snapchat platform, and forces all users into using tools and features designed to make such users appear to be safe, friendly, and inviting. Snap also then tells and convinces young users that interacting with strangers is not dangerous at all, but instead, that these strangers are actually friends and people they may know.

331. Snap's recommendation and other product features also are not reasonably safe because they then affirmatively direct minor users to harmful and exploitative content and connections – the ones Snap mischaracterized and clothed as fun and safe – while failing to deploy feasible safeguards to protect vulnerable teens from such harmful exposures.

332. It is feasible to design technologies that do not lull minor users into a false sense of security and do not direct minors to harmful content, and Snap could do so without altering, modifying, or deleting any third-party content posted on Snapchat. The cost of

designing these products to incorporate such 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.

333. As designed, Snapchat physical appearance and Snap’s communications, as well as its programming and operation of recommendation technologies, and other product features are not reasonably safe because they both contribute to harms and affirmatively direct and recommend minor users to harmful groups and other users, while failing to deploy feasible safeguards to protect vulnerable teens from such harmful exposures. It is feasible to design a platform that does not change ever user’s appearance and convince children that strangers are safe; it is feasible to design technologies that do not make harmful connection recommendations to minor users, or any connection recommendations at all; it is feasible to design technologies that do not recommend strangers to minor users; 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 actually in a minor user’s device contacts, or to prevent such access altogether. Snap knows that these designs, decisions, and product features cause a significant number of harms to their minor users, such as sexual exploitation, bullying, and encouragement of self-harm and suicide.

334. Reasonable users (and their parents) would not expect that Snap or its products would knowingly expose them to such risks and dangers and/or that Snap’s products would direct them to harmful users at all, much less in the manipulative and coercive manner that they do. Snap has and continues to knowingly use its unique and proprietary technologies and designs on users in a manner designed to affirmatively change their behavior, which methods are particularly effective on (and harmful to) Snap’s youngest users.

B. Failure to Verify Minor Users’ Age and Identity

335. Snapchat is defectively designed.

336. As designed, Snap's products are not reasonably safe because they do not provide for adequate age verification by requiring users to document and verify their age and identity.

337. Adults frequently set up user accounts on Snap's social media products disguising their identity and/or posing as minors to groom unsuspecting minors to exchange sexually explicit content and images, which frequently progresses to sexual exploitation and trafficking, and commercial sex acts.

338. Minor users of social media and their parents do not reasonably expect that prurient adults set up fraudulent accounts on Snap's social media products and pose as minors for malign purposes. Moreover, and as Snap know, minor users lack the life experience and frontal lobe development necessary to protect themselves from such predators – providing access to these children is an inherently dangerous product mechanic, which dangers are known and have been studied by these Snap but were not otherwise known to the general public.

339. Minor users whose parents have taken affirmative steps to keep them away from Snap's products 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 already has the information and means it needs to ascertain with reasonable certainty each users' actual age. Snap utilizes such tools to report to and secure lucrative advertising contracts, then chooses to simply do nothing about that information as it relates to the specific, underaged users themselves.

340. But also, predator users who are engaged in illegal, harmful, and/or violating activities also often open multiple accounts, such that Snap knows or has reason to know that the user is engaged in such harmful conduct and/or has violated their terms such that their use of the product is no longer duly authorized. Snap is encouraging and creating these dangers and enabling these predators through its product features and refusal to enforce their own terms; all while repeatedly assuring young users and their parents that Snap is enforcing

its terms to ensure that it creates as safe a space for these children as possible. Snap also already has the information and means it need to ascertain with reasonable certainty their users' actual age, and when one user has multiple accounts. Again, Snap utilizes these tools for its' own benefit (i.e. for advertising revenue purposes) and/or ignores such information in its knowledge when it believes that acting on what it knows might negatively impact its bottom line. Snap chooses to simply do little or nothing as it relates to specific, predatory users and known harms, to the detriment of other, vulnerable users – including kids, to whom Snap markets and addictively designs its products.

341. Reasonably accurate age and identity verification is not only feasible but widely deployed by online retailers and internet service providers. Snap not only can estimate the age of their users, but they do.

342. The cost of incorporating other forms of age and identify verification into Snap's products would be negligible, whereas the benefit of age and identity verification would be a substantial reduction in severe mental health harms, sexual exploitation, and abuse among minor users of Snap's products and would discourage the use of said products for exploitation and abuse of minors.

C. Provision of Inadequate and Unreasonable Parental Control and Monitoring Products and Processes

343. Snapchat is defectively designed.

344. Snap has intentionally designed products 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. In fact, Section 230(d) of the Communications Decency Act provides that,

(d) OBLIGATIONS OF INTERACTIVE COMPUTER SERVICE

A provider of interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify such customer that parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. Such

notice shall identify, or provide the customer with access to information identifying, current providers of such protections.⁵⁹

As alleged throughout, Snap does not comply with these obligations as imposed by Section 230. It does not even attempt to comply, and at no time provided any such notice to C.O. or her parents prior to her use of Snapchat.

345. Snap has designed products that make it difficult, if not impossible, for parents to exercise parental responsibility.

346. 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.

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

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

D. Design of Addictive Social Media Products

349. Snapchat is defectively designed.

350. As designed, Snap's social media products are addictive to minor users. When minors use design features like the ones identified above, i.e. streaks, scores, it causes their brains to release dopamine, which creates short term euphoria. However, as soon as dopamine is released, minor users' brains adapt by reducing or "downregulating" the number of dopamine receptors that are stimulated and their euphoria is countered by dejection. In normal stimulatory environments, this dejection abates, and neutrality is restored. However, Snap's technologies are designed to exploit users' natural tendency to counteract dejection by going back to the source of pleasure for another dose of euphoria. As this pattern continues over a period of months and the neurological baseline to trigger minor users'

⁵⁹ Communications Decency Act of 1996, 47 U.S.C. § 230(d).

dopamine responses increases, they continue to use the social media products at issue, not for enjoyment, but simply to feel normal. Once they stop using these products, minor users experience the universal symptoms of withdrawal from an addictive substance including anxiety, irritability, insomnia, and craving.

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

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

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

353. Social media addiction has emerged as a problem of global concern, with researchers all over the world conducting studies to evaluate how pervasive the problem is. Addictive social media use is manifested when a user (1) becomes preoccupied by social media (salience); (2) uses social media in order to reduce negative feelings (mood modification); (3) gradually uses social media more and more in order to get the same pleasure from it (tolerance/craving); (4) suffers distress if prohibited from using social media

(withdrawal); (5) sacrifices other obligations and/ or causes harm to other important life areas because of their social media use (conflict/functional impairment); and (6) seeks to curtail their use of social media without success (relapse/loss of control).

354. The Bergen Facebook Addiction Scale (BFAS) was specifically developed by psychologists in order to assess subjects' social media use using the aforementioned addiction criteria, and is by far the most widely used measure of social media addiction. Originally designed for Facebook, BFAS has since been generalized to all social media. BFAS has been translated into dozens of languages, including Chinese, and is used by researchers throughout the world to measure social media addiction.

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

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

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

356. Addictive use of social media by minors is psychologically and neurologically analogous to addiction to internet gaming disorder as described in the American Psychiatric Association's 2013 Diagnostic and Statistical Manual of Mental

Disorders (DSM-5), which is used by mental health professionals to diagnose mental disorders. Gaming addiction is a recognized mental health disorder by the World Health Organization and International Classification of Diseases and is functionally and psychologically equivalent to social media addiction. The diagnostic symptoms of social media addiction among minors are the same as the symptoms of addictive gaming promulgated in DSM-5 and include:

- a. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability) when device is taken away or not possible (sadness, anxiety, irritability).
- b. Tolerance, the need to spend more time using social media to satisfy the urge.
- c. Inability to reduce social media usages, unsuccessful attempts to quit using social media.
- d. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage.
- e. Continuing to use social media despite problems.
- f. Deceiving family members or others about the amount of time spent on social media.
- g. The use of social media to relieve negative moods, such as guilt or hopelessness.
- h. and Jeopardized school or work performance or relationships due to social media usage.

357. Snap's advertising profits are directly tied to the duration of its users' online time and quantity of engagements, and its product features and technologies are designed to maximize the time users spend using the product by directing them to content that is progressively more and more stimulative. Snap enhances advertising revenue by maximizing users' time online through a product design that addicts them to the platform.

358. It is feasible to make Snap's products not addictive to minor users by turning off the algorithms, limiting the frequency and duration of access, and suspending service during sleeping hours. Designing software that limits the frequency and duration of minor users' screen use and suspends service during sleeping hours could be accomplished at negligible cost; whereas the benefit of minor users maintaining healthy sleep patterns would be a significant reduction in depression, attempted and completed suicide, and other forms self-harm among this vulnerable age cohort.

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

359. Snapchat is defectively designed.

360. Snap's products are not reasonably safe as designed because they do 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. This design is defective and unreasonable.

361. It is reasonable for parents to expect that social media products that actively promote their platform to minors will undertake reasonable efforts to notify parents when their child's use becomes excessive. It is feasible for Snapchat and Instagram to design a product that identifies a significant percentage of their minor users who are using the product more than three hours per day or using it during sleeping hours at negligible cost.

362. Likewise, it is feasible for Snapchat and Instagram to design a product that notifies parents when strangers attempt to engage directly with them, and/or otherwise limits the ability to find and access minors on their platforms, absent parental consent.

363. Snap's products are not reasonably safe as designed because, despite numerous reported instances of child sexual solicitation and exploitation by adult users, Snap have not undertaken reasonable design changes to protect underage users from this abuse, including notifying parents of underage users when they have been messaged or solicited by

an adult user or when a user has sent inappropriate content to minor users or even blocking users known to be engaged in exploitation and abuse because of their products.

364. Snap's entire business is premised upon collecting and analyzing user data and it is feasible to use Snap's data and algorithms and other technologies to identify and restrict improper sexual solicitation, exploitation, and abuse by adult users.

365. Moreover, it is reasonable for parents to expect that platforms such as Snapchat, which actively promote their services to minors, will undertake reasonable efforts to identify users suffering from mental injury, self-harm, or sexual abuse and implement technological safeguards to notify parents by text, email, or other reasonable means that their child is in danger; and to identify abusive and violating users and block them.

F. Creation of Content to Facilitate Grooming of Vulnerable Kids By Predatory Adults

366. Snap's Bitmoji features not only allow Snap's predatory adults to use Snapchat to create false and deceptive images that disguise their actual age and true identity to lull vulnerable minors into a false sense of security, they compel the creation of such cartoon avatars if the user wants to include an image. Content created by Snapchat's Bitmoji feature materially contributes to unlawful activity including because, in combination with Snap's assurances that predatory Snapchat users are these children's "friends" and "people you may know," it ensures that all such predators can gain the trust of their child victims and commence the grooming process. Snap sees these types of designs as being good for its bottom line, because it encourages, enables, and facilitates connections which, in turn, increase its engagement and overall revenue.

367. As a proximate result of these dangerous and defective design attributes of Snap's products, C.O. suffered severe mental harm. Plaintiffs did not know, and in the exercise of reasonable diligence could not have known, of these defective design attributes in Snap's products prior to 2022.

368. As a result of these dangerous and defective design attributes of Snap's products, Plaintiffs suffered emotional distress, physical harms, and pecuniary hardship arising from their daughter's mental harm.

369. Snap is further liable to Plaintiffs for punitive damages based upon the willful and wanton design of their products that were intentionally marketed and sold to underage users, whom they knew would be seriously harmed through their use of Snapchat and Instagram.

COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)

370. Plaintiffs reallege each of the allegations in the preceding paragraphs as if full set forth herein.

371. Snap's products are defective because of inadequate instructions or warnings because the foreseeable risks of harm posed by these products 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 products unreasonably dangerous to persons or property, existed at the time the products left Snap's control, reached the user or consumer without substantial change in the condition in which they were sold, and were a cause of Plaintiffs' injuries.

372. Snap's products are unreasonably dangerous and defective because they contain no warning to users or parents regarding the addictive design and effects and inherent defects of Instagram and Snapchat.

373. Snap's social media product rely on highly complex and proprietary algorithms and similar technologies that are both undisclosed and unfathomable to ordinary consumers, who do not expect that social media platforms are physically and/or psychologically addictive.

374. The magnitude of harm from use of Snap's products is horrific, ranging from simple diversion from academic, athletic, and face-to-face socialization to sleep loss, severe depression, anxiety, self-harm, sexual exploitation, and suicide.

375. The harms resulting from minors' addictive use of social media platforms have been not only well-documented in professional and scientific literature, but Snap had actual knowledge of such harms.

376. Snap's products are unreasonably dangerous because they lack any warnings that foreseeable product use can disrupt healthy sleep patterns or specific warnings to parents when their child's product usage exceeds healthy levels or occurs during sleep hours. Excessive screen time is harmful to adolescents' mental health and sleep patterns and emotional well-being. Reasonable and responsible parents are not able to accurately monitor their child's screen time because most adolescents own or can obtain access to mobile devices and engage in social media use outside their parents' presence.

377. It is feasible for Snap's products to report the frequency and duration of their minor users' screen time to their parents without disclosing the content of communications at negligible cost.

378. It is feasible for Snap's products to report dangerous and/or harmful events impacting minor users to minor users' parents at negligible cost.

379. Snap knew about these harms, knew that users and parents would not be able to safely use their products without warnings, and failed to provide warnings that were adequate to make the product reasonably safe during ordinary and foreseeable use by children.

380. As a result of Snap's failure to warn, C.O. suffered mental harm from her use of Instagram and Snapchat.

381. As a result of Snap's failure to warn, Plaintiffs suffered emotional distress, physical harm, and pecuniary hardship.

382. Snap is further liable to Plaintiffs for punitive damages based upon its willful and wanton failure to warn of known dangers of their products that were intentionally marketed and sold to teenage users, whom they knew would be seriously harmed through their use of Instagram and Snapchat.

COUNT III – NEGLIGENCE

383. Plaintiffs reallege each of the allegations in the preceding paragraphs as if full set forth herein.

384. At all relevant times, Snap had a duty to exercise reasonable care and caution for the safety of individuals using their products, such as C.O.

385. Snap owe a heightened duty of care to minor users of their social media products because adolescents' brains are not fully developed, resulting in a diminished capacity to make good decisions regarding social media usage, eschew self-destructive behaviors, and overcome emotional and psychological harm.

386. As product manufacturers marketing and selling products to consumers, Snap owed a duty to exercise ordinary care in the manufacture, marketing, and distribution of its products, including a duty to warn minor users and their parents of hazards that Snap knew to be present, but not obvious, to underage users and their parents.

387. As business owners, Snap owe their users who visit their social media platforms and from whom they derive billions of dollars per year in revenue a duty of ordinary care substantially similar to that owed by physical business owners to its business invitees.

388. Snap was negligent, grossly negligent, reckless and/or careless in that they failed to exercise ordinary care and caution for the safety of underage users, like C.O., using their social media products.

389. Snap was negligent in failing to conduct adequate testing and failing to allow independent academic researchers to adequately study the effects of their products and levels of problematic use amongst teenage users. Snap know that their products are harmful, cause

extensive mental harm, and that minor users are engaging in problematic and addictive use that their parents are helpless to monitor and prevent.

390. Snap was negligent in failing to provide adequate warnings about the dangers associated with the use of social media products and in failing to advise users and their parents about how and when to safely use their social media platforms and features.

391. Snap was negligent in failing to fully assess, investigate, and restrict the use of their social media products by adults to sexually solicit, abuse, manipulate, and exploit minor users of their social media products.

392. Snap was negligent 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.

393. Snap was negligent in failing to provide users and parents with reasonable and effectual reporting mechanisms, and for failing to enforce their own terms of service upon notice of illegal conduct and/or violations of terms – which failures resulted in harm to other users, including minor users who should not have had access to Snap’s products in the first place.

394. Snap was negligent designing its Bitmoji feature in a manner that allows predatory adults to use Snapchat to create false and deceptive images that disguise their actual age and true identity to lull vulnerable minors into a false sense of security. Content created by Snapchat’s Bitmoji feature materially contributes to unlawful activity by permitting predators to gain the trust of their child victims and commence the grooming process.

395. As a result of Snap’s negligence, C.O. suffered severe mental harm.

396. As a result of Snap’s negligence, C.O. suffered emotional distress, physical harm, and pecuniary hardship.

397. Snap is further liable to Plaintiffs for punitive damages based upon their willful and wanton conduct toward underage users, whom they knew would be seriously harmed through the use of their social media products.

COUNT IV – CONNECTICUT UNFAIR TRADE PRACTICES ACT, C.G.S. §§ 42-110G, ET SEQ. (“CUTPA”).

398. Plaintiffs reallege each of the allegations in the preceding paragraphs as if fully set forth herein.

399. Plaintiffs bring claims against Snap for committing unfair and/or deceptive acts or practices by marketing and representing their products as being safe for minor users when Snap knew or should have known that their social media products were harmful to a significant percentage of their minor users yet they failed to redesign their products to limit the potential harms or warn minor users and their parents of the dangers inherent in the foreseeable use of their products. More specifically, the defendant’s promoted, marketed, and advertised their social media products to minors, despite the knowledge of the specific dangers the product posed to minors, including, but not limited to, the likelihood of sexually predatory contact and communication from adult users. Snap affirmatively promoted their social media products as being safe to minor users through the use of cartoons, bitmojis, and associated features designed to appeal to minors and younger users, which provided minor users and their parents with a false sense of security, despite Snap’s knowledge of the harms and dangers the platform posed to minors.

400. The unfair and/or deceptive acts or practices of Snap were a proximate cause of the harm suffered by the plaintiffs, C.O. and her parents.

401. As a result of Snap’s unfair and/or deceptive acts and practices the plaintiffs have sustained an ascertainable loss.

COUNT V – UNJUST ENRICHMENT

402. Plaintiffs reallege each of the allegations in the preceding paragraphs as if fully set forth herein.

403. As a result of Snap's conduct detailed herein, Snap received a benefit. Because Snap's advertising profits are directly tied to the number of user accounts and the amount of time those users spend on Instagram and Snapchat, Snap benefited directly from Plaintiff's unauthorized use of their products and also from the predatory user (and predatory users in general) enabled and assisted by Snap's products.

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

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

COUNT VI – INVASION OF PRIVACY

406. Plaintiffs reallege each and every allegation contained in the preceding paragraphs 302 as if fully stated herein.

407. Snap intentionally intruded upon Plaintiffs' solitude, seclusion, or private affairs by knowingly designing their product with features that were intended to, and did, frustrate parents' ability to monitor and control their children's social media usage.

408. These intrusions are highly offensive to a reasonable person, particularly given Snap's interference with the fundamental right of parenting and its exploitation of children's special vulnerabilities for commercial gain.

409. Plaintiffs were harmed by Snap' invasion of privacy, as detailed herein.

410. Plaintiffs therefore seek 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 VII – NEGLIGENCE

411. Plaintiffs reallege each of the allegations in the preceding paragraphs as if fully set forth herein.

412. Snapchat convinces young users, and convinced C.O., that they are safe on the Snapchat platform. It requires users to utilize tools and features designed to make all such users appear to be safe, friendly, and inviting, then tells and convinces young users, and

told and convinced C.O., that interacting with these strangers is not dangerous at all, but instead, that these strangers are actually “friends” and “people you may know.”

413. The material contributions, alone, were sufficient to cause the harms at issue in this case.

414. However, Snap also and through its use of its “Quick Add” feature on Snapchat, began recommending C.O. to the same adult Snap users that Snap told her were her “friends” and “people you may know,” and for which Snap created or required cartoon avatars designed to make them appear safe to C.O.; and Snap likewise encouraged these complete strangers reach out and try to connect with C.O. (and vice versa).

415. The minor Plaintiff’s injuries, losses and damages, as alleged herein, were caused by the negligence and carelessness of Snap, in one or more of the following ways:

- a. Telling consumers, including C.O. and eventually her parents, that Snapchat was safe, and that she was safe on the Snapchat platform;
- b. Convincing C.O. through in-app messaging and off-platform notifications created and sent by Snap itself that Snapchat was safe, and that she was safe on the Snapchat platform;
- c. Creating a platform and platform features and tools designed to ensure the appearance of safety and kid-appropriate experiences and safeguards;
- d. Then encouraging adult users to engage with minor users, like C.O, without solicitation;
- e. Failing to deploy feasible safeguards to protect vulnerable teens, including C.O., from such harmful exposures, despite knowledge of and availability of such cost-effective safeguards and knowledge of the harms Snap was causing in the absence of such cost-effective safeguards;
- f. Permitting adult users to freely interact with minor users of their products when Snap knew, or should have known that minor users were at risk of sexual exploitation, assault, and battery through not just the use of its

products, but more specifically, the settings and features Snap made standard on its products in order to encourage and increase platform engagement;

- g. Affirmatively connecting minor female users with adult male users and encouraging them through Snap's own statements to accept such connections, thereby setting up minor users to be sexually exploited, assaulted, or battered;
- h. Failing to establish, maintain and enforce a policy of reporting, investigating, and removing users engaged in sexual misconduct or exploitation, despite making such promises and commitments, including in its purported (though, here, unenforceable, Terms of Services), which promises and commitments Snap profited from in the form of lulling users into a false sense of safety; and/or
- i. Recognizing the fact that adult users were using Snap's products to sexually exploit, assault and batter minor users such as C.O., and that Snap's designs, programming, marketing, and operational decisions were encouraging, facilitating, and/or materially contributing to such harms.

416. As a result of Snap's negligence, C.O. was sexually abused and exploited.

417. As a result of Snap's negligence, C.O. suffered severe mental harm, emotional distress, physical harm, and pecuniary hardship.

COUNT VIII – ASSAULT AND BATTERY

418. Plaintiffs reallege each of the allegations in the preceding paragraphs as if fully set forth herein.

419. On July 15, 2019, when C.O. was still only 12 years old, Snap directed and connected her to Defendant Reginald Sharp.

420. C. O. did not know Sharp in real life and Snap made him appear to be harmless, told C.O. he was harmless, then directed him to her via its technologies, in particular, its Quick Add algorithm or a semi-public profile and/or sharing of her information

to this stranger. Sharp was a registered sex offender, and went by the username **JASONMORGAN5660**.

421. After Snap identified and connected C.O. to Sharp, he quickly began engaging C.O. in sexually explicit communications, and promised her money in exchange for sending him explicit photographs or meeting in person. C.O. was only 13, and Sharp gained access to her through and because of Snap's product features, which Snap knowingly and deliberately made available to minor users to increase Snap's own revenue.

422. After C.O. sent Sharp explicit photographs, he threatened to post those on Snapchat unless she had sex with him. C.O. was 13 and Sharp knew she was 13. On July 23, 2019, Sharp coerced C.O. into sneaking out of her home in the middle of the night to meet him and, when she met him, he raped her.

423. As a result of Sharp's sexual assault and battery of her, the minor plaintiff suffered severe mental harm, emotional distress, physical harm, and pecuniary hardship.

COUNT IX– ASSAULT AND BATTERY

424. Plaintiffs reallege each of the allegations in the preceding paragraphs as if fully set forth herein.

425. In October of 2021, when C.O. was still only 14 years old, Snap made Defendant Rodriguez, a former police officer and a registered sex offender, appear to be harmless, told C.O. he was harmless, and directed and connected her (via its Quick Add product) to him.

426. Thereafter, Defendant Rodriguez used the access and trust Snapchat conferred on him to obtain C.O.'s phone number and address, subsequently exchanging explicit messages and photos with the minor plaintiff using Snap's platform, even though defendant knew C.O. was a minor.

427. Then Rodriguez convinced C.O. to meet him in-person before school by offering her a ride to school. But, when C.O. agreed and got into his car, Defendant Rodriguez sexually assaulted her.

428. As a result of Sharp's sexual assault and battery of her, the minor plaintiff suffered severe mental harm, emotional distress, physical harm, and pecuniary hardship.

THE PLAINTIFFS,

BY: /s/ 434346 _____

Brendan K. Nelligan
Michael R. Kennedy, Esq.
Kennedy, Johnson, Schwab & Roberge, LLC
555 Long Wharf Drive, 13th Floor
New Haven, CT 06511
Phone: (203) 865-8430
Fax: (203) 865-5345
Juris No.: 434045

Matthew P. Bergman (*pro hac vice*)
Matt@socialmediavictims.org
Laura Marquez-Garrett (*pro hac pending*)
Laura@socialmediavictims.org
Glenn Draper (*pro hac pending*)
glenn@socialmediavictims.org
Social Media Victims Law Center
600 1st Ave, Ste 102 - PMB 2383
Seattle, WA 98104
Phone: (206) 741-4862
Fax: (206) 957-9549

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed, postage prepaid, and/or electronically delivered on this 1st day of March, 2024 to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served.

/s/ 434346 _____
Brendan K. Nelligan