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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

20 STATE OF NEVADA,  
21  
22 **Plaintiff,**  
23  
24 vs.  
25 META PLATFORMS, INC. f/k/a  
26 FACEBOOK, INC.,  
27  
28 **Defendant.**

Case No.:  
Dept. No.:  
**COMPLAINT AND DEMAND FOR JURY TRIAL**  
**Exempt from Arbitration:**  
Business Court Matter  
Declaratory Relief Sought  
Amount In Controversy Greater than \$50,000  
**Business Court Requested:**  
EDCR 1.61 – Enhanced Case Management

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**TABLE OF CONTENTS**

1 INTRODUCTION ..... 1  
 2 PARTIES ..... 8  
 3 JURISDICTION AND VENUE ..... 8  
 4 FACTS ..... 10  
 5 I. FACEBOOK, GENERALLY ..... 10  
 6 A. Meta Offers Its Platforms in Exchange for Consumers’ Valuable Consideration that  
 7 Enables Meta to Sell Advertising. .... 12  
 8 B. Account Creation for Facebook. .... 15  
 9 C. Meta Prioritizes Acquiring Young Users and Maximizing Their Time Spent on its  
 10 Platforms. .... 16  
 11 D. Social Media Use—and Ensuing Exposure to Harms—is Especially Prevalent  
 12 Among Young Users of Color. .... 19  
 13 E. Meta Directs Its Business Towards Nevada. .... 21  
 14 II. META UTILIZES MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO HOOK YOUNG  
 15 USERS AND KEEP THEM ON ITS PLATFORMS IN PERPETUITY. .... 24  
 16 A. By Meta’s Design, its Platforms Induce Compulsive Use Among Young Users. .... 24  
 17 B. [REDACTED] ..... 26  
 18 C. Meta Implements Specific Design Elements Into Facebook to Induce Compulsive  
 19 Use. .... 29  
 20 1. Low-Friction Variable Rewards: Endless Scroll, Autoplay, and Reels ..... 30  
 21 i. Endless Scroll ..... 31  
 22 ii. Autoplay ..... 32  
 23 iii. Reels ..... 33  
 24 2. Social Manipulation ..... 34  
 25 i. Quantified Popularity of a Minor’s Account or Content ..... 35  
 26 3. Ephemeral Content ..... 44  
 27 4. Push Notifications: Audio, Visual, and Haptic Alerts ..... 46  
 28 5. Harmful Filters ..... 48  
 D. The Challenged Platform Features Have No Relation to Traditional Publishing  
 Activities—Any Content They Utilize Is Distinct From Their Functionality and the Harm  
 They Cause. .... 53  
 III. META KNOWS THAT [REDACTED] [REDACTED] [REDACTED]  
 [REDACTED] AMONG YOUNG USERS. .... 54  
 A. Meta Harms Young Users by Inducing Compulsive Use. .... 58  
 1. Mental Health Harms ..... 58  
 2. Harm to Body Image ..... 62  
 3. “Problematic” Internet Use ..... 64  
 4. Harm to Physical Health ..... 66  
 5. Privacy Harms ..... 68  
 6. Risk to Physical Safety ..... 70

1 IV. META ENGAGES IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING  
 2 MATERIAL FACTS ABOUT FACEBOOK..... 71  
 3 A. Meta Did Not Disclose Its Knowledge That [REDACTED]  
 4 [REDACTED] ..... 72  
 5 1. Meta’s [REDACTED] ..... 77  
 6 2. Meta L [REDACTED] ..... 80  
 7 3. Meta Did Not Disclose Its Knowledge That [REDACTED]  
 8 [REDACTED] to Young Users. .... 82  
 9 B. Meta Promoted Misleading Metrics About the Incidence of Harms. .... 87  
 10 1. Meta’s Community Standards Enforcement Reports [REDACTED]  
 11 [REDACTED] ..... 87  
 12 2. Meta’s [REDACTED]  
 13 [REDACTED] ..... 92  
 14 C. Meta Deceived Consumers by [REDACTED]  
 15 [REDACTED] ..... 94  
 16 D. Through Public Misrepresentations, Meta Leads the Public to Trust That [REDACTED]  
 17 [REDACTED] ..... 97  
 18 1. To Engender Public Trust, Meta Created the False Impression That It Does Not  
 19 [REDACTED] ..... 97  
 20 2. Meta Deceptively Testified That It Age-Gates Content Inappropriate for Young  
 21 Users ..... 98  
 22 3. Meta Deceptively Testified That It Does Not Place a Monetary Value on Young  
 23 Users ..... 100  
 24 4. Meta Created the Misleading Impression That It Was Not [REDACTED]  
 25 [REDACTED] ..... 101  
 26 5. Meta Created the Impression That Its Platforms Are Not [REDACTED]  
 27 [REDACTED] to the Contrary ..... 102  
 28 V. META [REDACTED]  
 [REDACTED] ..... 103  
 CAUSES OF ACTION ..... 106  
 COUNT I: DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS IN  
 VIOLATION OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT (N.R.S. §§  
 598.0903 THROUGH 598.0999)..... 106  
 COUNT II: UNCONSCIONABLE ACTS OR PRACTICES BY DEFENDANTS IN  
 VIOLATION OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT (N.R.S. §§  
 598.0903 THROUGH 598.0999)..... 109  
 COUNT III: PRODUCT LIABILITY – DESIGN DEFECT ..... 112  
 COUNT IV: PRODUCT LIABILITY – FAILURE TO WARN..... 112  
 COUNT V: NEGLIGENCE ..... 113  
 COUNT VI: UNJUST ENRICHMENT ..... 114  
 PRAYER FOR RELIEF ..... 115

1 Plaintiff, the State of Nevada, by and through Aaron D. Ford, Attorney General, and the  
2 undersigned attorneys (the “State”) brings this Complaint against Defendants Meta Platforms,  
3 Inc. (“Meta”) and its social media platform<sup>1</sup>, Facebook (collectively, Meta and Facebook are  
4 referred to herein as “Defendants”) and alleges, upon information and belief, as follows:

## 5 INTRODUCTION

6 1. The State of Nevada, by and through Aaron D. Ford, Attorney General for the  
7 State of Nevada, and Ernest Figueroa, Consumer Advocate, files this Complaint on behalf of  
8 the State to eliminate the hazard to public health and safety caused by Defendants’ social media  
9 platform Facebook, and to recover civil penalties and other relief arising out of Defendants’  
10 false, deceptive and unfair marketing and other unlawful conduct arising from the design and  
11 implementation of Facebook.

12 2. Meta (formerly Facebook, Inc.) is the parent company of some of the world’s  
13 largest social media platforms, including the wildly popular platform Facebook. Worldwide,  
14 users number over 2.9 billion, meaning that over one third of the world’s population utilizes  
15 this platform every month.<sup>2</sup> Because of its scale, Facebook is also wildly remunerative, with  
16 Meta generating billions of dollars in revenue from facilitating targeted advertising.

17 3. However, this revenue is only available as long as there is an audience on  
18 Facebook to view those highly-targeted advertisements. Thus, Meta is incentivized to keep as  
19 many of its users on the platform for as long as possible. But Meta has crossed a line from  
20 simply enticing its audience to taking steps to keep its audience *addicted* to the platform.  
21 Highly-skilled and highly-paid employees have invested years of research and analysis into  
22 designing and deploying features on Facebook that make it impossible not just to quit using the  
23 app, but simply to put our phones down to attend to the most basic functions of our daily lives.

24  
25 <sup>1</sup> In general, the term “social media platform” refers to a website and/or app (often operating in  
26 conjunction, under the same name) that allows people to create, share, and exchange content  
27 (such as posts of text, photos, videos, etc.) with other users of the platform. Examples of popular  
28 social media platforms include Facebook, Instagram, Messenger, Snapchat, and TikTok.

<sup>2</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
(last visited Jan. 27, 2024).

1 It demands our attention first thing in the morning and last thing at night, at the dinner table,  
2 while we're walking down the street, even when we are driving.

3 4. This addiction to social media—and its consequences—is increasingly being  
4 called out by stakeholders and advocates. One of the most succinct critiques can be found in the  
5 documentary film, *The Social Dilemma*, which addresses our addiction to posts, likes, pokes,  
6 chats, and all of the other prompts that Big Tech<sup>3</sup> has deployed to keep us addicted to their apps.  
7 As an interviewee in the film notes: “*There are only two industries that call their customers*  
8 *‘users’: illegal drugs and software.*”<sup>4</sup>

9 5. And, much like an illegal drug, Facebook has been designed to be an addiction  
10 machine, targeting people under the age of 18 (“Young Users”) and more insidiously children  
11 under the age of 13 (“Youngest Users”) who, as Meta well knows, have developmentally limited  
12 capacity for self-control. Children are the most vulnerable to these intentionally addictive  
13 design elements. As one specialist in social media addiction notes, “[a]dolescence is second  
14 only to infancy when it comes to growth. Therefore, the impact of social media on a developing  
15 teen’s mind and body can be huge.”<sup>5</sup> Social media platforms like Facebook, with design  
16 elements that intentionally keep children engaged for as long as possible—to the exclusion of  
17 all other activities—harm their users emotionally, developmentally, and physically. They lead  
18 to a condition known as “problematic internet use,”<sup>6</sup> which is associated with a range of harms,  
19

20 \_\_\_\_\_  
21 <sup>3</sup> “Big Tech” is a term commonly used to describe the largest global technology corporations—  
22 most typically, this group includes Meta, Alphabet (Google), Amazon, Apple, and Microsoft.  
23 However, more broadly, the term refers to the amalgam of large technology companies that  
24 create and maintain technologies and platforms that are intertwined with our daily lives.

25 <sup>4</sup> *The Social Dilemma*. Directed by Jeff Orlowski-Yang; Produced by Exposure Labs, Argent  
26 Pictures. The Space Program; 2020. *Netflix*, <https://www.netflix.com/watch/81254224> (last  
27 visited Jan. 27, 2024).

28 <sup>5</sup> <https://www.newportacademy.com/resources/mental-health/teens-social-media-addiction/>  
(last visited Jan. 27, 2024).

<sup>6</sup> Wen Li, et al., *Diagnostic Criteria for Problematic Internet Use among U.S. University*  
*Students: A Mixed-Methods Evaluation*, PLOS ONE (Jan. 11, 2016),  
<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0145981> (last visited Jan. 27,  
2024).

1 including but not limited to exposure to predators and online bullies, age-inappropriate content,  
2 damage to children’s self-esteem, and increased risk of eating disorders and even suicide.

3 6. As the U.S. Surgeon General recently explained, children’s and parents’  
4 attempts to resist social media is an unfair fight: “You have some of the best designers and  
5 product developers in the world who have designed these products to make sure people are  
6 maximizing the amount of time they spend on these platforms. And if we tell a child, use the  
7 force of your willpower to control how much time you’re spending, you’re pitting a child  
8 against the world’s greatest product designers.”<sup>7</sup>

9 7. Unlike other consumer products that have appealed to children for generations—  
10 like candy or soda—with social media platforms there is no natural break point where the  
11 consumer has finished the unit of consumption. Instead, social media platforms are a bottomless  
12 pit where users can spend an infinite amount of their time. And Meta profits from each  
13 additional second a user spends on its platforms.

14 8. Meta has designed Facebook to exploit that dynamic by embedding within the  
15 platform an array of design features that maximize youth engagement, peppering them with  
16 reminders to “log on” and making it psychologically difficult to “log off.” Specifically,  
17 Defendants rely on design elements to make Facebook addictive to all users, and to Young  
18 Users in particular (“Design Elements”). These Design Elements—Low-Friction Variable  
19 Rewards; Social Manipulation; Ephemeral Content; Push Notifications; and Harmful Filters  
20 (each defined below)—each serve as an obstacle to Young User’s free decision-making.

21 9. Facebook’s design and platform features have fueled the explosive increase in  
22 the amount of time that Young Users spend on these platforms. As [REDACTED]  
23 [REDACTED]—and as anyone who has recently spent time with adolescents can attest—Meta has  
24 successfully induced Young Users to spend vast amounts of time on its social media platforms.  
25 Indeed, for many Young Users, social media platforms are viewed as an indispensable part of

26 <sup>7</sup> Allison Gordon & Pamela Brown, *Surgeon General says 13 is ‘too early’ to join social media*,  
27 CNN (Jan. 29, 2023), <https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html> (last visited Jan. 27, 2024).

1 their identity, a forum to share a carefully cultivated personality “highlight reel,” and a place  
2 where they must constantly be “present”—whether they want to be or not.

3 10. All the while, Meta understands that Young Users’ time spent on its social media  
4 platforms is not the product of free choice. As [REDACTED]  
5 [REDACTED]—Young Users feel  
6 addicted to these platforms. They widely report difficulty controlling their time spent on the  
7 applications (also referred to as “app” or “apps”). And they frequently express that they would  
8 prefer to spend meaningfully less time on social media platforms but feel powerless to do so.  
9 Still, Meta has not introduced any product changes to meaningfully reduce its platforms’  
10 addictiveness.

11 11. The widespread compulsive use that Meta induced—and allowed to continue  
12 unabated—has come at a massive societal cost. In effect, Meta is conducting a potentially  
13 society-altering experiment on a generation of Young Users’ developing brains.<sup>8</sup> While this  
14 experiment’s full impact may not be realized for decades, the early returns are alarming.

15 12. Researchers warn that compulsive use of social media platforms impose a wide  
16 range of harms, including increased levels of depression, anxiety, and attention deficit  
17 disorders; altered psychological and neurological development; and reduced sleep, to name a  
18 few. And that is to say nothing of the immense opportunity cost imposed when youth spend  
19 critical years glued to social media platforms, not engaged in the varied and profound  
20 experiences associated with growing up in the physical world.

21  
22  
23  
24 <sup>8</sup> At least one recent study involving children’s use of Facebook, Instagram, and Snapchat  
25 “suggests that social media behaviors in early adolescence may be associated with changes in  
26 adolescents’ neural development, specifically neural sensitivity to potential social feedback.”  
27 Maria T. Maza, Kara A. Fox, Seh-Joo Kwon, et al., Association of Habitual Checking Behaviors  
28 on Social Media With Longitudinal Functional Brain Development, *JAMA Pediatr.* (Jan. 3,  
2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812> (last visited  
Jan. 27, 2024). These changes in adolescents’ neural development may permanently alter their  
brains with unknown long-term impacts. *Id.*

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1 13. In short, Meta’s business strategy that purposefully addicts Young Users to its  
2 social media platforms has caused widespread and significant injury to Nevadans, and young  
3 Nevadans in particular.

4 14. Meta also deceived and continues to deceive Nevada consumers—and, critically,  
5 parents—on a large scale. Here, Meta misled consumers, parents, and guardians by concealing  
6 the various and significant risks social media platforms present to its users, particularly Young  
7 Users. Meta further made multiple, affirmative misrepresentations and engaged in material  
8 omissions regarding the safety of its platforms, to the detriment of Nevadans.

9 15. First, Meta has long known that Facebook was harmful for users, and especially  
10 ruinous for young women. But Meta did not share that materially important information with  
11 consumers using their products. Instead, Meta’s leadership

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 16. In one particularly distressing episode, Zuckerberg [REDACTED]

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED] harmful effects of this platform feature.

21 17. Second, Meta publicizes its “Community Standards Enforcement Reports,” or  
22 CSER, to create the façade that its social media platforms are a safe platform where harmful  
23 content was rarely encountered. Specifically, these reports touted the low “prevalence” of  
24 Community Standards violations, which the Company used as evidence that its platforms are  
25 safe. But that is a false narrative that misleads consumers about the true extent of harmful  
26 experiences on Facebook.



1 18. To illustrate, in the third quarter 2021 Community Standards Enforcement  
2 Report, Meta showcased the low “prevalence” of violating content, estimating for example that  
3 “On Facebook, prevalence of bullying & harassment was at 0.11-0.12% in Q4, down from 0.14-  
4 0.16% in Q3.”<sup>9</sup> That creates the impression that bullying and harassing content is extremely  
5 rare on Facebook—11 or 12 in 10,000 pieces of content.

6 19. In reality, [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 20. While reasonable consumers could not have understood the difference between  
11 Meta’s reported “prevalence” metrics and the actual incidence of harm on Facebook, Meta’s  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED] continues to issue misleading  
15 reports to this day.

16 21. The State obtained testimony from the [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED] minimized or downplayed the harms users were  
23 experiencing on Meta’s platforms, he testified:

24 \_\_\_\_\_  
25 <sup>9</sup> Guy Rosen, *Community Standards Enforcement Report, Fourth Quarter 2021*, Facebook  
(Mar. 1, 2021), <https://about.fb.com/news/2022/03/community-standards-enforcement-report-q4-2021/> (last visited Jan. 27, 2024).

26 <sup>10</sup> Instagram is one of Meta’s other, principal social media platforms.

27 11 [REDACTED]

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[REDACTED]

22. Third, Meta misled the public through false, affirmative statements about its commitment to well-being related products and features. As one example, it long touted its [REDACTED] as a demonstration of Meta’s commitment to well-being. But when Meta learned that its [REDACTED] preferring to mislead its users (and parents) than suffer a public-relations hit for rolling back or fixing a purported “wellness” feature.

23. Fourth, Meta made material misrepresentations to develop trust among consumers, parents, and guardians that its social media platforms are a safe place for Young Users. In various public channels, Meta deceptively represented (1) that it does not prioritize increasing users’ time on its platforms; (2) that it protects Young Users from harmful or inappropriate content on its platforms; (3) that it does not place a monetary value on Young Users’ use of Meta platforms; (4) that it has not changed its internal data and research access policies in response to The Wall Street Journal’s 2021 coverage of its internal research findings; and (5) that its platforms are not addictive.

24. In sum, through its acts, omissions, and statements, Meta carefully created the impression that its social media platforms were and are still a safe platform where users were unlikely to experience significant harm and where users’ mental health was an important Company priority. That representation was material, false, and misleading.

25. Based on this misconduct, and as more fully described below, Nevada brings this action pursuant to the Nevada Deceptive Trade Practices Act, N.R.S. §§ 598.0903 through 598.0999 (“NDTPA”), and further brings claims of negligence, products liability, and unjust enrichment.

26. The State brings this action exclusively under the laws of the State of Nevada. No federal claims are being asserted, and to the extent that any claim or factual assertion set

1 forth herein may be construed to have stated any claim for relief arising under federal law, such  
2 claim is expressly and undeniably disavowed and disclaimed by the State.

3 27. Nor does the State bring this action on behalf of a class or any group of persons  
4 that can be construed as a class. The claims asserted herein are brought solely by the State and  
5 are wholly independent of any claims that individual Nevadans may have against Defendants.  
6 The Attorney General is authorized to bring an action—independently in the name of the State  
7 as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy  
8 violations of Nevada law.

9 **PARTIES**

10 28. The State of Nevada is a body politic created by the Constitution and laws of the  
11 State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign  
12 capacity in order to protect the interests of the State of Nevada and its residents as *parens patriae*,  
13 by and through Aaron D. Ford, the Attorney General of the State of Nevada. Attorney General  
14 Ford is acting pursuant to his authority under, inter alia, NRS 228.310, 338.380, 228.390, and  
15 598.0963(3).

16 29. Meta Platforms, Inc. (“Meta”) is a Delaware corporation with a principal place  
17 of business in Menlo Park, California. From 2005 until October 28, 2021, Meta was known as  
18 Facebook, Inc. Meta is a multinational technology company that designs, distributes, and  
19 promotes multiple social media platforms, including Facebook.

20 30. All of the allegations described in this Complaint were part of, and in furtherance  
21 of, the unlawful conduct alleged herein, and were authorized, ordered and/or done by  
22 Defendants’ officers, agents, employees, or other representatives while actively engaged in the  
23 management of Defendants’ affairs within the course and scope of their duties and employment,  
24 and/or with Defendants’ actual, apparent and/or ostensible authority.

25 **JURISDICTION AND VENUE**

26 31. Subject matter jurisdiction for this case is conferred upon this Court pursuant to,  
27 inter alia, Article 6, Section 6 of the Nevada Constitution.

1           32.     This Court has personal jurisdiction over Defendants because Defendants do  
2 business in Nevada and/or have the requisite minimum contacts with Nevada necessary to  
3 constitutionally permit the Court to exercise jurisdiction with such jurisdiction also within the  
4 contemplation of the Nevada “long arm” statute, NRS § 14.065. More specifically, and set forth  
5 in greater detail, *infra*, Meta enriches itself by selling advertisements targeted to Nevada.  
6 According to Meta’s public advertising library, Meta regularly sells advertisements specific to  
7 Nevada, and it allows businesses to target specific cities in Nevada.<sup>12</sup> All manner of Nevada  
8 entities advertise on Facebook to reach a Nevada audience and expand their business in Nevada.

9           33.     The instant Complaint does not confer diversity jurisdiction upon the federal  
10 courts pursuant to 28 USC § 1332, as the State is not a citizen of any state and this action is not  
11 subject to the jurisdiction of the Class Action Fairness Act of 2005.<sup>13</sup> Likewise, federal question  
12 subject matter jurisdiction pursuant to 28 USC § 1331 is not invoked by the Complaint, as it  
13 sets forth herein exclusively viable state law claims against Defendants. Nowhere herein does  
14 Plaintiff plead, expressly or implicitly, any cause of action or request any remedy that arises  
15 under federal law. The issues presented in the allegations of this Complaint do not implicate  
16 any substantial federal issues and do not turn on the necessary interpretation of federal law. No  
17 federal issue is important to the federal system as a whole under the criteria set by the Supreme  
18 Court in *Gunn v. Minton*, 568 U.S. 251 (2013) (*e.g.*, federal tax collection seizures, federal  
19 government bonds). Specifically, the causes of action asserted, and the remedies sought herein,  
20 are founded upon the positive statutory, common, and decisional laws of Nevada. Further, the  
21 assertion of federal jurisdiction over the claims made herein would improperly disturb the  
22 congressionally approved balance of federal and state responsibilities. Accordingly, any  
23 exercise of federal jurisdiction is without basis in law or fact.

24  
25 <sup>12</sup> <https://www.facebook.com/business/help/1501907550136620> (last visited Jan. 27, 2024).

26 <sup>13</sup> *See, e.g., Postal Tel Cable Co. v. Alabama*, 155 U.S. 482, 487, 15 S.Ct. 192, 194, 39 L.Ed.  
27 231 (1894) (“A State is not a citizen. And, under the Judiciary Acts of the United States, it is  
28 well settled that a suit between a State and a citizen or a corporation of another State is not  
between citizens of different States....”).

1           34. In this Complaint, to the extent Plaintiff cites federal statutes and regulations.  
2 Plaintiff does so to state the duty owed under Nevada law, not to allege an independent federal  
3 cause of action and not to allege any substantial federal question under *Gunn v. Minton*. “A  
4 claim for negligence in Nevada requires that the plaintiff satisfy four elements: (1) an existing  
5 duty of care, (2) breach, (3) legal causation, and (4) damages.” *Turner v. Mandalay Sports*  
6 *Entertainment, LLC*, 124 Nev. 213, 180 P.3d 1172 (2008). The element of duty is to be  
7 determined as a matter of law based on foreseeability of the injury. *Estate of Smith ex rel. Smith*  
8 *v. Mahoney’s Silver Nugget, Inc.*, 127 Nev. 855, 265 P.3d 688, 689 (2011).

9           35. To be clear, to the extent Plaintiff cites federal statutes and federal regulations,  
10 it is for the sole purpose of stating the duty owed under Nevada law to the residents of Nevada.  
11 Thus, any attempted removal of this complaint based on a federal cause of action or substantial  
12 federal question is without merit.

13           36. Venue is proper in this Court pursuant to NRS § 598.0989(3) because  
14 Defendants’ conduct alleged herein took place in Clark County, Nevada.

15 **FACTS**

16 **I. FACEBOOK, GENERALLY.**

17           37. Facebook is a social media platform that enables users to upload (“post”) text,  
18 photos, videos and links to additional content on- and off-platform, and to interact with other  
19 users’ comparable posts. Primarily, users engage with Facebook either via its website or its free-  
20 standing app, which users download to their smartphone or other mobile device. Facebook  
21 allows users to post content that can be edited (including with filters for visual posts like photo  
22 and video) and organized by hashtags and geographical tagging. Users can browse other users’  
23 posts by tag or location, view trending content, like posts, and follow other users to add their  
24 content to a personal feed.

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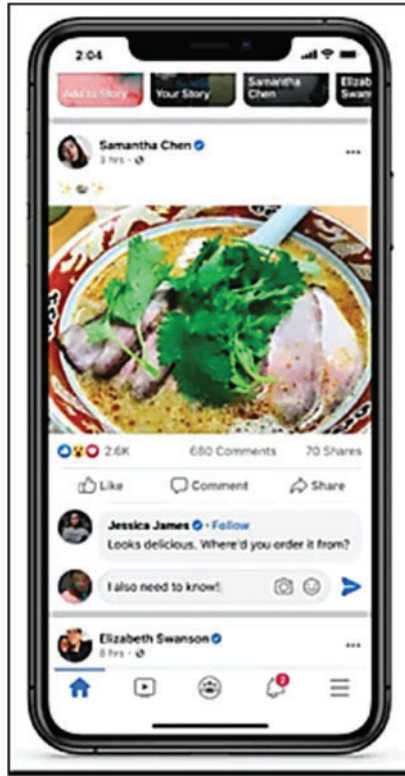


Fig. 1<sup>14</sup>

38. As noted above, Facebook attracts billions of monthly active users worldwide, and roughly 260 million users in the United States.<sup>15</sup> A 2020 survey of American children ages 9–17 reported that 45% of the 9-12-year-old respondents and 28% of the 13-17-year-old respondents used Facebook at least once a day, with 66% and 60% of those respective cohorts reporting having used the platform at least once.<sup>16</sup> More broadly, an August 2022 report from

<sup>14</sup> <https://www.fonearena.com/blog/330692/facebook-pages-dedicated-news-feed-easier-navigation.html> (last visited Jan. 27, 2024).

<sup>15</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm> (last visited Jan. 27, 2024).

<sup>16</sup> Thorn, *Responding to Online Threats: Minors’ Perspectives on Disclosing, Reporting, and Blocking Findings from 2020 quantitative research among 9–17 year olds*, (May 2021), [https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats\\_2021-Full-Report.pdf?utm\\_campaign=H2D%20report&utm\\_source=website](https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website) (last visited Jan. 27, 2024).

1 the Pew Center states that “about six-in-ten teen Facebook users (57%) visit the platform  
2 daily.”<sup>17</sup>

3  
4 **A. Meta Offers Its Platforms in Exchange for Consumers’ Valuable  
Consideration that Enables Meta to Sell Advertising.**

5 39. Like all social media platforms, Facebook does not charge money from its users  
6 for access. Instead, it monitors its users and surreptitiously collects data related to their online  
7 lives—including the way in which they use the product, the posts with which they interact, the  
8 friends they have, the places they go, the advertisements they view, and even what users do on  
9 other sites or apps. Defendants are consistently the target of regulatory actions, lawsuits, and  
10 news reports related to the vast troves of personal data they acquire on individuals, which they  
11 use (and misuse) to create detailed, individual profiles that in turn are employed to serve users  
12 targeted advertising.

13 40. As Zuckerberg has explained, “based on what pages people like, what they click  
14 on, and other signals, we create categories...and then charge advertisers to show ads to that  
15 category. Although advertising to specific groups existed well before the internet, online  
16 advertising allows much more precise targeting and therefore more-relevant ads.”<sup>18</sup>

17 41. The practical effect of this arrangement—free access to the Facebook platform  
18 in exchange for personal data—is best expressed in the documentary *The Social Dilemma*,  
19 which quotes Google’s former design ethicist, Tristan Harris: “if you’re not paying for the  
20 product, then you are the product.”<sup>19</sup>

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23 <sup>17</sup> Emily A. Vogels, et al., *Teens, Social Media and Technology 2022*, Pew Research Center  
(Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> (last visited Jan. 27, 2024).

24 <sup>18</sup> Mark Zuckerberg, *Understanding Facebook’s Business Model*, Mark Zuckerberg (January  
25 24, 2019), <https://about.fb.com/news/2019/01/understanding-facebooks-business-model/> (last  
visited Jan. 27, 2024).

26 <sup>19</sup> Abigail McCormick, *Review: The Social Dilemma* (Aug. 8, 2021), [https://sauconpanther.org/  
27 2535/arts-and-entertainment/if-youre-not-paying-for-the-product-then-you-are-the-product/](https://sauconpanther.org/2535/arts-and-entertainment/if-youre-not-paying-for-the-product-then-you-are-the-product/)  
(last visited Jan. 27, 2024).

1           42.     Because Meta views its users as its product, and because it can best monetize  
2 and collect information about its users while they are on its various platforms (including  
3 Facebook), Meta is incentivized to keep its users on the platforms as long as possible, and as  
4 often as possible. Via his current project, The Center for Humane Technology, Tristan Harris  
5 further explains this concept:

6           Our attention is a limited resource. There are only so many waking hours in the  
7 day, and therefore only so many things we can focus on. When we pay attention  
8 to one thing, we're not paying attention to something else.

9           This fact of life has been deeply complicated by technology. With more  
10 information and more choices at our fingertips than ever before, there are  
11 unprecedented demands on our attention.

12           This feeling of constant distraction is fueled by tech companies that rely on  
13 capturing your attention to make money, normally by selling it to advertisers.

14           ...

15           Each app is caught in a race for your attention, competing not just against other  
16 apps, but also against your friends, your family, your hobbies, and even your  
17 sleep.

18           ...

19           *[S]ocial media companies don't sell software, they sell influence. They collect  
20 in-depth data about how to influence your decisions, then sell that influence to  
21 the highest bidder. The more time they can get you to spend scrolling and  
22 clicking, the more data they can collect and the more ads they can sell.*<sup>20</sup>

23           43.     Defendants acknowledge this fact in their most recent Form 10-K, warning that  
24 decreased use of the Facebook platform—resulting in fewer opportunities to profile users and  
25 serve targeted advertising—is fatal to its business model: “The size of our user base and our  
26 users’ level of engagement across our products are critical to our success. Our financial  
27 performance has been and will continue to be significantly determined by our success in adding,  
28 retaining, and engaging active users of our products that deliver ad impressions, particularly for

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<sup>20</sup> Center for Humane Technology, *The Attention Economy – Why do tech companies fight for our attention?* (Aug. 17, 2021), <https://www.humanetech.com/youth/the-attention-economy> (last visited Jan. 27, 2024).



1 Facebook[.]”<sup>21</sup> Further, Defendants acknowledge that “advertising revenue can also be  
2 adversely affected by,” *inter alia*, “decreases in user engagement, including time spent on our  
3 products” and “our inability to continue to increase user access to and engagement with our  
4 products.”<sup>22</sup>

5 44. Competition for users’ attention is fierce, and social media platforms—like  
6 Defendants’—are purposely designed to addict their users. Defendants have both in-house and  
7 external research initiatives designed to document and improve engagement reporting and have  
8 projects that use neuromarketing and virtual reality techniques to measure effectiveness.<sup>23</sup> The  
9 mobilization of all these resources indicates that the Facebook platform is built not for user  
10 experience, but for maximization of profit.

11 45. And this maximization of profit is achieved through addiction. As set forth  
12 below, Defendants employ sophisticated principles first identified by psychologists and other  
13 academics, which they manifest through intentional design elements that exploit those  
14 psychological principles.

15 46. These design elements are not subjective—instead they are part and parcel of  
16 Facebook’s code. They operate consistently, and universally, across the platform, for all users,  
17 including the vulnerable children who Defendants know—to a certainty—are using Facebook.

18 47. Worse still, Defendants’ [REDACTED]  
19 [REDACTED]  
20 [REDACTED] and continues to add features to keep children hooked.

23 <sup>21</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
(last visited Jan. 27, 2024).

24 <sup>22</sup> *Id.*

25 <sup>23</sup> See, e.g., Meta Careers, *Shape the Future of Marketing with the Marketing Science Team*,  
26 Meta (Sept. 19, 2018), <https://www.metacareers.com/life/come-build-with-the-facebook-marketing-science-team/> (last visited Jan. 27, 2024); *How Virtual Reality Facilitates Social Connection*, Meta, <https://www.facebook.com/business/news/insights/how-virtual-reality-facilitates-social-connection> (last visited Jan. 27, 2024).

1           **B.     Account Creation for Facebook.**

2           48.     To fully access Facebook, consumers must create an account. As part of the  
3 account-creation process, consumers enter into a contract with Meta. By entering into these  
4 contracts, users agree to comply with Facebook’s Terms of Service.<sup>24</sup>

5           49.     As noted above, although users can establish accounts on Facebook without  
6 paying a fee, Defendants do not provide their products for free—rather, they charge users by  
7 collecting their data and time, which Meta then converts into advertising dollars.

8           50.     In exchange for the right to use Facebook, consumers agree to a host of terms  
9 that power Meta’s advertising business. For example, this is confirmed by Facebook’s Terms  
10 of Service:

11           We don’t charge you to use Facebook or the other products and services covered  
12 by these Terms, unless we state otherwise. Instead, businesses and  
13 organizations, and other persons pay us to show you ads for their products and  
14 services. By using our Products, you agree that we can show you ads that we  
15 think may be relevant to you and your interests. We use your personal data to  
16 help determine which personalized ads to show you.<sup>25</sup>

17           51.     Consumers also pay for Facebook by agreeing to give Meta access to vast realms  
18 of data arising out of their platform use. In order to create an account, consumers also must  
19 agree to Meta’s Privacy Policy. And pursuant to that Privacy Policy, each consumer must agree  
20 that Meta may collect a host of data, ranging from information about the consumer’s activity  
21 on Facebook (such as the content they like and accounts they follow); the messages the  
22 consumer sends and receives; the content the consumer provides through Facebook’s camera  
23 feature and the consumer’s camera roll; the ways the consumer interacts with ads, the time the  
24 user spends interacting with various pieces of content; the hardware and software the consumer  
25 is using, the GPS, Bluetooth signals, nearby Wi-Fi access points, beacons and cell towers; and  
many other categories of data.

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26 <sup>24</sup> Facebook Terms of Service, <https://www.facebook.com/legal/terms> (last visited Jan. 27,  
2024).

27 <sup>25</sup> *Id.*

1           52.     Meta also represents itself as a common enterprise. Meta’s financial disclosures  
2 describe Facebook, Instagram, Messenger, and WhatsApp, as Meta’s “family’ of products,”  
3 and report revenue and expenses for the entire “family” together.<sup>26</sup> Meta’s supplemental terms  
4 for its “Meta Platforms Technologies Products” is similarly styled as an agreement between  
5 Meta Platforms, Inc. and the user.<sup>27</sup> Meta Platforms Technologies Products are defined to  
6 include its VR-related products, such as its Meta Quest and Oculus virtual reality headsets, and  
7 Meta Horizon Worlds, its virtual reality social media platform.<sup>28</sup> Meta Platforms also reports  
8 its revenue from its VR business segment in its financial disclosures.<sup>29</sup>

9           53.     Consumers’ payment in the form of time, attention, and data enables Meta to sell  
10 highly targeted, data-informed advertising opportunities, which is the foundation of Meta’s  
11 business.

12                   **C.     Meta Prioritizes Acquiring Young Users and Maximizing Their Time Spent**  
13                   **on its Platforms.**

14           54.     In Meta’s business model, not all consumers are created equal. Young Users are  
15 Meta’s prized demographic.

16           55.     Accordingly, Meta has pursued increasing Young Users’ time spent on its  
17 platforms as one of the Company’s most important goals.

18           56.     For instance, as of November [REDACTED]  
19 [REDACTED]<sup>30</sup>

22 <sup>26</sup> Meta Platforms, Inc. Form 10-Q, 1, 4, 33, (Q2 2023), <https://archive.ph/MSvSt> (last visited  
23 Jan. 27, 2024).

24 <sup>27</sup> Supplemental Meta Platforms Technologies Terms of Service, [https://www.meta.com/  
25 legal/supplemental-terms-of-service](https://www.meta.com/legal/supplemental-terms-of-service) (last visited Jan. 27, 2024).

26 <sup>28</sup> Meta Platforms Technologies Products Definition, [https://www.meta.com/legal/meta-  
27 platforms-technologies-products](https://www.meta.com/legal/meta-platforms-technologies-products) (last visited Jan. 27, 2024).

28 <sup>29</sup> Meta Platforms, Inc. Form 10-Q, 31, (Q1 2023), <https://archive.ph/T6xDK> (last visited Jan.  
29 27, 2024).

30 [REDACTED]

1           57.     This strategy was [REDACTED]

2 [REDACTED]

3           58.     Meta pursues Young Users because Meta’s advertising customers value that  
4 audience. Among other reasons, Meta’s advertising partners want to reach Young Users because  
5 they: (1) are more likely to be influenced by advertisements, (2) may become lifelong  
6 customers, and (3) set trends that the rest of society emulates.

7           59.     Advertisers pay Meta a premium to serve advertisements to Young Users. And  
8 many advertisers are willing to pay Meta for the opportunity to reach Young Users in specific  
9 geographic markets, such as those in Nevada.

10          60.     Meta is motivated to increase Young Users’ time spent on its platforms not only  
11 because it is a meaningful stream of advertising business, but also, because the data that Meta  
12 collects from that use is itself highly valuable to the Company.

13          61.     Meta has worked to maximize Young Users’ [REDACTED]  
14 Meta does this both because Young Users are a prized demographic, and because loss of Young  
15 Users on its platform threatens Meta’s bottom line. As noted in the company’s most recent Form  
16 10-K filing:

17                 We believe that some users, particularly younger users, are aware of and  
18 actively engaging with other products and services similar to, or as a substitute  
19 for, our products and services, and we believe that some users have reduced  
20 their use of and engagement with our products and services in favor of these  
21 other products and services. In the event that users increasingly engage with  
22 other products and services, we may experience a decline in use and  
23 engagement in key user demographics or more broadly, in which case our  
24 business would likely be harmed.<sup>32</sup>

25

26          62.     In short, Meta has many strong short-term and long-term financial incentives to  
27 increase the time that Young Users spend on its platforms, including Facebook. And as  
28

31 [REDACTED]

32 <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
(last visited Jan. 27, 2024).

1 described in further detail below, Meta has chased that goal with incredible success, capturing  
2 a mind-boggling amount of time and attention from a generation of Young Users.

3 63. This approach has been profitable. Meta reported earning \$116.6 billion in  
4 revenue in 2022, with \$23.2 billion in net income, making Meta one of the largest companies  
5 in the United States by revenue and income.

6 64. A significant portion of these earnings come from the Young Users on Meta's  
7 platforms. A recent study estimated the revenue derived from Young Users across the world's  
8 largest social media platforms, including Facebook, and concluded that there were roughly  
9 9,900,000 U.S.-based Young Users (ages 0-17 years) on the platform as of 2022.<sup>33</sup> Roughly  
10 \$500 million in Facebook's ad revenue came from that cohort in the same year, while almost  
11 \$5 billion in ad revenue on Instagram was attributable to U.S.-based Young Users.<sup>34</sup> Upon  
12 information and belief, a portion of these income-generating Young Users reside in Nevada.

13 65. And because of his ownership stake in Meta, Zuckerberg is one of the wealthiest  
14 people in the world. In addition to financial success, Zuckerberg's role as Meta's CEO and  
15 Founder has made him a public figure able to exert significant influence not only over the  
16 Company, but also over society at large. In a private email exchange with [REDACTED]

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22  
23  
24 <sup>33</sup> Raffoul A, Ward ZJ, Santoso M, Kavanaugh JR, Austin S Bryn (2023) *Social media platforms  
25 generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue  
26 model*. PLoS ONE 18(12): e0295337, <https://doi.org/10.1371/journal.pone.0295337> (last  
27 visited Jan. 27, 2024); *id.* at Table 1.

28 <sup>34</sup> *Id.* at Fig. 1.

<sup>35</sup> [REDACTED]

1           **D. Social Media Use—and Ensuing Exposure to Harms—is Especially**  
2           **Prevalent Among Young Users of Color.**

3           66. Research shows that a higher percentage of children of color in America use  
4 social media platforms—including Facebook—than their white counterparts.

5           67. A recent study by Pew, entitled *Teens, Social Media and Technology 2023*,  
6 reveals that Black and Hispanic teenagers between ages 13 and 17 spend more time on social  
7 media platforms than their white counterparts.<sup>36</sup>

8           68. According to that study, 55% of Hispanic teenagers and 54% of Black teenagers  
9 report generally being online “almost constantly,” compared with 38% of their white teenage  
10 counterparts.

11           69. That study indicated that while only 2% of white children between the ages of  
12 13 and 17 report being “almost constantly” on Facebook, the number doubles to 4% for Black  
13 children and further climbs to 5% for Hispanic children between the ages of 13 and 17.

14           70. Another study similarly found that Black and Hispanic children, ages 8 to 12,  
15 also use social media platforms more than their white counterparts.<sup>37</sup>

16           71. Researchers have found that due to lower income levels, Black and Hispanic  
17 teenagers are less likely to have broadband access or computers at home, causing  
18 disproportionate reliance on smartphones and corresponding use of social media platforms.

19           72. Thus, while 95% of children between the ages of 13 and 17 have access to a  
20 smartphone at home, having access to a home computer remains less common for those in  
21 lower-income households.

22           73. Experts believe that internet usage among teenagers may be displacing other  
23 activities, including sports participation, in-person socializing, and reading, among other things.

24 \_\_\_\_\_  
25 <sup>36</sup> Pew Research Center, *Teens, Social Media and Technology 2023* (Dec. 11, 2023),  
<https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>  
26 (last visited Jan. 27, 2024).

27 <sup>37</sup> Rideout, V., Peebles, A., Mann, S., & Robb, M. B. (2022), *The Common Sense Census: Media*  
*Use by Tweens and Teens, 2021*, [https://www.common sense media.org/sites/default/](https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf)  
28 [files/research/report/8-18-census-integrated-report-final-web\\_0.pdf](https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) (last visited Jan. 27, 2024).

1 74. With respect to reading, the 2023 *Scholastic Kids & Family Reading Report*  
2 found that the average amount of reading across all racial groups is in decline and continues to  
3 trend downward as children transition to their teenage years.<sup>38</sup>

4 75. The *Scholastic* study found that while 46% of kids between the ages of 6 and 8  
5 report reading for pleasure, only 18% of children between the ages of 12 and 17 report the same.

6 76. These statistics raise the concern that the disparities in internet and social media  
7 platforms use may, in turn, intensify overall declines and existing differences in reading across  
8 racial groups.

9 77. But more broadly, [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 [REDACTED] Meta has never shared this materially significant information with the public or with  
17 consumers of its products.

18 78. As of the 2020 Census, Nevada’s Black community constitutes roughly 12.1%  
19 of the State’s population, and the Hispanic community constitutes 28.7% of the State’s  
20 population.<sup>40</sup>

24 \_\_\_\_\_  
25 <sup>38</sup> Scholastic, *Kids & Family Reading Report*<sup>TM</sup>, <https://www.scholastic.com/content/corp-home/kids-and-family-reading-report/reading-lives.html> (last visited Jan. 27, 2024).

26 <sup>39</sup> [REDACTED]  
27 <sup>40</sup> <https://www.census.gov/library/stories/state-by-state/nevada-population-change-between-census-decade.html> (last visited Jan. 27, 2024).

1           **E.     Meta Directs Its Business Towards Nevada.**

2           79.     Notably, Meta allows advertisers to target Young Users based on their age and  
3 location,<sup>41</sup> and Facebook is popular among Young Users in Nevada.

4           80.     While there is a dearth of publicly available granular data on Facebook usage by  
5 age and State, a 2012 resource shows that 12% of all Facebook users in Nevada are between the  
6 ages of 13 and 17.<sup>42</sup>

7           81.     And of course, Meta enriches itself by selling advertisements targeted to Nevada.  
8 According to Meta’s public advertising library, Meta regularly sells advertisements specific to  
9 Nevada, and it allows businesses to target specific cities in Nevada.<sup>43</sup> All manner of Nevada  
10 entities advertise on Facebook to reach a Nevada audience and expand their business in Nevada.

11 Some examples include:<sup>44</sup>

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22 <sup>41</sup> ██████████

23 <sup>42</sup> [https://web.archive.org/web/20141119085350/http://innovationsimple.com/wp-](https://web.archive.org/web/20141119085350/http://innovationsimple.com/wp-content/uploads/2012/07/Facebook-Age-Distribution-in-Nevada.jpg)  
24 [content/uploads/2012/07/Facebook-Age-Distribution-in-Nevada.jpg](https://web.archive.org/web/20141119085350/http://innovationsimple.com/wp-content/uploads/2012/07/Facebook-Age-Distribution-in-Nevada.jpg) (last visited Jan. 27,  
25 2024).

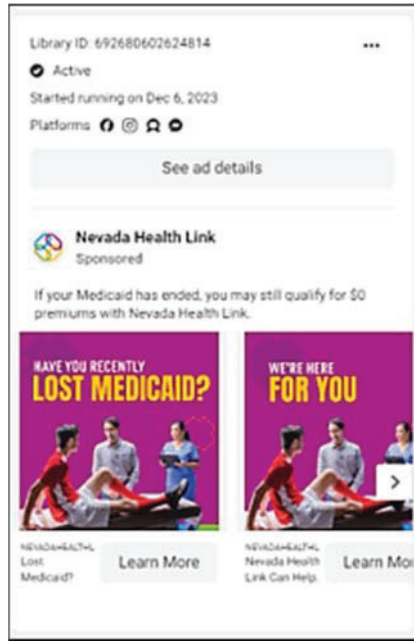
26 <sup>43</sup> *Designated market areas for ad targeting*, Facebook,  
27 <https://www.facebook.com/business/help/1501907550136620> (last visited Jan. 27, 2024).

28 <sup>44</sup> Each of the following examples comes from a natural language search of Meta’s “Ad Library”  
tool, when enables users to “[s]earch all the ads currently running across Meta technologies,”  
[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&media_type=all)  
[country=US&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&media_type=all) (last visited Jan. 27, 2024).

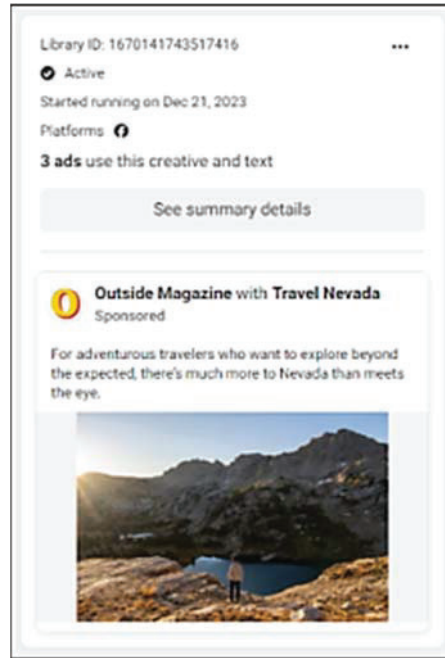


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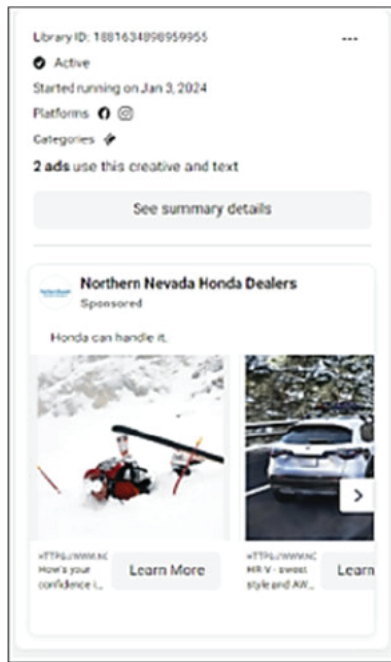
Nevada Health Link



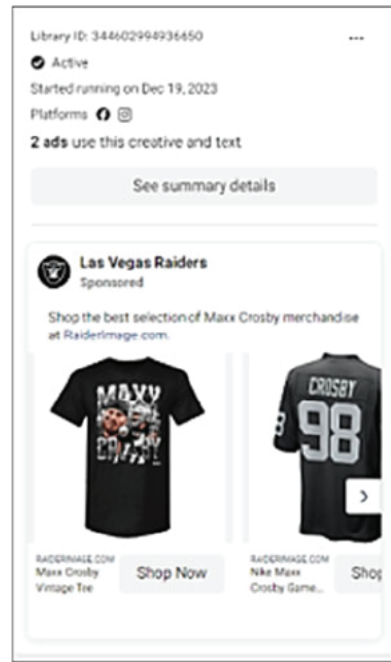
Outside Magazine, with Travel Nevada

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Northern Nevada Honda Dealers



The Las Vegas Raiders

82. In sum, Meta not only makes its social media platforms available in Nevada, it also—at a minimum—promotes its brand in Nevada, touts its investments in Nevada, [REDACTED]

1 [REDACTED] and sells  
2 advertisements to Nevada entities so that they can expand their businesses in Nevada. And by  
3 virtue of Meta’s business model, Meta has entered into (at least) hundreds of thousands of  
4 contracts with consumers in Nevada and sold the opportunity to serve ads specifically to those  
5 Nevada consumers.

6  
7 **II. META UTILIZES MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO HOOK  
YOUNG USERS AND KEEP THEM ON ITS PLATFORMS IN PERPETUITY.**

8 **A. By Meta’s Design, its Platforms Induce Compulsive Use Among Young  
Users.**

9  
10 83. For generations, companies have marketed products to Young Users – from  
11 bikes to Barbies to baseball cards. Unquestionably, products like those appealed to a young  
12 audience, and their creators marketed them accordingly and achieved success.

13 83. Meta could have followed a similar course. It might have offered a version of its  
14 platforms that was simply appealing, but not addictive.

15 84. Instead, Meta intentionally designed its platforms to exploit known  
16 vulnerabilities in Young Users’ neurological development, making its platforms profoundly  
17 difficult—and in some cases impossible—for children and teens to resist.

18 85. As Meta’s founding president, Sean Parker, explained in 2018:

19 The thought process that went into building these applications, Facebook being  
20 the first of them ... was all about: ‘How do we consume as much of your time  
21 and conscious attention as possible?’ That means that **we need to sort of give  
22 you a little dopamine hit every once in a while**, because someone liked or  
23 commented on a photo or a post or whatever. And that’s going to get you to  
24 contribute more content and that’s going to get you ... more likes and  
25 comments. It’s a social-validation feedback loop ... exactly the kind of thing  
26 that a hacker like myself would come up with, **because you’re exploiting a  
27 vulnerability in human psychology**. The inventors, creators—**me**, [Meta  
28 founder] Mark [Zuckerberg], [Instagram founder] Kevin Systrom on  
Instagram, all of these people—**understood this consciously. And we did it  
anyway.**<sup>45</sup>

26 <sup>45</sup> Alex Hern, ‘Never get high on your own supply’ – why social media bosses don’t use social  
27 media, The Guardian (January 23, 2018), [https://www.theguardian.com/media/2018/jan/23/  
never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media](https://www.theguardian.com/media/2018/jan/23/never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media) (last  
28 visited Jan. 27, 2024). Emphasis in this Complaint is added unless otherwise noted.

1 87. On an ongoing basis, Meta pours massive resources into understanding Young  
2 Users' cognitive vulnerabilities.

3 88. For example, in [REDACTED]  
4 [REDACTED]  
5 [REDACTED]

6 But that [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 92. [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24  
25 <sup>46</sup> [REDACTED]

26 <sup>47</sup> *Id.*

27 <sup>48</sup> *Id.*

28 <sup>49</sup> [REDACTED] (pg. 2)

1 [REDACTED] study Young Users and capture  
2 more of their time and attention.

3 **B. Meta Studies** [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22  
23  
24 <sup>50</sup> [REDACTED]

25 <sup>51</sup> *Id.* (pg. 1)

26 <sup>52</sup> *Id.* (pg. 6)

27 <sup>53</sup> *Id.* (pg. 7)

28 <sup>54</sup> *Id.* (pgs. 10-11)

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[REDACTED]

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<sup>55</sup> *Id.* (pg. 12)

<sup>56</sup> *Id.* (pgs. 13-14)

<sup>57</sup> *Id.* (pg. 22)

<sup>58</sup> *Id.* (pg. 23)

<sup>59</sup> *Id.* (pg. 24)

<sup>60</sup> *Id.* (pg. 47)

<sup>61</sup> *Id.* (pg. 54)

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[REDACTED]

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<sup>62</sup> *Id.* (pg. 48)  
<sup>63</sup> *Id.* (pg. 13)  
<sup>64</sup> *Id.* (pg. 24)  
<sup>65</sup> *Id.* (pg. 27)  
<sup>66</sup> *Id.* (pgs. 56-57).  
<sup>67</sup> *Id.* (pg. 58)

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[REDACTED]

114.

**C. Meta Implements Specific Design Elements Into Facebook to Induce Compulsive Use.**

115. Leveraging its [REDACTED] Young Users' diminished capacity for self-control through an array of platform features, including the challenged Design Elements.

116. Collectively, these features created and exploited obstacles to Young Users' free decision-making, causing them to spend more time on Facebook than they otherwise would.

68 [REDACTED]  
69 [REDACTED]  
70 [REDACTED]



1 117. Several categories of engagement-optimizing design features are especially  
2 pernicious: Low-Friction Variable Rewards; Social Manipulation; Ephemeral Content; Push  
3 Notifications; and Harmful Filters. The State discusses each, in turn.

4  
5 **1. Low-Friction Variable Rewards: Endless Scroll, Autoplay, and  
Reels**

6 118. The “Low-Friction Variable Reward” design element (also called the “Hook  
7 Model”<sup>71</sup>) is a powerful cognitive manipulation principle, first identified by the psychologist  
8 B.F. Skinner in the early 20<sup>th</sup> Century.<sup>72</sup> It is premised on the observation that when test  
9 subjects—both humans and other animals—are rewarded unpredictably for a given action, they  
10 will engage in the action for a longer period of time than if the reward is predictable.<sup>73</sup> In his  
11 testing, Skinner observed that lab mice responded voraciously to random rewards. The mice  
12 would press a lever and sometimes they would get a small treat, other times a large treat, and  
13 other times nothing at all. Unlike the mice that received the same treat every time, the mice that  
14 received variable rewards seemed to press the lever compulsively.

15 119. At a chemical level, this is because the brain generates more dopamine in  
16 response to an uncertain reward than in response to an expected and reliable one.<sup>74</sup> The  
17 tendency of variable rewards to drive compulsive behavior is sometimes referred to as the  
18 “Vegas Effect,” and is the primary mechanism at work in slot machines, keeping players sitting

19  
20 <sup>71</sup> Bart Krawczyk, *What is the hook model? How to build habit-forming products*, Log Rocket  
Frontend Analytics (Dec. 2, 2022), <https://blog.logrocket.com/product-management/what-is-the-hook-model-how-to-build-habit-forming-products/> (last visited Jan. 27, 2024).

21 <sup>72</sup> B. F. Skinner, *Two Types of Conditioned Reflex: A Reply to Konorski and Miller*, 16 J. Gen.  
22 Psychology, 272-279 (1937), <https://doi.org/10.1080/00221309.1937.9917951> (last visited Jan.  
27, 2024).

23 <sup>73</sup> Laura MacPherson, *A Deep Dive into Variable Designs and How to Use Them*, DesignLi  
24 (Nov. 8, 2018), <https://designli.co/blog/a-deep-dive-on-variable-rewards-and-how-to-use-them/>  
(last visited Jan. 27, 2024); Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol.  
25 Today (Jan. 4, 2019), <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens>  
(last visited Jan. 27, 2024).

26 <sup>74</sup> Anna Hartford & Dan J. Stein, *Attentional Harms and Digital Inequalities*, 9 JMIR Mental  
27 Health 2, 3 (Feb. 11, 2022), <https://pubmed.ncbi.nlm.nih.gov/35147504/> (last visited Jan. 27,  
2024) (“At the level of our neural reward system, an uncertain reward generates a more  
significant dopamine response than those generated by a reliable reward.”).

1 in front of machines for hours on end (machines that, due to their limited mental development,  
2 Young Users and Youngest Users are of course forbidden from using or interacting with).<sup>75</sup>

3 120. Defendants are aware not only of the value of variable rewards for driving users'  
4 online time and maximizing profits, but also the risks associated with these types of rewards.

5 For example, [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] (emphasis

11 added).



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18 Fig. 2

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21 i. Endless Scroll

22 121. One example of variable rewards design feature is the infinite or endless scroll  
23 mechanism with variable content that is deployed across social media platforms. When a  
24 platform uses endless scroll, a user is continuously fed more pieces of content, with no endpoint,  
25 as they scroll down a feed or page. When platforms load content into streams viewed by endless

26 <sup>75</sup> Mike Brooks, *The "Vegas Effect" of Our Screens*, Psychol. Today (Jan. 4, 2019),  
27 <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens> (last visited Jan. 27, 2024).

1 scroll, a user can never predict what will come next or how interesting it will be. The user is  
2 rewarded at unpredictable intervals and levels with pieces of content they find funny,  
3 entertaining, or otherwise interesting.<sup>76</sup>

4 122. Critically, the action required by the user is “low-friction” – that is to say, there  
5 is little commitment required of the user beyond simply scrolling through the app. This enables  
6 the user to engage in the pursuit of the next “rewarding” piece of content in perpetuity.

7 123. Facebook employs the endless scroll, supplying minor users with unpredictable  
8 variable rewards by strategically and intermittently surfacing content that the respective  
9 platforms predict users will want to see. But Meta is not just making a “lucky” guess about the  
10 type of content that children- and others- would wish to engage. Rather its predictions are  
11 incredibly precise and “effective” as they are made because Facebook siphons private and  
12 personal user data to create individualized user “profiles”—including of children who uses the  
13 apps.

14 ii. Autoplay

15 124. Another form of navigation manipulation called “Autoplay,” is similar to endless  
16 scrolling, and is especially prevalent on social media platforms, like Facebook, that provide  
17 video content for users. Simply put, video playback begins without any prompting from the  
18 user.

19 125. Meta deploys the Autoplay feature to keep Young Users on Facebook,  
20 automatically and continuously playing video content in their Feed and elsewhere and  
21 encouraging Young Users to remain on the platform *ad infinitum*.

22 126. Autoplay takes away a user’s sense of control, increasing the chances of binge-  
23 watch or going down a “rabbit hole.” Moreover, because there is no longer any user choice in  
24 the interaction (Facebook chooses what videos will be played next), there is an increased risk  
25 of children being exposed to inappropriate, harmful content.

26 <sup>76</sup> GCFGlobal.org, *Digital Media Literacy: Why We Can’t Stop Scrolling*,  
27 <https://edu.gcfglobal.org/en/digital-media-literacy/why-we-cant-stop-scrolling/1/> (last visited  
28 Jan. 27, 2024).

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127. Meta understands that these are powerful tools. Tellingly,

[REDACTED]

iii. Reels

128. Meta’s popular Reels product has these same characteristics. An internal

[REDACTED]  
78

129. Videos on Reels automatically and perpetually play as the user swipes the screen up to the next video. The short-form nature of Reels (between 15 to 90 seconds, as of April 2023) makes it difficult for Young Users to close the app or clock how many videos they have watched or how long they have spent. Other aspects of Reels—including the placement of the like, comment, save, and share buttons on top of the video—reduce or prevent interruption and keep the user constantly viewing the video.

130. Meta’s development of these engagement features on its platforms

[REDACTED]  
79

131. Internally,

[REDACTED]

77 [REDACTED]  
78 [REDACTED] (pg. 29)  
79 [REDACTED] (pg. 35)

1 [REDACTED]  
2 [REDACTED]

3 **2. Social Manipulation**

4 132. Defendants utilize social manipulation to keep children addicted to their  
5 platforms. At its most basic form, this design practice leverages a child’s desire for social  
6 relationships in order to encourage more time spent on the platform and more engagement with  
7 the platform (which in turn leads to more opportunities for Defendants to monetize the child  
8 users).

9 133. Children are particularly vulnerable to social manipulation techniques. Younger  
10 adolescents have specific developmental needs for social connectedness and are particularly  
11 attuned to social validation.<sup>81</sup> This can “lead to greater relinquishing of security in certain arenas  
12 to gain social validation and belonging, for example, disclosing publicly to participate in online  
13 communities and accrue large amounts of likes, comments, and followers.”<sup>82</sup> One pair of  
14 researchers investigating the phenomena write:

15 [T]o tweens and teens, the kind of “rewards” social media promise are even  
16 more meaningful. Teens are primed to crave and value social validation, which  
17 is part of how they make sense of where they fit into their social worlds. Their  
18 biological sensitivity to social feedback makes them more susceptible to the  
19 pull of social media, which is at the ready with a promise of 24/7 access to likes  
20 and praising comments. Capacities for self-regulation and impulse control are  
21 also a work in progress during the teen years, which adds to the challenge of  
22 pulling away.<sup>83</sup>

23 <sup>80</sup> [REDACTED]  
24 <sup>81</sup> Nicholas D. Santer, et al., *Early Adolescents’ Perspectives on Digital Privacy*, Algorithmic  
25 Rights and Protections for Children (2021) at 6, 30.  
26 <sup>82</sup> *Id.* at 6 (citing J.C. Yau & S. M. Reich, “It’s Just a Lot of Work”: Adolescents’ Self-  
27 Presentation Norms and Practices on Facebook and Instagram, 29 J. Res. on Adolescence 196,  
28 196-209 (2019)).  
<sup>83</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults  
Are Missing)*, MIT Press, at 33 (2022) (citing Lucy Foulkes and Sarah-Jayne Blakemore, *Is  
There Heightened Sensitivity to Social Reward in Adolescence?*, 40 Current Opinion  
Neurobiology 81 (2016)).

1 134. Many social manipulation design features induce anxiety in children that they or  
2 their content may not be as popular as that of their peers. In the words of a Massachusetts high  
3 school student who spoke with Common Sense Media, “[I]f you get a lot of likes, then ‘Yay,’  
4 you look relevant, but then if you don’t get a lot of likes and/or views, it can completely crush  
5 one’s confidence. Especially knowing that you’re not the only one who’s able to see it.”<sup>84</sup> Not  
6 only are children spotting and seeing posts, but now they are obsessing over the popularity of  
7 their posts and those of others. These factors all converge to create a feedback loop: because  
8 children crave this social reinforcement, they seek it out, but ultimately children are unequipped  
9 with the tools to protect themselves against the allure of “rewards” that these manipulative  
10 social media designs purportedly promise.

11 i. Quantified Popularity of a Minor’s Account or Content

12 135. This design element “gamifies” a user’s popularity by displaying (publicly,  
13 privately, or both) the number of friends or connections a user has, the number of interactions  
14 their content has received, and sometimes also the names or usernames of specific other users  
15 who have interacted with the user or their content. Metrics that may be displayed include views,  
16 likes, dislikes, reactions, and comments received on content.

17 136. These tallies act as quantified proof of popularity and exploit children’s natural  
18 tendency to pursue social relevance. [REDACTED]

19 [REDACTED] If children’s posts get Likes, they feel validated, but the fewer Likes they  
20 get, the worse they feel.

21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

25  
26 <sup>84</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17,  
27 2021), <https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good> (last visited Jan. 27, 2024).

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[REDACTED]

<sup>85</sup> [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>94</sup> *Id.*

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<sup>95</sup> *Id.* (pg. 13)

<sup>96</sup> *Id.*

<sup>97</sup> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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109 <https://techcrunch.com/2016/03/15/filteredgram/> (last visited Jan. 27, 2024).

110 [REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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<sup>131</sup> <https://about.instagram.com/blog/announcements/giving-people-more-control> (last visited Jan. 27, 2024).

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[REDACTED]

<sup>132</sup> [REDACTED]

<sup>133</sup> [REDACTED]

<sup>134</sup> *Id.* (emphasis added)

<sup>135</sup> [REDACTED]

<sup>136</sup> [REDACTED]

<sup>137</sup> [REDACTED]

[REDACTED]

1                                   **3. Ephemeral Content**

2           166. As research shows and Meta knows, Young Users are developmentally wired  
3 such that the fear of missing out (“FOMO”) is a “repeatedly identified driver of smartphone and  
4 social media use[.]”<sup>139</sup> Meta induces constant engagement by making certain content  
5 ephemeral. This dovetails with a psychological concept identified by B.F. Skinner as  
6 “avoidance,” meaning that an individual performs a behavior to avoid a negative outcome.<sup>140</sup>

7           167. Facebook utilizes avoidance as a design element by creating ephemeral posts,  
8 called “Stories,” which disappear 24 hours after being originally posted. Another example is  
9 “Live,” which gives users the ability to livestream videos to followers or the public.<sup>141</sup> When  
10 an account “goes Live,” the Facebook sends out a notification alerting users that a given account  
11 has started a live video, encouraging the users to watch until the video ends.

12           168. An [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15           169. Because of the impermanence of Stories and Live, users are incentivized to  
16 check their Facebook feeds more often, and for longer periods, so as not to miss out on any  
17 posts that may soon vanish. A recent analysis correlated use of Stories with addiction:

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23 <sup>139</sup> Laura Marciano, Anne-Linda Camerini, Rosalba Morese, *The Developing Brain in the*  
24 *Digital Era: A Scoping Review of Structural and Functional Correlates of Screen Time in*  
*Adolescence*, *Front. Psychol.*, Vol. 12 (Aug. 27, 2021) [https://www.frontiersin.org/](https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full)  
[articles/10.3389/fpsyg.2021.671817/full](https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full) (last visited Jan. 27, 2024).

25 <sup>140</sup> GameQuitters, *Are Video Games Designed to Be Addictive?*, [https://gamequitters.com/are-](https://gamequitters.com/are-video-games-addictive/)  
26 [video-games-addictive/](https://gamequitters.com/are-video-games-addictive/) (last visited Jan. 27, 2024).

27 <sup>141</sup> <https://www.facebook.com/formedia/tools/facebook-live> (last visited Jan. 27, 2024).

28 <sup>142</sup> [REDACTED]

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[U]ser engagement with Instagram Stories has a significant positive impact on psychological dependency, denoted by cognitive preoccupation and compulsive use of Instagram Stories. The literature has shown that a high level of engagement plays a predictive role in addictive use of Internet activities, and the findings of this study indicate that users who are highly engaged with Instagram Stories tend to become dependent on it. As users obtain a variety of gratifications from using Instagram Stories, they are likely to become more reliant on it, potentially leading to excessive use. ...[Further] it is clear that negative feelings exert an even stronger influence than pleasant feelings on the development of psychological dependency in the current context. On the one hand, the positive feelings that users experience from using Instagram Stories may reinforce their addictive patterns of its usage. On the other hand, because users may also experience negative emotions as a result of engaging in social interactions and self- and identity-related activities using Instagram Stories (e.g., unsuccessful self-promotion, missed opportunities, social comparison), they may become more dependent on the platform to help regulate and alter such mood states with the hope of bringing their affect back to optimal levels. However, this is alarming, as recent studies conducted by Facebook show that frequent use of Instagram could lead to detrimental effects on young users' mental health.<sup>143</sup>

170. Unlike content delivery systems that permit a user to view existing posts on a schedule convenient for the user, ephemeral content is only available on a temporary basis— incentivizing users to engage with the ephemeral content immediately.

[REDACTED]

172. Meta could make Live and Stories available for viewing days or weeks after they are created, allowing Young Users to take meaningful breaks from its platforms (for instance, during the school week or while on vacation) without missing content. Instead, Meta deploys ephemeral content features because it knows Young Users' fear of missing out on content will

<sup>143</sup> Jia-Dai (Evelyn) Lu, Jih-Syuan (Elaine) Lin, *Exploring uses and gratifications and psychological outcomes of engagement with Instagram Stories*, *Computers in Human Behavior Reports*, Vol. 6 (May 2022), 100198, <https://www.sciencedirect.com/science/article/pii/S245195882200032X> (last visited Jan. 27, 2024) (internal citations omitted).

<sup>144</sup> [REDACTED]



1 keep them glued to its platforms. In addition, this ephemeral nature of its content gives  
2 Facebook a pretext to send endless streams of push notifications to its users' smartphones,  
3 constantly alerting them of content they are going to miss day and night (more on this below).

4 173. For instance, [REDACTED]

6 174. That [REDACTED]

10 175. Even though it knew [REDACTED]

#### 16 4. Push Notifications: Audio, Visual, and Haptic Alerts

17 176. Meta causes Young Users to increase their time spent on its platforms by  
18 inundating them with notifications when they are off Facebook, in an effort to entice them to  
19 stop whatever else they are doing and return to engaging with social media. By default,  
20 Facebook peppers users (including Young Users) with frequent alerts or notifications intended  
21 to cause users to open the application.

25 [REDACTED] (pg. 3)

26 <sup>146</sup> *Id.* (pg. 25)

27 <sup>147</sup> [REDACTED] (pg. 32)

28 <sup>148</sup> *Id.*

1 177. These include haptic alerts, banner notifications, sound notifications, badge  
2 notifications (persistently displayed red indication of the number of events that have not yet  
3 been viewed by the user), and e-mail notifications.<sup>149</sup>

4 178. These alerts are disruptive for all users but are especially harmful for minor  
5 children, who are particularly vulnerable to distraction and psychological manipulation.  
6 [REDACTED] independent academics have observed that  
7 these notifications impact the brain in similar ways as narcotic stimulants:

8 Although not as intense as [sic] hit of cocaine, positive social stimuli will  
9 similarly result in a release of dopamine, reinforcing whatever behavior  
10 preceded it . . . Every notification, whether it's a text message, a "like" on  
Instagram, or a Facebook notification, has the potential to be a positive social  
stimulus and dopamine influx.<sup>150</sup>

11 179. Preying on that vulnerability, by default Meta notifies Young Users when  
12 another user follows them, likes their content, comments on their content, "tags" them, mentions  
13 them, sends them a message, or "goes live" (if the young person follows the user).

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

24 <sup>149</sup> <https://www.facebook.com/help/530847210446227> (last visited Jan. 27, 2024).

25 <sup>150</sup> <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/> (last visited  
26 Jan. 27, 2024).

27 <sup>151</sup> [REDACTED]  
[REDACTED]

[REDACTED]

**5. Harmful Filters**

183. On September 30, 2021 while testifying before Congress, Meta executive Antigone Davis denied that Meta contains features that promote eating disorders, stating: “[w]e do not direct people towards content that promotes eating disorders. That actually violates our policies, and we remove that content when we become aware of it. We actually use AI to find content like that and remove it.”

184. She also testified that for teen girls struggling with “loneliness, anxiety, sadness, and eating disorders,” they “were more likely to say that Instagram was affirmatively helping them, not making it worse,” and that Meta “work[s] with experts to help inform our product and policies” around eating disorders. Meta publishes this same statement in a section devoted to “[e]ating disorders” and “negative body image” in its “parent and guardian’s guide to Instagram,” which it makes available on its website.

[REDACTED]

In contrast [REDACTED]

[REDACTED]

154 [REDACTED]

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[REDACTED]

<sup>157</sup> *Id.* (pg. 20)  
<sup>158</sup> *Id.*  
<sup>159</sup> *Id.* (pg. 19)  
<sup>160</sup> [REDACTED] (pg. 1)  
<sup>161</sup> *Id.* (pg. 3)  
<sup>162</sup> *Id.* (pg. 4)

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[REDACTED]

<sup>163</sup> *Id.* (pg. 12) (emphasis in original)

<sup>164</sup> *Id.* (pg. 3)

<sup>165</sup> [REDACTED] (pg. 10) (emphasis added)

<sup>166</sup> *Id.* (emphasis added)

<sup>167</sup> [REDACTED]

<sup>168</sup> [REDACTED] (pg. 7)

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

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[REDACTED]

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<sup>171</sup> *Id.* (pgs. 1-2)

<sup>172</sup> [REDACTED] (pg. 3)

<sup>173</sup> *Id.*; *see also* [REDACTED]

<sup>174</sup> [REDACTED] (pg. 7)

<sup>175</sup> [REDACTED]

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[REDACTED]

[REDACTED]

178 <https://www.linkedin.com/in/margaretgstewart> (last visited Jan. 27, 2024).

179 [REDACTED]

180 [REDACTED]

[REDACTED]

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[REDACTED]

**D. The Challenged Platform Features Have No Relation to Traditional Publishing Activities—Any Content They Utilize Is Distinct From Their Functionality and the Harm They Cause.**

216. The State does not challenge or seek to curtail the publishing of any specific type of content by challenging the above-described addicting Design Elements.

[REDACTED]

<sup>185</sup> How To Add Filter In Whatsapp Video Call? Add Beauty Filter, <https://gadgetrekt.com/add-filter-whatsapp-video-call/> (last visited Jan. 27, 2024).



1 217. Notably, these Design Elements—Low-Friction Variable Rewards; Social  
2 Manipulation; Ephemeral Content; Push Notifications; and Harmful Filters—are not tethered  
3 to any specific third-party content. Indeed, the substance of any content incorporated into or  
4 used by the Design Elements is immaterial. Instead, the Design Elements themselves create the  
5 risk and harm of addiction, which is separate and apart from other harms caused by the platform.

6 218. Regardless of the substance of *any* content on Facebook—either first- or third-  
7 party—the purpose of the Design Elements is to extract additional time and attention from  
8 young users whose developing brains were not equipped to resist those manipulative tactics.

9 III. M K WS THA [REDACTED]

10 [REDACTED]

11 219. Because of Meta’s design choices, its platforms—including Facebook—have  
12 already hooked a generation of Young Users.

13 220. Meta [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 221. For example, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 <sup>187</sup> [REDACTED]

23

24 <sup>186</sup> Under Nevada law, “‘knowingly’ means that the defendant is aware that the facts exist that  
25 constitute the act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App.  
26 LEXIS 4, \*2. Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require  
27 that the defendant intend to deceive with the act or omission, or even know of the prohibition  
28 against the act or omission, but simply that the defendant is aware that the facts exist that  
constitute the act or omission.” *Id.* at \*8 (alteration original).

27 <sup>187</sup> [REDACTED]

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222. In

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223. Another

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<sup>189</sup> *Id.*  
<sup>190</sup> *Id.* (pg. 15)  
<sup>191</sup> *Id.*  
<sup>192</sup> *Id.* (pg. 29)  
<sup>193</sup>

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[REDACTED]

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> [REDACTED]

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[REDACTED]

<sup>199</sup> *Id.*  
<sup>200</sup> *Id.*  
<sup>201</sup> *Id.*  
<sup>202</sup>

[REDACTED]

1 239. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 **A. Meta Harms Young Users by Inducing Compulsive Use.**

6 240. Defendants have substantially injured Young Users by designing their platforms,  
7 including Facebook, to induce compulsive and excessive use, which interferes with important  
8 developmental processes and behaviors.

9 241. These injuries include Young Users’ lack of sleep and related health outcomes,  
10 diminished in-person socialization skills, reduced attention, increased hyperactivity, self-  
11 control challenges and interruption of various brain development processes.

12 **1. Mental Health Harms**

13 242. Maximizing children’s time and activities online is linked with worse  
14 psychological well-being in children in concrete and serious ways that cannot be ignored in the  
15 context of the current youth mental health crisis. Defendants have caused Young Users to  
16 experience mental health harms, such as increased levels of depression and anxiety. In addition,  
17 Defendants have caused Young Users to have diminished social capacity and other  
18 developmental skills by virtue of the “opportunity cost” associated with devoting significant  
19 time to social media, rather than partaking in other developmentally important, in-person life  
20 experiences.

21 243. The United States Surgeon General’s May 2023 Advisory, titled “Social Media  
22 and Youth Mental Health” (the “Advisory”), describes some of the harms caused by  
23 Defendants.<sup>206</sup> As the Advisory explains, “[a] Surgeon General’s advisory is a public statement  
24 that calls the American people’s attention to an urgent public health issue . . . Advisories are

25 \_\_\_\_\_  
<sup>205</sup> *Id.*

26 <sup>206</sup> U.S. Dep’t of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S.  
27 Surgeon General’s Advisory 4 (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> (last visited Jan. 27, 2024).

1 reserved for significant public health challenges that require the nation’s immediate awareness  
2 and action.”<sup>207</sup> According to the Surgeon General, Young Users’ social media use is one such  
3 significant public health challenge.

4 244. As the Advisory explains, “[e]xcessive and problematic social media use, such  
5 as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and  
6 feelings of exclusion among adolescents.”<sup>208</sup>

7 245. The Advisory also identifies “changes in brain structure,” “altered neurological  
8 development,” “depressive symptoms, suicidal thoughts, and behaviors,” “attention  
9 deficit/hyperactivity disorder (ADHD,)” and “depression, anxiety and neuroticism,” as  
10 additional harms to Young Users associated with compulsive social media use.<sup>209</sup>

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 247. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 248. By serving content to young users according to variable reward schedules  
20 (discussed *supra*), Meta manipulates dopamine releases in its young users, inducing them to  
21 engage repeatedly with its platforms—much like a gambler at a slot machine.

22  
23  
24 <sup>207</sup> *Id.*

25 <sup>208</sup> *Id.*

26 <sup>209</sup> To be clear, this Complaint is focused on harms arising out of compulsive or “problematic”  
platform use, not harms caused by exposure to any individual, specific pieces or categories of  
content on Defendants’ platforms.

27 <sup>210</sup> [REDACTED]

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[REDACTED]

251.

252. In 2020, a longitudinal study investigated whether “Facebook Addiction Disorder” predicted suicide-related outcomes and found that children and adolescents addicted to Facebook are more likely to engage in self-injurious behavior, such as cutting and suicide.<sup>215</sup>

<sup>211</sup> [REDACTED]

<sup>213</sup> *Id.*

<sup>214</sup> *Id.* (pg. 22)

<sup>215</sup> See, e.g., Julia Brailovskaia, et al., *Positive mental health mediates the relationship between Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00) *Cyberpsychology, Behavior, and Social Networking* (2020), <https://doi.org/10.1089/>

1 Other studies examining the link between these increases found that adolescents who spent more  
2 time on screen activities were significantly more likely to have high depressive symptoms or  
3 have at least one suicide-related outcome, and that the highest levels of depressive symptoms  
4 were reported by adolescents with high social media use and fewer in-person social  
5 interactions.<sup>216</sup>

6 253. Fueled by social media addiction, youth suicide rates are up an alarming 57%.<sup>217</sup>  
7 In the decade leading up to 2020, there was a 40% increase in high school students reporting  
8 persistent sadness and hopelessness,<sup>218</sup> and a 36% increase in those who attempted to take their  
9 own lives. In 2019, one in five high school girls had made a suicide plan.<sup>219</sup> By 2018, suicide  
10 was the second leading cause of death for youth ages 10–24.<sup>220</sup>

11 254. Because of this shortage of psychiatrists and the extent of the youth mental health  
12 crisis fueled by social media addiction, the number of teens and adolescents waiting in  
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16 [cyber.2019.0563](https://doi.org/10.1177/2167702617723376) (last visited Jan. 27, 2024); Jean M. Twenge, et al., *Increases in Depressive*  
17 *Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010*  
18 *and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017),  
<https://doi.org/10.1177/2167702617723376> (last visited Jan. 27, 2024).

19 <sup>216</sup> Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and*  
20 *Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen*  
21 *Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376> (last  
22 visited Jan. 27, 2024); see also Anthony Robinson, et al., *Social comparisons, social media*  
*addiction, and social interaction: An examination of specific social media behaviors related to*  
*major depressive disorder in a millennial population*, *Journal of Applied Biobehavioral*  
*Research* (Jan. 8, 2019), <https://doi.org/10.1111/jabr.12158> (last visited Jan. 27, 2024).

23 <sup>217</sup> *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t of  
24 Health & Hum. Servs. (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf)  
[youth-mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf) (last visited Jan. 27, 2024).

25 <sup>218</sup> *Id.*

26 <sup>219</sup> *Id.*

27 <sup>220</sup> *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental*  
*Health*, *Am. Acad. Pediatrics* (Oct. 19, 2021), [https://www.aap.org/en/advocacy/child-and-](https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/)  
[adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-](https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/)  
[in-child-and-adolescent-mental-health/](https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/) (last visited Jan. 27, 2024).



1 emergency rooms for mental health treatment for suicide nationwide tripled from 2019 to  
2 2021.<sup>221</sup>

## 3 2. Harm to Body Image

4 255. Design features that maximize time spent on social media can also lead to  
5 heightened exposure to negative body image–related content, which increases children’s  
6 susceptibility to poor body image and, consequently, disordered eating. A study of data from  
7 7th and 8th graders published in 2019 in the *International Journal of Eating Disorders*  
8 “suggest[ed] that [social media], particularly platforms with a strong focus on image posting  
9 and viewing, is associated with elevated [disordered eating] cognitions and behaviors in young  
10 adolescents.”<sup>222</sup> Personal stories from sufferers of disordered eating have highlighted the link  
11 to social media.<sup>223</sup>

12 256. Time spent on social media can harm children’s body image and increase their  
13 susceptibility to disordered eating in multiple ways. First, visual social media platforms trigger  
14 social comparison as children compare their appearance to others, including influencers. For  
15 example, an exploratory study performed internally at Meta concluded that 66% of teen girls  
16 on Instagram experienced negative social comparison, and 52% of those who experienced  
17 negative social comparison attributed this experience to viewing images on the platform that  
18 were related to beauty.<sup>224</sup> None of these findings was shared with the public.

19  
20 <sup>221</sup> Stephen Stock et al., *Children languish in emergency rooms awaiting mental health care*,  
21 CBS News (Feb. 27, 2023, 8:02 am), <https://www.cbsnews.com/news/emergency-rooms-children-mental-health/> (last visited Jan. 27, 2024).

22 <sup>222</sup> Simon M. Wilksch et al., *The Relationship Between Social Media Use and Disordered Eating in Young Adolescents*, 53 Int. J. Eat. Disord. 96, 104 (2020).

23 <sup>223</sup> See, e.g., Jennifer Neda John, *Instagram Triggered My Eating Disorder*, Slate (Oct. 14,  
24 2021), <https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger.html> (last visited Jan. 27, 2024); Clea Skopeliti, *‘I Felt My Body Wasn’t Good Enough’: Teenage Troubles with Instagram*, The Guardian (Sept. 18, 2021),  
25 <https://www.theguardian.com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram> (last visited Jan. 27, 2024).

26 <sup>224</sup> *Spence v. Meta Platforms*, N.D. Cal. Case No. 3:22-cv-03294 at 9 (June 6, 2022) (citing  
27 Facebook Papers: “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US” (March. 2020), at pg. 8).

1           257. The documents Frances Haugen shared with the *Wall Street Journal* in 2021  
2 revealed that Facebook has been aware at least since 2019 that “[w]e make body image issues  
3 worse for one in three teen girls.”<sup>225</sup> Haugen has explained how this becomes a vicious  
4 feedback cycle for children: they feel bad about themselves so they go to social media for  
5 distraction in order to self-soothe, only to end up seeing the type of posts that led to their anxiety  
6 in the first place.<sup>226</sup> Negative self-comparison on social media is experienced by cisgender girls  
7 and boys; specifically, boys feel pressure to lose weight and build muscle as a result of the  
8 muscular men they see on social media platforms, including Meta’s platforms. Eliot, a 17-year-  
9 old, told the *New York Times*, “Girls discuss those pressures more, but it’s completely the same  
10 for boys.”<sup>227</sup>

11           258. Second, platforms use algorithms to deliver content related to topics or themes  
12 that the platform believes will maximize a user’s time spent on the platform. These  
13 recommendation systems create “bubbles” or “rabbit holes” of content around a specific theme  
14 and also expose users to increasingly extreme content on a given topic.<sup>228</sup> This has proven true  
15 for negative body image and pro-eating disorder content.<sup>229</sup> Indeed, research shows that social  
16 media platforms’ content selection algorithms have pushed disordered eating and harmful diet

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17 <sup>225</sup> Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company*  
18 *Documents Show*, W.S.J. (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739)  
19 [instagram-is-toxic-for-teen-girls-company-documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739) (last visited Jan. 27,  
20 2024).

21 <sup>226</sup> Allison Slater Tate, *Facebook Whistleblower Frances Haugen Says Parents Make 1 Big*  
22 *Mistake with Social Media*, TODAY (Feb. 7, 2022, 7:06 PM EST),  
23 <https://www.today.com/parents/teens/facebook-whistleblower-frances-haugen-rcna15256> (last  
24 visited Jan. 27, 2024).

25 <sup>227</sup> Alex Hawgood, *What Is ‘Bigorexia’?*, N.Y. Times (Mar. 5, 2022, updated May 17, 2022),  
26 <https://www.nytimes.com/2022/03/05/style/teen-bodybuilding-bigorexia-tiktok.html> (last  
27 visited Jan. 27, 2024).

28 <sup>228</sup> Fairplay, *Designing for Disorder: Instagram’s Pro-eating Disorder Bubble* at 1 (Apr. 2022),  
[https://fairplayforkids.org/wp-content/uploads/2022/04/designing\\_for\\_disorder.pdf](https://fairplayforkids.org/wp-content/uploads/2022/04/designing_for_disorder.pdf) (last  
visited Jan. 27, 2024); *Inside TikTok’s Algorithm: A WSJ Video Investigation*, W.S.J. (July 21,  
2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477> (last  
visited Jan. 27, 2024).

<sup>229</sup> Fairplay, *Designing for Disorder: Instagram’s Pro-eating Disorder Bubble* at 6-7 (Apr.  
2022), [https://fairplayforkids.org/wp-content/uploads/2022/04/designing\\_for\\_disorder.pdf](https://fairplayforkids.org/wp-content/uploads/2022/04/designing_for_disorder.pdf)  
(last visited Jan. 27, 2024).

1 techniques to teenage girls.<sup>230</sup> Girls who express an interest in dieting or dissatisfaction with  
2 their looks are bombarded with content targeted to these insecurities and often pushed to more  
3 extreme content such as pro-anorexia posts and videos. And because platforms know teenage  
4 girls disproportionately engage with this type of content,<sup>231</sup> even minor users who do not express  
5 interest in these topics are often delivered this content.

6 259. The harm that social media does to children’s body image and eating habits has  
7 been widely discussed in public discourse in recent months, but even as of the filing of this  
8 Action, content depicting disordered eating remains widely available to children and profitable  
9 to platforms,<sup>232</sup> and even popular among teens, who are exposed to more of it as they spend  
10 more time online.

### 11 3. “Problematic” Internet Use

12 260. Maximizing time and activities online also fosters “problematic internet use”—  
13 psychologists’ term for excessive internet activity that exhibits addiction, impulsivity, or  
14 compulsion.<sup>233</sup> Indeed, the design features discussed in this Action plainly impede children’s  
15 ability to put their devices down, even when they want to use them less. For example, a high  
16 school student told Common Sense Media,

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21 <sup>230</sup> See generally *id.*; Jim Waterson & Alex Hern, *Instagram ‘Pushes Weight-Loss Messages to Teenagers’*, The Guardian (Jul 19, 2021, 7:01 AM), <https://www.theguardian.com/society/2021/jul/20/instagram-pushes-weight-loss-messages-to-teenagers> (last visited Jan. 27, 2024).

23 <sup>231</sup> See Fabrizio Bert et al., *Risks and Threats of Social Media Websites: Twitter and the Proana Movement*, 19 *Cyberpsychology, Behav. Soc. Networking* (Apr. 2016), <https://pubmed.ncbi.nlm.nih.gov/26991868/> (last visited Jan. 27, 2024).

24 <sup>232</sup> Fairplay, *Designing for Disorder: Instagram’s Pro-eating Disorder Bubble* (Apr. 2022), [https://fairplayforkids.org/wp-content/uploads/2022/04/designing\\_for\\_disorder.pdf](https://fairplayforkids.org/wp-content/uploads/2022/04/designing_for_disorder.pdf) (last visited Jan. 27, 2024).

26 <sup>233</sup> Chloe Wilkinson et al., *Screen Time: The Effects on Children’s Emotional, Social, and Cognitive Development* at 6 (2021), <https://informedfutures.org/screen-time/> (last visited Jan. 27, 2024).

1 One of the challenges I face with social media is getting off it. Once I get on, I  
2 have to really force myself off it because it's so addictive. All I'm doing is  
3 scrolling, but I'm subconsciously looking for an end so I can feel accomplished.  
4 But the scrolling never stops.<sup>234</sup>

5 261. Problematic internet use, in turn, is linked to a host of additional problems. For  
6 example, in one study of 564 children between the ages of 7 and 15 spearheaded by the Child  
7 Mind Institute in New York, researchers found that problematic internet use was positively  
8 associated with depressive disorders, Attention Deficit Hyperactivity Disorder, general  
9 impairment, and increased sleep disturbances.<sup>235</sup> A meta-analysis of peer-reviewed studies  
10 involving cognitive findings associated with problematic internet use in both adults and  
11 adolescents found "firm evidence that PIU . . . is associated with cognitive impairments in motor  
12 inhibitory control, working memory, Stroop attentional inhibition and decision-making."<sup>236</sup>  
13 Another study of over 11,000 European adolescents found that among teens exhibiting  
14 problematic internet use, 33.5% reported moderate to severe depression; 22.2% reported self-  
15 injurious behaviors such as cutting; and 42.3% reported suicidal ideation.<sup>237</sup> The incidence of  
16 attempted suicide was also ten times higher for teens exhibiting problematic internet use than  
17 their peers who exhibited healthy internet use.<sup>238</sup>

18  
19  
20 <sup>234</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec.  
21 17, 2021), [https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-  
22 more-harm-than-good](https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good) (last visited Jan. 27, 2024).

23 <sup>235</sup> Restrepo et al., *Problematic Internet Use in Children and Adolescents: Associations with  
24 Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020),  
25 <https://doi.org/10.1186/s12888-020-02640-x> (last visited Jan. 27, 2024).

26 <sup>236</sup> Konstantinos Ioannidis et al., *Cognitive Deficits in Problematic Internet Use: Meta-Analysis  
27 of 40 Studies*, 215 British Journal of Psychiatry 639, 645 (2019), [https://pubmed.ncbi.nlm.  
28 nih.gov/30784392/](https://pubmed.ncbi.nlm.nih.gov/30784392/) (last visited Jan. 27, 2024).

<sup>237</sup> Michael Kaess et al., *Pathological Internet use among European adolescents:  
psychopathology and self-destructive behaviours*, 23 Eur. Child & Adolescent Psychiatry 1093,  
1096 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4229646/> (last visited Jan. 27,  
2024).

<sup>238</sup> *Id.*

1                   **4.     Harm to Physical Health**

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3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

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7 [REDACTED]

8 [REDACTED]

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10 [REDACTED]

11           264.   Maximizing children’s time spent online at the expense of sleep or movement  
12 also harms children’s physical health.

13           265.   When children are driven to spend more time online, they sleep less—because it  
14 is impossible to be online and sleep at the same time, because stimulation before bedtime  
15 disrupts sleep patterns, and because many of the design features discussed in this Action make  
16 users feel pressured to be connected constantly, and that feeling doesn’t always go away at  
17 nighttime. Indeed, research shows that children who exhibit problematic internet use often  
18 suffer from sleep problems.<sup>241</sup>

19           266.   One-third of teens say that at least once per night, they wake up and check their  
20 phones for something other than the time, such as to check their notifications or social media.<sup>242</sup>

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23 <sup>239</sup> [REDACTED]

<sup>240</sup> *Id.* (pg. 7)

24 <sup>241</sup> Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with*  
25 *Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020),  
<https://doi.org/10.1186/s12888-020-02640-x> (last visited Jan. 27, 2024).

26 <sup>242</sup> Common Sense, *Screens and Sleep: The New Normal: Parents, Teens, Screens, and Sleep*  
27 *in the United States* at 7 (2019), [https://www.common sense media.org/sites/default/files/](https://www.common sense media.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf)  
[research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf](https://www.common sense media.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf)  
28 (last visited Jan. 27, 2024).

1           267. Some teens set alarms in the middle of the night to remind them to check their  
2 notifications or complete video game tasks that are only available for a limited time.<sup>243</sup>

3           268. In addition, screen time before bed is known to inhibit academic performance in  
4 children.<sup>244</sup>

5           269. Teenagers who use social media for more than five hours per day are about 70%  
6 more likely to stay up late on school nights.<sup>245</sup>

7           270. A lack of sleep in teenagers has been linked to inability to concentrate, poor  
8 grades, drowsy-driving incidents, anxiety, depression, thoughts of suicide, and even suicide  
9 attempts.<sup>246</sup>

10          271. Decades of research have shown that more time online is consistently correlated  
11 with children’s risk of obesity, which in turn increases their risk of serious illnesses like  
12 diabetes, high blood pressure, heart disease, and depression.<sup>247</sup> Spending time online displaces  
13 time when children could be engaging in physical activity.<sup>248</sup> Further, when children spend more  
14 time online, they are exposed to more advertisements for unhealthy products,<sup>249</sup> which are  
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17 <sup>243</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults  
18 Are Missing)*, MIT Press, at 31 (2022).

19 <sup>244</sup> Chloe Wilkinson, et al., *Screen Time: The Effects on Children’s Emotional, Social, and  
20 Cognitive Development* at 6 (2021), <https://informedfutures.org/screen-time/> (last visited Jan.  
21 27, 2024).

22 <sup>245</sup> *Heavy Social Media Use Linked to Poor Sleep*, BBC News (Oct. 23, 2019),  
23 <https://www.bbc.com/news/health-50140111> (last visited Jan. 27, 2024).

24 <sup>246</sup> *Among teens, sleep deprivation an epidemic*, Stanford News Ctr. (Oct. 8, 2015),  
25 [https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-  
26 epidemic.html](https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html) (last visited Jan. 27, 2024).

27 <sup>247</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
28 (2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (Last visited Jan. 27,  
2024).

<sup>248</sup> E de Jong, et al., *Association Between TV Viewing, Computer Use and Overweight,  
Determinants and Competing Activities of Screen Time in 4- to 13-Year-Old Children*, 37 *Int’l  
J. Obesity* 47, 52 (2013), <https://pubmed.ncbi.nlm.nih.gov/22158265/> (last visited Jan. 27,  
2024).

<sup>249</sup> *Id.*

1 heavily targeted toward children.<sup>250</sup> In addition, poor sleep quality—which, as discussed  
2 above, is associated with problematic internet use—increases the risk of childhood obesity by  
3 20%.<sup>251</sup> Broadly, the harms of social media use include increased rates of major depressive  
4 episodes, anxiety, eating disorders, body image problems, sleep disturbances, suicidal ideation,  
5 and suicide attempts.<sup>252</sup>

## 6 5. Privacy Harms

7 272. Design features that maximize children’s time and activities online also  
8 exacerbate privacy harms. Like all users, children are tracked as they engage in online  
9 activities.<sup>253</sup> Data about what children do online is collected by a vast network that includes  
10 platforms, marketers, and third-party data brokers all over the world that use the information  
11 apps, websites, and other services collect and retain about children to profile them, make  
12 predictions about their choices, and influence their behavior. Children do not developmentally  
13 understand digital privacy. The constant surveillance they are subjected to as a result of these  
14 techniques is manipulative, limits creativity and experimentation, and perpetuates  
15 discrimination, substantially harming children and teens.

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18 <sup>250</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
19 (2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (last visited Jan. 27,  
20 2024).

21 <sup>251</sup> Yanhui Wu, et al., *Short Sleep Duration and Obesity Among Children: A Systematic Review*  
22 *and Meta-Analysis of Prospective Studies*, 11 *Obesity Rsch. & Clinical Prac.* 140, 148 (2015),  
23 <https://pubmed.ncbi.nlm.nih.gov/27269366/> (last visited Jan. 27, 2024); Michelle A. Miller et  
24 al., *Sleep Duration and Incidence of Obesity in Infants, Children, and Adolescents: A Systematic*  
25 *Review and Meta-Analysis of Prospective Studies*, 41 *Sleep* 1, 15 (2018),  
26 <https://pubmed.ncbi.nlm.nih.gov/29401314/> (last visited Jan. 27, 2024).

27 <sup>252</sup> See, e.g., Jonothan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative*  
28 *Review*, (New York University, unpublished manuscript), [tinyurl.com/](https://tinyurl.com/SocialMediaMentalHealthReview)  
[SocialMediaMentalHealthReview](https://tinyurl.com/SocialMediaMentalHealthReview) (last visited Jan. 27, 2024); Jacqueline Nesi et al., *Handbook*  
*of Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

29 <sup>253</sup> See, e.g., Reyes, et al., “*Won’t Somebody Think of the Children?*” *Examining COPPA*  
*Compliance at Scale*, 3 *Proceedings on Privacy Enhancing Technologies* 63, at 77 (2018),  
<https://petsymposium.org/2018/files/papers/issue3/popets-2018-0021.pdf> (finding that out of  
5,855 child-directed apps, roughly 57% were collecting personal information in potential  
violation of the Children’s Online Privacy Protection Act) (last visited Jan. 27, 2024).

1           273. Invasion of privacy has been recognized as a common law tort for over a century.  
2 *See Matera v. Google Inc.*, 15-CV-0402, 2016 WL 5339806, at \*10 (N.D. Cal, Sept. 23, 2016)  
3 (citing Restatement (Second) of Torts §§ 652A-I for the proposition that “the right to privacy  
4 was first accepted by an American court in 1905, and ‘a right to privacy is now recognized in  
5 the great majority of the American jurisdictions that have considered the question”); *see also*,  
6 Restatement (Second) of Torts § 652B and defining an intrusion claim as follows: “One who  
7 intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his  
8 private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the  
9 intrusion would be highly offensive to a reasonable person.”

10           274. As Justice Brandeis explained in his seminal article, *The Right to Privacy*, “[t]he  
11 common law secures to each individual the right of determining, ordinarily, to what extent his  
12 thoughts, sentiments, and emotions shall be communicated to others.” Samuel D. Warren &  
13 Louis Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193, 198 (1890). The Supreme Court  
14 similarly recognized the primacy of privacy rights, explaining that the Constitution operates in  
15 the shadow of a “right to privacy older than the Bill of Rights.” *Griswold v. Connecticut*, 381  
16 U.S. 479, 486 (1965).

17           275. More recently, the Supreme Court explicitly recognized the reasonable  
18 expectation of privacy an individual has in her cell phone, and the Personal Data generated  
19 therefrom, in its opinion in *Carpenter v. United States*, 138 S. Ct. 2206 (2018). There, the Court  
20 held that continued access of an individual’s cell phone location data constituted a search under  
21 the Fourth Amendment because “a cell phone—almost a “feature of human anatomy[.]”—tracks  
22 nearly exactly the movements of its owner . . . A cell phone faithfully follows its owner beyond  
23 public thoroughfares and into private residences, doctor’s offices, political headquarters, and  
24 other potentially revealing locales . . . Accordingly, when the Government tracks the location  
25 of a cell phone it achieves near perfect surveillance, as if it had attached an ankle monitor to the  
26 phone’s user.” *Id.* at 2218 (internal citations omitted).



1           276. And, even more recently, the Northern District of California, in an order denying  
2 a motion to dismiss an intrusion upon seclusion claim for the exfiltration of children’s personal  
3 data in different mobile apps, held that “current privacy expectations are developing, to say the  
4 least, with respect to a key issue raised in these cases – whether the data subject owns and  
5 controls his or her personal information, and whether a commercial entity that secretly harvests  
6 it commits a highly offensive or egregious act.” *McDonald v. Killoo ApS*, 385 F. Supp.3d 1022,  
7 1035 (N.D. Cal. 2019). The *McDonald* court’s reasoning was subsequently adopted in the  
8 District of New Mexico in analogous litigation. *See New Mexico ex rel. Balderas v. Tiny Lab*  
9 *Prods.*, 457 F. Supp. 3d 1103, 1127 (D.N.M. 2020), *on reconsideration*, No. 18-854 MV/JFR,  
10 2021 WL 354003 (D.N.M. Feb. 2, 2021).

11           277. It is precisely because of Facebook’s capacity for “near perfect surveillance” that  
12 courts have consistently held that time-honored legal principles recognizing a right to privacy  
13 in one’s affairs naturally apply to online monitoring. Defendants’ unlawful intrusion into their  
14 minor users’ privacy is made even more egregious and offensive by the fact that the Defendants  
15 are targeting and collecting *children’s* information, without obtaining parental consent. The  
16 conduct described herein violates children’s expectations of privacy, as well as a parent’s  
17 inherent right to protect his or her child and set the parameters of what, when, and how  
18 information pertaining to the child will be obtained. Parents’ interest in the care, custody, and  
19 control of their children is perhaps the oldest of the fundamental liberty interests recognized by  
20 society. The history of Western civilization reflects a strong tradition of parental concern for  
21 the nurture and upbringing of children in light of children’s vulnerable predispositions. Our  
22 society recognizes that parents should maintain control over who interacts with their children  
23 and how, in order to ensure the safe and fair treatment of their children.

24                           **6. Risk to Physical Safety**

25           278. Finally, Defendants’ Facebook platform provides fertile ground for child  
26 predators. The National Center on Sexual Exploitation has placed Meta on its “Dirty Dozen”  
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1 list as recently as 2022, citing Facebook as one of the main contributors for facilitating child  
2 sexual abuse, sex trafficking, and the grooming of young children.<sup>254</sup>

3 279. In May 2021, the child protection non-profit Thorn published quantitative  
4 research, based on data collected in 2020.<sup>255</sup> According to this report, Facebook ranked at  
5 the top among platforms for various harms caused to minors. Thorn found the following  
6 regarding harm on Facebook:

- 7 • 17% of surveyed minors reported having had a potentially harmful online  
8 experience on Facebook.
- 9 • 10% of all respondents said they have had an online sexual interaction, which  
10 includes being asked to send a nude photo or video, go ‘on cam’ with a sexually explicit stream,  
11 being sent a sexually explicit photo (of themselves or another child), or sexually explicit  
12 messages, etc.

13 280. Facebook is uniquely positioned to place children in contact with predators,  
14 without the knowledge of their parents, and to date, they have operated with flagrant disregard  
15 for the safety of their child users.

16 **IV. META ENGAGES IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING**  
17 **MATERIAL FACTS ABOUT FACEBOOK.**

18 281. Under the NDTPA, a business engages in deceptive conduct when its acts,  
19 statements, or omissions have a capacity or tendency to deceive whether that is intentional or  
20 not.<sup>256</sup>

21 282. For years, [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 <sup>254</sup> <https://endsexualexploitation.org/meta/> (last visited Jan. 27, 2024).

25 <sup>255</sup> Thorn, *Responding to Online Threats: Minors’ Perspectives on Disclosing, Reporting, and*  
26 *Blocking Findings from 2020 quantitative research among 9–17 year olds*, (May 2021),  
[https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats\\_2021-Full-Report.pdf?utm\\_campaign=H2D%20report&utm\\_source=website](https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website) (last visited Jan. 27, 2024).

27 <sup>256</sup> *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4.

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[REDACTED]

**A. Meta Did Not Disclose Its Knowledge That [REDACTED]**

283. Meta has long known that its platforms are likely harming a significant portion of its user-base.

For instance, [REDACTED]

[REDACTED]

<sup>257</sup> [REDACTED] (pg. 42)

<sup>258</sup> *Id.* (pg. 41)

<sup>259</sup> *Id.* (pg. 46)

<sup>260</sup> *Id.*

<sup>261</sup> *Id.* (pg. 24)

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[REDACTED]

<sup>262</sup> [REDACTED]

[REDACTED]

<sup>264</sup> See, e.g., Julia Brailovskaia, et al., *Positive mental health mediates the relationship between Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00) *Cyberpsychology, Behavior, and Social Networking* (2020), <https://doi.org/10.1089/cyber.2019.0563> (last visited Jan. 27, 2024); Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2018).

<sup>265</sup> Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen*

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[REDACTED]

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*Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376> (last visited Jan. 27, 2024); see also Anthony Robinson, et al., *Social comparisons, social media addiction, and social interaction: An examination of specific social media behaviors related to major depressive disorder in a millennial population*, *Journal of Applied Biobehavioral Research* (Jan. 8, 2019), <https://doi.org/10.1111/jabr.12158> (last visited Jan. 27, 2024).

<sup>266</sup> [REDACTED]

<sup>270</sup> *Id.*

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[REDACTED]

<sup>271</sup> *Id.*

<sup>272</sup> [REDACTED]

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[REDACTED]

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<sup>274</sup> On information and belief, certain subsets of Facebook and Instagram users are randomly designated as “minimum integrity holdout” and “well-being holdout” accounts—which are afforded even fewer protections from harmful content than most Meta user accounts—for their utility as research control groups. Meta’s failure to publicly disclose this fact represents a material omission, as Meta’s failure to disclose the information likely misled consumers and consequently influenced consumers’ decision-making about their use of Meta’s platforms.

<sup>275</sup> [REDACTED] (pg. 3)

<sup>276</sup> *Id.* (pg. 21)

<sup>277</sup> [REDACTED]

<sup>278</sup> *Id.*

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[REDACTED] imposed by Facebook  
and others.

1. Meta's [REDACTED].

298. Although Meta understood [REDACTED]  
[REDACTED] to reduce those  
harms.

As early as [REDACTED]

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<sup>279</sup> [REDACTED]  
<sup>280</sup> *Id.*  
<sup>281</sup> *Id.*  
<sup>282</sup> *Id.*



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[REDACTED]

283 [REDACTED]  
284 *Id.*  
285 [REDACTED]  
286 *Id.*

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[REDACTED]

287 [REDACTED]

<sup>290</sup> *Id.*

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[REDACTED]

321.

[REDACTED]

**2. Meta**

As described above, Meta

[REDACTED]

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<sup>291</sup> [REDACTED]

<sup>293</sup> *Id.* (emphasis added)

<sup>294</sup> [REDACTED]

<sup>295</sup> *Id.*

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24 <sup>296</sup> [REDACTED]  
25 <sup>297</sup> *Id.*  
26 <sup>298</sup> [REDACTED]  
27 <sup>299</sup> *Id.*  
28 <sup>300</sup> *Id.*

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[REDACTED]

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332. On information and belief, Meta’s internal culture of secrecy was designed to keep consumers, parents, guardians, and policy makers in the dark about the harm Meta was causing its users, including Facebook users.

**3. Meta Did Not Disclose Its Knowledge That [REDACTED] Young Users.**

[REDACTED] Meta’s decision-making [REDACTED]

301 [REDACTED]

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[REDACTED]

<sup>303</sup> [REDACTED]

<sup>304</sup> [REDACTED]

<sup>305</sup> *Id.* (pg. 3)

<sup>306</sup> *Id.* (pg. 20)

<sup>307</sup> [REDACTED]

<sup>308</sup> *Id.*

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[REDACTED]

<sup>309</sup> *Id.*  
<sup>310</sup> [REDACTED]  
<sup>311</sup> [REDACTED]

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[REDACTED]

<sup>314</sup> *Id.* (pg. 10-11)  
<sup>315</sup> *Id.* (pg. 9)  
<sup>316</sup> *Id.* (pg. 9-10) (emphasis added)



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[REDACTED]

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<sup>317</sup> *Id.* (pg. 9)  
<sup>318</sup> [REDACTED]  
<sup>320</sup> *Id.*  
<sup>321</sup> [REDACTED]  
<sup>322</sup> *Id.*

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[REDACTED]

363. Upon information and belief, Meta never publicly disclosed

[REDACTED]

**B. Meta** [REDACTED]

**1. Meta's Community Standards Enforcement Reports** [REDACTED]

364. Through public representations, Meta creates the impression that Facebook is a safe platform on which harmful content is rarely encountered.

365. For example, Meta broadcasts that message through its Community Standards Enforcement Reports (“the Reports”), which the Company publishes quarterly on its online “Transparency Center” and amplifies through press releases.

366. The Reports describe the percentage of content posted on Facebook that Meta removes for violating Facebook’s community standards. Meta often refers to that percentage as its “prevalence” metric.

367. Through [REDACTED]

368. The Reports create the impression that because Meta aggressively enforces platform community standards—thereby reducing the “prevalence” of community-standards-violating content—Facebook is a safe product that only rarely exposes users (including Young Users) to harmful content.

<sup>323</sup> *Id.*

<sup>324</sup> [REDACTED]

1 369. However, this is a false equivalency intended to sow confusion. As Meta well  
2 understands, the prevalence of community-standards-violating content, which is often quite  
3 low, is not the same as the actual prevalence of *harmful content*, which is rampant on Facebook.

4 370. The “community standards,” which are drafted by Meta, address only a narrow  
5 subset of harmful content; indeed, Meta purposely designed those standards narrowly so that  
6 they are rarely violated.

7 371. This allows Meta to expressly represent that Facebook is safe due to enforcement  
8 of these community standards. But this simply is artful misclassification—enabling Meta to  
9 engage in a conversation that purposely excludes and ignores the larger swath of harmful  
10 content on Facebook.

11 [REDACTED] For example, [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 373. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 374. This representation—publicly accessible on Meta’s online Transparency  
19 Center—creates the impression that through the Reports, Meta is disclosing its information  
20 most relevant to the safety of Facebook and the incidence of harmful content on that platform.  
21 In other words, Meta posts these reports to its online Transparency Center so that users, parents,  
22 and guardians who visit that site will wrongly believe that Young Users are unlikely to  
23 experience harm on Facebook.

24  
25 <sup>325</sup> [REDACTED]

26 <sup>326</sup> <https://transparency.fb.com/data/community-standards-enforcement/> (last visited Jan. 27,  
2024).

27 <sup>327</sup> [REDACTED]

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1           375. Indeed, documents show that Meta intended the Reports to create that exact  
2 (mis)understanding. In [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6           One such [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
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24 [REDACTED]  
25 <sup>329</sup> *Id.*  
26 <sup>330</sup> *Id.*  
27 <sup>331</sup> [REDACTED]  
28 [REDACTED]

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[REDACTED]

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334 *Id.*

335 [REDACTED]

[REDACTED]

337 *Id.*

338 *Id.*

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[REDACTED]

390.

[REDACTED] Meta employs “sleights of hand” in its enforcement policies, mechanisms, measurement, and reporting. As a recent Wall Street Journal exposé explains, “Meta had come to approach governing user behavior as an overwhelmingly automated process,” meaning that it relied on machine learning to (1) identify and (2) handle objectionable content.<sup>341</sup>

391. But this also meant that Meta “shifted resources away from” any human-led review, a shift which also included paying less attention to user-reported harmful content.<sup>342</sup> Meta “added steps to the reporting process” in 2019 in an effort “[t]o discourage users from filing reports.”<sup>343</sup>

392. This move to automated review created two critical problems: first, “[t]he systems didn’t catch anywhere near the majority of banned content—only the majority of what the company ultimately removed,” and second, “[a]s a data scientist warned Guy Rosen,

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<sup>339</sup> *Id.*  
<sup>340</sup> *Id.*  
<sup>341</sup> Jeff Horwitz, *His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like*, The Wall Street Journal (Nov. 2, 2023), <https://www.wsj.com/tech/instagram-facebook-teens-harassment-safety-5d991be1> (last visited Jan. 27, 2024).  
<sup>342</sup> *Id.*  
<sup>343</sup> *Id.*

1 Facebook’s head of integrity at the time, Meta’s classifiers were reliable enough to remove  
2 only a low single-digit percentage of hate speech with any degree of precision.”<sup>344</sup>

3 393. “There’s a grading-your-own-homework problem,” said Zvika Krieger, a former  
4 director of responsible innovation at Meta who worked with the Well-Being Team. “Meta  
5 defines what constitutes harmful content, so it shapes the discussion of how successful it is at  
6 dealing with it.”<sup>345</sup>

7 394. In other words, contrary to the impression the Reports created, Meta users in  
8 general—and Young Users in particular—regularly encounter content related to self-harm,  
9 bullying, and harassment on the Company’s platforms. Through its Reports, Meta affirmatively,  
10 drastically, and materially misrepresents the actual prevalence of such harms.

11 2. Meta’s [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23

24

25 <sup>344</sup> *Id.* (emphasis added).

26 <sup>345</sup> *Id.*

27 <sup>346</sup> [REDACTED].

28 <sup>347</sup> *Id.*

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[REDACTED]

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<sup>348</sup> *Id.*  
<sup>349</sup> *Id.*  
<sup>350</sup> *Id.*  
<sup>351</sup> *Id.*  
<sup>352</sup> *Id.*



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[REDACTED]

408.

C. **Meta Deceived Consumers by** [REDACTED]

409. Meta has affirmatively deceived consumers by promoting and maintaining inaccurate time-tracking tools on Meta platforms.

410. On August 1, 2018, Meta announced “new tools to help people manage their time on Facebook.” The announcement touted platform-specific activity dashboards, daily use reminders, and a push notification-limiting tool engineered “based on collaboration and inspiration from leading mental health experts and organizations, academics, [Meta’s] own extensive research and feedback from [Meta’s] community.”<sup>356</sup>

<sup>353</sup> *Id.*

<sup>354</sup> [REDACTED]

<sup>355</sup> [REDACTED] (pg. 2)

<sup>356</sup> Ameet Ranadive, *New Tools to Manage Your Time on Facebook and Instagram*, Facebook (Aug. 1, 2018), <https://about.fb.com/news/2018/08/manage-your-time/#:~:text=To%20access%20the%20tools%2C%20go,total%20time%20for%20that%20day.> (Last visited Jan. 27, 2024).

1           411. In that announcement, Meta acknowledged that it has “a responsibility to help  
2 people understand how much time they spend on [Meta] platforms so they can better manage  
3 their experience.” Meta stated that it hopes “that these tools give people more control over the  
4 time they spend on our platforms and also foster conversations between parents and teens about  
5 the online habits that are right for them.”<sup>357</sup>

6           ██████████ Through these public statements and others, Meta led Nevada consumers,  
7 parents, and guardians to believe they could rely on Meta’s so-called ██████████

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26 <sup>357</sup> *Id.*

27 <sup>358</sup> ██████████  
28 ██████████

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[Redacted]

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[Redacted] (pgs. 2-3)  
361 [Redacted]

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[REDACTED]

421.

**D. Through Public Misrepresentations, Meta Leads the Public to Trust That**

422. The Time Spent episode is not the only time Meta has prioritized winning trust over telling the truth. To the contrary, Meta has repeatedly misrepresented facts about its business to convince consumers, parents, and guardians that Meta can be trusted to keep Young Users safe on Instagram.

**1. To Engender Public Trust, Meta Created the False Impression That It Does Not**

To downplay concerns that its platforms are addictive, Meta has repeatedly created the public impression that it

363 [REDACTED]

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[REDACTED]

431. [REDACTED] Meta affirmatively misled the public—including Nevada consumers, parents, and guardians—about the Company’s motivations and internal business practices. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that works to capture ever-increasing shares of users’ time.

**2. Meta Deceptively Testified That It Age-Gates Content Inappropriate for Young Users**

432. Meta also cultivated the impression that it protects Young Users from harmful or inappropriate content on Facebook.

[REDACTED]

365

(pgs. 2, 5)

1           433. In the opening remarks to her September 2021 Congressional testimony about  
2 the mental health effects of Meta’s platforms, Antigone Davis—Meta’s Global Head of  
3 Safety—told lawmakers: “We have put in place multiple protections to create safe and age-  
4 appropriate experiences for people between the ages of 13 and 17.”

5           434. During subsequent questioning from senators, Davis explained that “[w]hen it  
6 comes to those between 13 and 17, we consult with experts to ensure that our policies properly  
7 account for their presence, for example, by age-gating content.” Davis added, Meta does not  
8 “allow young people to see certain types of content. And we have age gating around certain  
9 types of content.”<sup>368</sup>

10          435. Davis also specifically testified that Meta does not “direct people towards  
11 content that promotes eating disorders.”<sup>369</sup>

12          436. Through Davis’s testimony, Meta led the public to believe that Meta successfully  
13 age-gates content that is inappropriate or harmful for Young Users.

14           But [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23          440. [REDACTED]  
24 [REDACTED]

25 <sup>368</sup> <https://www.rev.com/blog/transcripts/facebook-head-of-safety-testimony-on-mental-health-effects-full-senate-hearing-transcript> (last visited Jan. 27, 2024).

26 <sup>369</sup> *Id.*

27 <sup>370</sup> [REDACTED]

1 [REDACTED] This is a material misrepresentation, as reasonable  
2 consumers, parents, and guardians would be less likely to trust a platform that exposes users to  
3 age-inappropriate or harmful content.

4  
5 **3. Meta Deceptively Testified That It Does Not Place a Monetary Value**  
6 **on Young Users**

7 441. In a similar vein, Meta deceptively led the public to believe that it does not place  
8 a monetary value on Young Users' use of Meta platforms. Meta created the impression that it  
9 does not discuss its youngest users in terms of their financial value to the Company.

10 442. For example, during Davis's September 2021 Congressional testimony, Senator  
11 Amy Klobuchar asked Davis for the monetary value that Meta places upon a young user's  
12 lifetime use of Meta products.

13 443. Davis responded, "That's not how we think about building products for young  
14 people . . . It's just not the way we think about it."

15 444. Through Davis's testimony, Meta led the public to believe that it does not place  
16 a monetary value on Young Users' use of Meta's platforms.

17 [REDACTED] But [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 447. [REDACTED]  
23 [REDACTED]  
24 [REDACTED] This is a material misrepresentation, as

25 reasonable consumers, parents, and guardians would be less likely to trust a platform that

26  
27 <sup>371</sup> [REDACTED]

1 calculates the monetary value that [REDACTED]  
2 [REDACTED]

3  
4 **4. Meta Created the Misleading Impression That It Was Not**  
5 [REDACTED].

6 448. Through Congressional testimony, Meta deceptively led the public to believe  
7 that it had not changed its internal data and research access policies in response to The Wall  
8 Street Journal’s 2021 coverage of Meta’s internal research findings. Meta wanted to create that  
9 impression so consumers, parents, and guardians would believe that the Company had no reason  
10 to lock down internal information about Instagram’s mental health impacts.

11 449. During Davis’s September 2021 Congressional testimony, Tennessee Senator  
12 Marsha Blackburn asked Davis “how are you restricting access to data internally? Have your  
13 policies changed since The Wall Street Journal articles [describing the Meta’s internal well-  
14 being research]?”

15 450. Davis succinctly responded, “Senator, not that I am—not that I’m aware of  
16 certainly.”

17 451. Through Davis’s testimony, Meta led the public to believe Meta did not change  
18 its internal access policies—such as restricting internal access to data and research—following  
19 The Wall Street Journal’s coverage of Meta’s internal well-being research.

20 [REDACTED] But [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

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27 <sup>372</sup> [REDACTED]  
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[REDACTED]

455.

**5. Meta Created the Impression That Its Platforms Are Not [REDACTED]**

456. Through Congressional testimony, Meta led the public to believe that its platforms are not addictive, despite the Company’s internal research to the contrary.

457. In her September 2021 Congressional testimony, Davis said that Meta does not build its products to be addictive and disputed the addictive nature of Meta’s products.

458. Similarly, in Congressional testimony from December 2021, Adam Mosseri said, “I don’t believe that research suggests that our products are addictive.”

459. Through Davis and Mosseri’s testimony, Meta led the public to believe Meta’s platforms are not addictive.

[REDACTED] In fact, as described in detail above, [REDACTED]

461.

[REDACTED] This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust an addictive platform.

<sup>373</sup> *Id.*

1 V. META ACTIVELY [REDACTED]  
2 [REDACTED]

3 462. Meta's disregard for the health and well-being of its Young Users is even more  
4 repugnant because its *Youngest* Users include children under age 13, who are prohibited from  
5 having accounts on Meta's platforms without verified consent from parents prior to collecting  
6 personal information of those under age 13.

7 463. Meta routinely obtains actual knowledge that its Youngest Users are on Meta's  
8 platforms without parental consent.

9 464. Meta surreptitiously and unfairly targets very young individuals to become users  
10 of its Platforms, including Facebook, making the platforms directed to children.

11 [REDACTED] Instead of obtaining verifiable parental consent, Meta [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

26 374 [REDACTED]  
27 [REDACTED]

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[REDACTED]

376 [REDACTED]

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[REDACTED]

[REDACTED]

380 <https://www.facebook.com/dating> (last visited Jan. 27, 2024).

381 [REDACTED]

382 [REDACTED]

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[REDACTED]

475.

476. Upon information and belief, Meta has confirmed its knowledge of specific under age 13 user accounts through its review of data generated by Meta's age-estimation algorithms confirming that millions of individual Facebook accounts belong to children under age 13.

477. In sum,

[REDACTED]

[REDACTED]

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1 478. Children under the age of 13 are particularly vulnerable to the harms caused by  
2 Defendants’ social media platforms, and Meta’s conduct violates longstanding societal norms  
3 meant to protect children, and to preserve parents’ autonomy to ensure the same.

4 **CAUSES OF ACTION**

5 **COUNT I: DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS**  
6 **IN VIOLATION OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT**  
7 **(N.R.S. §§ 598.0903 THROUGH 598.0999)**

8 479. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
9 fully set forth herein.

10 480. The Attorney General is authorized to bring an action—independently in the  
11 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
12 Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.*, NRS 598.0963  
13 and 598.0999.

14 481. At all times relevant herein, the Defendants violated the Nevada Deceptive Trade  
15 Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing deceptive acts  
16 or practices, in the conduct of commerce, which are violations of the Act.

17 482. The Attorney General is authorized to bring an action in the name of the State to  
18 remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper  
19 in this Court because Defendants are using, have used, and/or are about to use practices that are  
20 unlawful under the Act. NRS § 598.0915(5).

21 483. Defendants willfully committed deceptive trade practices because of false  
22 representations as well as omission of material facts. *See* NRS § 598.0915(5); *see also* §§  
23 598.0915(2) (“[k]nowingly makes a false representation as to the source, sponsorship,  
24 approval or certification of goods or services for sale...”), 598.0915(3) (“[k]nowingly makes  
25 a false representation as to affiliation, connection, association with or certification by another  
26 person”), and 598.0915(15) (“[k]nowingly makes any other false representation in a  
27 transaction”).

1 484. Defendants acted knowingly under Nevada law, which states that under the  
2 NDTPA, “‘knowingly’ means that the defendant is aware that the facts exist that constitute the  
3 act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, \*2.  
4 Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that the defendant  
5 intend to deceive with the act or omission, or even know of the prohibition against the act or  
6 omission, but simply that the defendant is aware that the facts exist that constitute the act or  
7 omission.” *Id.* at \*8 (alteration original).

8 485. As set forth in Sections IV and V, *supra*, Defendants knowingly failed to  
9 disclose the material facts concerning the true nature of the risks of harm posed to Young Users  
10 on Facebook.

11 486. As set forth in Sections IV and V, *supra*, Defendants knowingly misrepresented  
12 to regulators and the public that Facebook was safe for Young Users, and prioritized the  
13 wellbeing of Young Users, when in fact Defendants knew that those representations were false.

14 487. As set forth in Sections IV and V, *supra*, Defendants, at all times relevant to this  
15 Complaint, willfully violated the Deceptive Trade Practices Act by committing deceptive trade  
16 practices by representing that Facebook “ha[s] ... characteristics, ... uses, [or] benefits” that it  
17 does not have. NRS § 598.0915(5).

18 488. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
19 deceptive trade practices by causing confusion or misunderstanding as to the safety and risks  
20 associated with the Facebook social media platform. NRS § 598.0915(2).

21 489. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
22 deceptive trade practices by making “false representation as to [the] affiliation, connection,  
23 association with or certification” of Facebook. NRS § 598.0915(3).

24 490. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
25 deceptive trade practices by representing that Facebook was “of a particular standard, quality  
26 or grade” (to wit, designed to be safe for Young Users), despite knowing that this was not true.  
27 NRS § 598.0915(7).

1           491. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
2 deceptive trade practices by representing that Facebook is safe and not harmful to Young Users’  
3 wellbeing when such representations were untrue, false, and misleading. NRS § 598.0915(15).

4           492. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
5 deceptive trade practices by using exaggeration and/or ambiguity as to material facts and  
6 omitting material facts, which had a tendency to deceive and/or did in fact deceive. NRS §  
7 598.0915(15).

8           493. As set forth in Section V, *supra*, Defendants willfully committed further  
9 deceptive trade practices by violating one or more laws relating to the sale or lease of goods or  
10 services. NRS § 598.0923(1)(c).

11           494. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
12 deceptive trade practices by failing to disclose a material fact in connection with the sale or  
13 lease of goods or services. Nev. Rev. Stat. Ann. § 598.0923(1)(b).

14           495. As set forth in Sections IV, *supra*, Defendants willfully committed further  
15 deceptive trade practices by making false assertions of scientific, clinical or quantifiable facts  
16 in its advertisements and public statements which would cause a reasonable person to believe  
17 that such assertions were true. NRS § 598.0925(1)(a).

18           496. Defendants’ deceptive representations, concealments, and omissions were  
19 knowingly made in connection with trade or commerce, were reasonably calculated to deceive  
20 the public and the State, were statements that may deceive or tend to deceive, were willfully  
21 used to deceive the public and the State, and did in fact deceive the public and the State.

22           497. As described more specifically above, Defendants’ representations,  
23 concealments, and omissions constitute a willful course of conduct which continues to this day.  
24 Unless enjoined from doing so, Defendants will continue to violate the Nevada Deceptive Trade  
25 Practices Act.

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1           498. But for these representations, concealments, and omissions of material fact,  
2 Nevada’s Young User citizens (and their families) would not have suffered the harms detailed  
3 herein.

4           499. Defendants’ deceptive trade practices are willful and subject to a civil penalty  
5 and equitable relief. NRS § 598.0999.

6           500. Because Defendants’ deceptive trade practices are toward minors, Defendants  
7 are subject to additional civil penalties and equitable relief. NRS § 598.09735.

8           501. Each exposure of a Nevada Young User to Facebook resulting from the  
9 aforementioned conduct of each Defendant constitutes a separate violation of the Nevada  
10 Deceptive Trade Practices Act.

11           502. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law,  
12 including *inter alia* injunctive relief and all recoverable penalties under all sections of the  
13 Deceptive Trade Practices Act including all civil penalties per each violation, attorney fees and  
14 costs, and pre- and post-judgment interest.

15           **COUNT II: UNCONSCIONABLE ACTS OR PRACTICES BY DEFENDANTS**  
16           **IN VIOLATION OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT**  
17           **(N.R.S. §§ 598.0903 THROUGH 598.0999)**

18           503. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
19 fully set forth herein.

20           504. The Attorney General is authorized to bring an action—independently in the  
21 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
22 Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.*, NRS 598.0963  
23 and 598.0999.

24           505. At all times relevant herein, Defendants violated the Nevada Deceptive Trade  
25 Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing unconscionable  
26 trade practices, in the conduct of commerce, which are violations of the Act.

27           506. The Attorney General is authorized to bring an action in the name of the State to  
28 remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper



1 in this Court because Defendants are using, have used, and/or are about to use practices that are  
2 unlawful under the Act. NRS § 598.0915(5).

3 507. As set forth in Sections I-III, *supra*, Defendants willfully committed  
4 unconscionable trade practices in designing and deploying the Design Elements on the  
5 Facebook social media platform. Such conduct violates the NDTPA’s prohibition of knowingly  
6 using “an unconscionable practice in a transaction.” NRS § 598.0923(1)(e).

7 508. Defendants acted knowingly under Nevada law, which states that under the  
8 NDTPA, “‘knowingly’ means that the defendant is aware that the facts exist that constitute the  
9 act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, \*2.  
10 Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that the defendant  
11 intend to deceive with the act or omission, or even know of the prohibition against the act or  
12 omission, but simply that the defendant is aware that the facts exist that constitute the act or  
13 omission.” *Id.* at \*8 (alteration original).

14 509. The Design Elements identified in Sections I-III, *supra*, are “unconscionable  
15 trade practices” because they (1) “[t]ake[] advantage of the lack of knowledge, ability,  
16 experience or capacity of the consumer to a grossly unfair degree;” and (2) “[r]esult[] in a gross  
17 disparity between the value received and the consideration paid, in a transaction involving  
18 transfer of consideration.” NRS § 598.0923(2)(b)(1)-(2).

19 510. NRS § 598.0923(2)(b)(1): As discussed, *supra*, the Design Elements represent a  
20 vast asymmetry in sophistication and knowledge between Defendants, on the one hand, who  
21 have devoted extensive time, energy, and resources in identifying ways in which Young Users  
22 may be manipulated and exploited into compulsive use of Facebook; and Young Users (and  
23 their caretakers), on the other hand, who do not—and could not be expected to—have the same  
24 fundamental and sophisticated knowledge of behavioral psychology, biology of young people,  
25 and social media platform design principles. This asymmetry in knowledge is compounded by  
26 the fact that Defendants knowingly and intentionally hide, obscure, or minimize critical  
27

1 information, preventing public access to anything that might be damaging to their reputation  
2 and that would alert the public to the harms identified herein.

3 511. NRS § 598.0923(2)(b)(2): Further, as discussed, *supra*, use of the Facebook  
4 platform is a transaction that involves consideration (exemplified by the fact that Defendants  
5 seek to bind Young Users to, *inter alia*, a contract in the form of Facebook’s Terms of Use).  
6 Due to the harms identified herein that afflict Young Users as a result of using Facebook, and  
7 which are the result of the Design Elements deployed by Facebook for purposes of inducing  
8 compulsive use of the platform, the disparity between the value received and the consideration  
9 paid is so vast as to be unconscionable.

10 512. As described more specifically above, Defendants’ conduct is willful and  
11 continues to this day. Unless enjoined from doing so, Defendants will continue to violate the  
12 Nevada Deceptive Trade Practices Act.

13 513. But for this unconscionable conduct, Nevada’s Young User citizens would not  
14 have suffered the harms detailed herein.

15 514. Defendants’ unconscionable practices are willful and subject to a civil penalty  
16 and equitable relief. NRS § 598.0999.

17 515. Because Defendants’ unconscionable practices are toward minors, Defendants  
18 are subject to additional civil penalties and equitable relief. NRS § 598.09735.

19 516. Each exposure of a Nevada Young User to Facebook resulting from Defendants’  
20 aforementioned conduct constitutes a separate violation of the Nevada Deceptive Trade  
21 Practices Act.

22 517. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law,  
23 including *inter alia* injunctive relief and all recoverable penalties under all sections of the  
24 Nevada Deceptive Trade Practices Act including all civil penalties per each violation, attorney  
25 fees and costs, and pre- and post-judgment interest.

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1 **COUNT III: PRODUCT LIABILITY – DESIGN DEFECT**

2 518. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
3 fully set forth herein.

4 519. The Attorney General is authorized to bring an action—independently in the  
5 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
6 Nevada—to remedy violations of Nevada law.

7 520. Defendants created and maintain Facebook, and therefore are manufacturers of  
8 Facebook.

9 521. As set forth in Sections I-III, *supra*, Facebook has a design defect (the Design  
10 Elements) that renders it unreasonably dangerous. Specifically, Facebook failed to perform in  
11 the manner reasonably to be expected in light of its nature and intended function and was more  
12 dangerous than would be contemplated by the ordinary user having the ordinary knowledge  
13 available in the community.

14 522. As set forth in Sections I-III, *supra*, the defect existed at all times relevant hereto,  
15 including the time the product left the manufacturer (*i.e.*, Defendant).

16 523. As set forth, *supra*, the defect caused injury to Young Users in Nevada.

17 524. As a result of Defendants’ conduct, the State is entitled to—and does—seek  
18 damages (including punitive damages) in an amount to be proven at trial.

19 **COUNT IV: PRODUCT LIABILITY – FAILURE TO WARN**

20 525. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
21 fully set forth herein.

22 526. The Attorney General is authorized to bring an action—independently in the  
23 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
24 Nevada—to remedy violations of Nevada law.

25 527. Defendants created and maintain Facebook, and therefore are a manufacturer of  
26 Facebook.

1 528. As set forth in Sections I-V, *supra*, Facebook has a defective warning that  
2 renders it unreasonably dangerous. Any and all representations, misrepresentations, and  
3 omissions made in relation thereto that Defendants made regarding the suitability and safety of  
4 Facebook for Young Users have not been accompanied by suitable and adequate warnings  
5 concerning its safe and proper use.

6 529. As set forth in Sections I-V, *supra*, Defendants had reason to anticipate that a  
7 particular use of Facebook—*i.e.*, its use by Young Users—may be dangerous without such  
8 warnings.

9 530. As set forth in Sections I-V, *supra*, any warnings that Defendants made in  
10 connection with Young Users’ use of Facebook was not (1) designed so it can reasonably be  
11 expected to catch the attention of the consumer; (2) be comprehensible and give a fair indication  
12 of the specific risks involved with the product; and (3) be of an intensity justified by the  
13 magnitude of the risk.

14 531. As set forth in Sections I-V, *supra*, the defective warning existed at all times  
15 relevant hereto, including the time the product left the manufacturer (*i.e.*, Defendants).

16 532. As set forth in Sections I-V, *supra*, the defect caused injury to Young Users in  
17 Nevada.

18 533. As a result of Defendants’ conduct, the State is entitled to—and does—seek  
19 damages (including punitive damages) in an amount to be proven at trial.

20 **COUNT V: NEGLIGENCE**

21 534. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
22 fully set forth herein.

23 535. The Attorney General is authorized to bring an action—independently in the  
24 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
25 Nevada—to remedy violations of Nevada law.

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1 536. Defendants had and continue to have a duty to exercise reasonable care in  
2 designing, implementing, maintaining, and otherwise introducing Facebook into the stream of  
3 commerce.

4 537. This duty of reasonable care extends to Young Users in the State of Nevada.

5 538. As set forth in Sections I-V, *supra*, Defendants breached that duty.

6 539. As a result of Defendants' breach of that duty, Young Users in Nevada have  
7 been injured.

8 540. Defendants' conduct was the legal cause of that injury.

9 541. As set forth in Sections I-V, *supra*, Defendants' conduct was willful, wanton,  
10 malicious, reckless, oppressive, and/or fraudulent.

11 542. Plaintiff, the State of Nevada, seeks all legal and equitable relief as allowed by  
12 law, including *inter alia* injunctive relief, restitution, disgorgement of profits, compensatory  
13 and punitive damages, and all damages allowed by law to be paid by the Defendants, attorney  
14 fees and costs, and pre- and post-judgment interest.

15 **COUNT VI: UNJUST ENRICHMENT**

16 543. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
17 fully set forth herein.

18 544. The Attorney General is authorized to bring an action—independently in the  
19 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
20 Nevada—to remedy violations of Nevada law.

21 545. Young Users in the State of Nevada have conferred a benefit on Defendants in  
22 the form of being a monetizable audience (providing not just an opportunity for Defendants to  
23 sell advertisements, but also for Defendants to acquire sensitive and valuable personal data  
24 associated with Young Users; as well as for all other reasons that Defendants have described a  
25 monetary value to Young Users).

26 546. Defendants knew of the benefits conferred.

27 547. Defendants accepted the benefits conferred.



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1 entered against Defendants in favor of Plaintiff, and requiring that Defendant pay punitive  
2 damages;

3 H. That Defendants be ordered to pay civil penalties pursuant to the Deceptive  
4 Trade Practices Act including disgorgement and civil penalties of up to \$15,000 for each  
5 violation of the Deceptive Trade Practices Act, and up to \$25,000 for each violation of the  
6 Deceptive Trade Practices Act directed toward a minor person;

7 I. That Plaintiff be awarded all injunctive, declaratory, and other equitable relief  
8 appropriate and necessary based on the allegations herein;

9 J. That, in accordance with the Nevada Deceptive Trade Practices Act, Defendants,  
10 their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents,  
11 and employees thereof, and all other persons acting or claiming to act on their behalf or in  
12 concert with them, be enjoined and restrained from in any manner continuing, maintaining, or  
13 renewing the conduct, alleged herein in violation of the above stated Nevada laws, or from  
14 entering into any other act, contract, or conspiracy having a similar purpose or effect;

15 K. That Plaintiff recover the costs and expenses of suit, pre- and post-judgment  
16 interest, and reasonable attorneys' fees as provided by law; and

17 L. That the Court order such other and further relief as the Court deems just,  
18 necessary, and appropriate.

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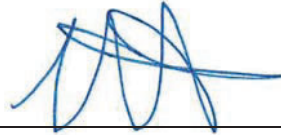
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**JURY DEMAND**

Pursuant to NRCP 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated January 30, 2024

Submitted By:



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