

EXHIBIT B

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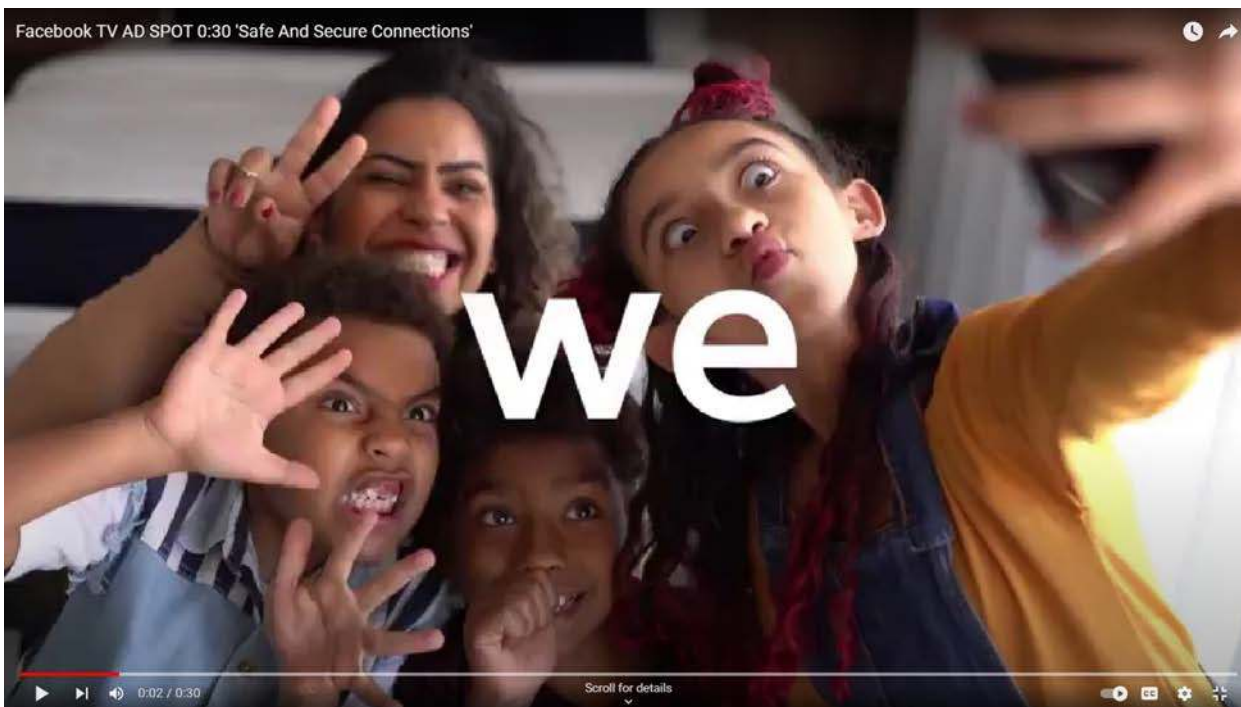
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN MATEO

17 V.P., on behalf of her minor child J.P.,) Case No.: 22-CIV-03935
18 individually and on behalf of all others similarly) CLASS ACTION COMPLAINT
19 situated,)
20 Plaintiffs,)
21 v.)
22 META PLATFORMS, INC., FACEBOOK)
23 HOLDINGS, LLC, FACEBOOK OPERATIONS)
24 LLC, FACEBOOK TECHNOLOGIES LLC,) DEMAND FOR JURY TRIAL
AND INSTAGRAM LLC,)
Defendants.)

25 Plaintiffs V.P., on behalf of her minor child J.P., individually and on behalf of a class of all others
26 similarly situated, bring this Complaint against Defendant Meta Platforms Inc. and various subsidiaries
27 (“Meta,” “Facebook,” or “Instagram”), and state as follows:
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INTRODUCTION

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2 1. “Facebook connects people. It’s what we do. And real connection can only happen on safe
3 and secure platforms. That’s why we build technology that gives you more control and helps keep you
4 safe.” These words are the opening lines from a television advertisement Meta—the creator of popular
5 social media products Facebook and Instagram—launched earlier this year. As these words are spoken by
6 a voice actor, images of smiling Facebook users—many of whom, like in the screenshot from this
7 advertisement below, appear to be children—flash on screen. The advertisement goes on to identify a
8 number of specific safety features, including “industry leading AI” that represent “tools that can protect—
9 so you can connect.”
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11



24
25 2. This is not a new message for Meta. Since the company’s initial public offering (and well
26 before), Meta has claimed that Facebook (and later, Meta’s Instagram product)(collectively, “Meta
27 Products”) “include[s] robust safety tools” and “take[s] into account the unique needs of teenagers who
28 use our service.” It has repeated variations of these claims a staggering number of times in a wide variety

1 of mediums. Over and over again, Meta has claimed that Facebook and Instagram are safe for children
2 and teenagers to use because of the company’s algorithmic and non-algorithmic safety tools.

3 3. Meta has also claimed repeatedly that Facebook and Instagram are not designed to produce
4 compulsive behavior in children. For example, in or around July 2018, Meta told BBC News that “at no
5 stage does wanting something to be addictive factor into” its product design process. Similarly, Meta told
6 U.S. Senators in November 2020 that “we certainly do not want our products to be addictive.”
7

8 4. Meta’s claims could not be further from the truth. A series of recent bombshell revelations
9 from whistleblowers and government investigators have revealed that Meta intentionally designed and
10 developed their products to work in ways that Meta knew to be problematic for and highly detrimental to
11 their minor users’ mental health. Further, Meta designed its products this way because it understood that
12 these product features helped make its products more habit-forming—compelling its users to maximize
13 screen time. In Senate hearings following these revelations, U.S. Senator Richard Blumenthal remarked
14 on the “striking” similarities between these disclosures and the discovery of Big Tobacco’s decades long
15 conspiracy to deceive the American public about the health effects and addictiveness of cigarettes.
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17

18 5. Meta’s misrepresentations and omissions have made it billions. Meta profits from targeting
19 advertisements at its users, including children. These representations have induced children to use (and
20 their parents and guardians to permit such use of) Facebook and Instagram when they either would not
21 have otherwise, or would have reduced the amount of time spent on Facebook and Instagram to safeguard
22 against these health concerns. Internal documents disclosed by whistleblowers have revealed that Meta
23 views “acquiring and retaining” teens as essential to the company’s survival and continued growth.
24

25 6. Surveys indicate that forty-five percent of children older than nine but under the age of
26 thirteen use Facebook on a daily basis—despite the fact that federal law prohibits sites like Facebook from
27 having users under the age of thirteen. The same survey evidence indicates forty percent of children older
28

1 than nine but under the age of thirteen use Instagram. This is possible because Facebook and Instagram
2 have no meaningful identity verification requirements—meaning children can create a Facebook or
3 Instagram account simply by lying about their age. Facebook has been aware for more than a decade that
4 children under the age of thirteen are using its sites because of its lack of any identity verification system.
5 Indeed, it has studied and even spoken with some of these children—and even Mark Zuckerberg, Meta’s
6 founder, has publicly acknowledged he is aware that children under the legal age are on Facebook and
7 Instagram. But it has chosen not to change its policies.
8

9 7. These revelations have also shone new light on Meta’s longstanding practice of basing
10 fundamental characteristics of its products—Facebook and Instagram’s Newsfeed feature—on user
11 gender. Gender is a key datapoint in the algorithms Meta uses to control its newsfeeds, as are proxies for
12 gender and other datapoints generated as a result of Meta’s use of gender in its newsfeeds. Users thus
13 receive a fundamentally different experience based on their gender when using Facebook and Instagram.
14 Whistleblower revelations show that Meta’s newsfeeds perniciously reinforce gender stereotypes
15 regarding appearance and body image, to users of all genders—though with particularly devastating
16 effects on pre-adolescent girls. These revelations show that just as gender discrimination in the physical
17 world produces devastating consequences, discrimination in the digital world can produce the same (or
18 even worse) harms.
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20

21 8. Plaintiffs bring this class action to hold Meta accountable for its misconduct. Plaintiffs
22 bring (1) a nationwide unjust enrichment class claim individually and on behalf of all persons in the United
23 States under the age of thirteen who have Facebook or Instagram accounts and have used those accounts
24 for an for at least twenty-five hours at the time of class certification, (2) a nationwide California Unruh
25 Civil Rights Act claim on behalf of all persons under the age of thirteen who have Facebook or Instagram
26 accounts and have used those accounts for at least twenty-five hours at the time of class certification and
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1 (3) subclass claims under the state consumer protection laws of Colorado, the District of Columbia,
2 Hawaii, Idaho, Indiana, Kansas, Michigan, New Hampshire, New York, Ohio, Oklahoma, Utah, and
3 Virginia on behalf of all persons in each state or territory under the age of thirteen who have Facebook or
4 Instagram accounts and use those accounts for at least twenty-five hours at the time of class certification.

5
6 9. The nationwide unjust enrichment class claim seeks to force Meta to disgorge its
7 wrongfully obtained profits from advertisements directed at child users. Settled principles of unjust
8 enrichment law prohibit Meta from profiting from its own tortious conduct directed at children.

9
10 10. The nationwide Unruh Act claims seeks to hold Meta accountable for building its products
11 in ways that inherently discriminate against all of its users—of all genders—based on their gender. For
12 decades, California law has recognized that businesses cannot engage in differential treatment based on
13 gender—precisely because such conduct can cause profound harms. But Meta chose to build its business
14 empire based on gender discrimination—to build products that discriminate by design. This conduct has
15 produced profound harms, in much the same way that discrimination in the brick and mortar world
16 produces profound harms.

17
18 11. The state consumer protection class claims seek to hold Meta accountable for
19 systematically misrepresenting the safety of its products by imposing either statutory damages set by state
20 consumer protection law or actual damages as measured through expert proof.

21
22 12. This is not an action to recover relief for personal injuries inflicted by Meta’s Facebook or
23 Instagram products. Any such claims are expressly excluded from this action and this suit has no effect
24 on any class member’s ability to bring such claims. Any person who has or will prior to the date of class
25 certification file a claim for personal injury related to the Facebook or Instagram products is excluded
26 from this class.
27
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PARTIES

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2 13. Plaintiff V.P. is a citizen of Washington State and the mother of 12-year-old minor J.P., on
3 whose behalf she brings these claims.

4 14. Defendant Meta is a Delaware corporation with its principal place of business in Menlo
5 Park, California. Meta owns and operates the Facebook and Instagram social media products, which are
6 widely available to users throughout the United States.

7
8 15. Facebook Holdings, LLC, Facebook Operations, LLC, Facebook Technologies, LLC, and
9 Instagram, LLC are each limited liability companies wholly owned by Meta.

10 **JURISDICTION AND VENUE**

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12 16. This Court has general personal jurisdiction over Meta because its headquarters is located
13 in Menlo Park, California. In addition, it has specific personal jurisdiction over Meta because Meta
14 purposely availed itself of this forum by maintaining its headquarters and much of its product design
15 operations in this forum and because those forum contacts are causally related to Plaintiffs’ claims.

16 17. Venue is proper because Meta is headquartered in Menlo Park, California, in this County.

17
18 **FACTS**

19 18. The human brain is a network of cells that communicate with one each other using
20 chemicals called neurotransmitters. These cells are themselves organized into structures or sets of
21 structures, which play different roles in cognition. Two of the most important sets of structures within the
22 brain are the limbic system—which regulates a variety of functions including the emotional processing of
23 sensory systems—and the prefrontal cortex, which regulates executive function, judgment, and self-
24 regulation.

25
26 19. Beginning between the ages of ten and twelve and continuing throughout adolescence, the
27 limbic system develops into maturity before the prefrontal cortex. As the limbic system develops,
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1 increased levels of neurotransmitters associated with rewards—like dopamine and serotonin—circulate in
2 the limbic system. These changes make adolescents and pre-adolescents (a term for children in this critical
3 stage of development) more emotional, more responsive to rewards, and more susceptible to boredom.

4 20. Because the prefrontal cortex develops to maturity well before the limbic system,
5 adolescents and pre-adolescents are prone to engage in thrill-seeking behavior without regard to the
6 consequences of that behavior. Some experts on child development compare the effects of this phased
7 development as being like if a car's engine suddenly became more powerful without a braking system yet
8 being installed.
9

10 21. This change in brain chemistry has significant effects on pre-adolescent social behavior.
11 All humans have a deep seated need for belonging, community, and social validation. This deep seated
12 need manifests in the release of neurotransmitters whenever humans receive social rewards. But pre-
13 adolescents are particularly focused on obtaining social validation because of their increased susceptibility
14 to thrill-seeking behavior, and because they have not yet developed the sense of self and community bonds
15 that adults can rely upon to compensate in times of loneliness or isolation.
16

17 22. Children's brains are also different from adult brains because of their unusual
18 neuroplasticity. Adolescents and pre-adolescents are more able to learn new behaviors—whether positive
19 or negative—than adults. In some circumstances, this trait can be positive—the enhanced neuroplasticity
20 of pre-adolescent brains is what makes pre-adolescents better able to learn foreign languages than adults,
21 for example. In other circumstances though, this neuroplasticity means pre-adolescents are more
22 susceptible to forming unhealthy patterns of behavior, engage in compulsive behavior, or develop
23 addiction.
24

25 23. Precisely because pre-adolescents are more likely to engage in dangerous behaviors when
26 presented with stimuli that elicit thrills or other positive mental reactions, both the law and social norms
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1 have developed to shield this vulnerable group from certain kinds of products that are likely to induce
2 destructive behavior in them. Pre-adolescents are thus restricted from purchasing alcohol, cigarettes,
3 purchasing movies or videogames with certain types of violence or sexual content, gambling, or engaging
4 in any number of other activities where participants must be able to exercise self-control in the face of
5 positive stimuli.

6
7 24. But where the rest of society saw a danger to be protected against, Meta saw an opportunity.
8 Meta realized that the features of the pre-adolescent brain that make them vulnerable could be harnessed
9 to make pre-adolescents use Facebook and Instagram more and more—increasing the products’
10 profitability. And so Meta built features into its Facebook and Instagram products that were designed to
11 provide rewards to users in intermittent and variable ways—similar to the function of a slot machine.
12 Those intermittent and variable rewards were paired with a design that would feed users a literally
13 unending stream of content and with algorithmic tools to maximize user engagement. And Meta was
14 careful to ensure its platform had no means for parents to be able to limit their children’s engagement with
15 Facebook or Instagram or for users to protect themselves from the effects of this platform.
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18 25. Today, Facebook is a social media product with approximately three billion users
19 worldwide. Facebook is the third most visited website in the world. And Facebook makes billions in
20 revenue by selling advertisements, which are displayed to the site’s users. These vast streams of money
21 have made Mark Zuckerberg, Meta’s founder, one of the richest men in the world.

22
23 26. Meta’s Instagram product has approximately one billion users worldwide and is the sixth
24 most visited website in the world. Meta acquired Instagram in 2012, as part of a deliberate effort to
25 maximize its market share of adolescent social media users after Meta’s Facebook product saw a slight
26 decline in adolescent users in the same year. It, too, is a source of vast wealth for both Meta and Mark
27 Zuckerberg.
28

1 27. These profits are only possible because of the users of Meta’s Facebook and Instagram
2 products—without users, Meta could not profit from the sale of advertisements. Importantly, the
3 relationship between Facebook and its users (and Instagram and its users) is a consumer transaction—
4 Meta sells its users access to the Facebook product (or the Instagram product) in exchange for the
5 opportunity to show those users advertisements.
6

7 28. The link between user engagement with Facebook and Instagram and its profitability is one
8 Meta itself has acknowledged. In multiple Form 10-Ks, Meta has acknowledged that “[t]he size of our
9 user base and our users’ level of engagement are critical to our success.” Because of this, Meta’s “financial
10 performance has been and will continue to be significantly determined by our success in adding, retaining,
11 and engaging active users.”
12

13 29. As with other consumer transactions, prospective Facebook and Instagram users base their
14 decision about whether to use Facebook or Instagram on their understanding of the features of the product,
15 particularly their understanding of whether the product is safe. Meta itself has acknowledged this. For
16 example, in multiple Form 10-Ks, Meta has noted that “[i]f people do not perceive our products to be
17 useful, reliable, and trustworthy, we may not be able to attract or retain users or otherwise maintain or
18 increase the frequency and duration of their engagement.” “Any decrease in user retention, growth, or
19 engagement could render Facebook less attractive to developers and marketers, which may have a material
20 and adverse impact on our revenue, business, financial condition, and results of operations.” And “changes
21 in user sentiment about the quality or usefulness of our products or concerns related to privacy and sharing,
22 safety, security, or other factors” could “potentially negatively affect user retention, growth, and
23 engagement.” Because of the importance of user perception of the qualities of the Facebook product,
24 including regarding safety, Facebook observed in its 2012 Form 10-K that user “[t]rust is the cornerstone
25 of our business.”
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1 30. Meta’s efforts to exploit the pre-adolescent market of social media users began as early as
2 2006, when the company dramatically expanded the population of users it was willing to provide access
3 to its product. Prior to 2006, Meta limited access to Facebook to college students, and insisted that college
4 students provide a .edu email address to verify their status before they could use the Facebook product.
5 This simple policy provided an effective barrier against minors using Facebook.
6

7 31. In 2006, Meta eliminated the .edu email requirement and changed its policies to formally
8 permit users as young as thirteen to use the Facebook product. In theory, Facebook required users under
9 the age of eighteen to obtain parental permission before using Facebook. But in practice, the elimination
10 of any meaningful identity verification requirement meant that users younger than thirteen or who did not
11 have parental permission could easily obtain access to Facebook by lying about their age or whether they
12 had parental permission. This absence of meaningful age or identity verification continues to the present.
13

14 32. Almost immediately, children and adolescents began joining Facebook in droves. In
15 October 2007, Reuters reported that teenagers were “one of the biggest groups using social network sites”
16 like Facebook. In August 2008, The Guardian reported that nearly a quarter of children between the ages
17 of eight and twelve in the United Kingdom had social media accounts on either Facebook or two
18 competitor platforms. As noted above, this state of affairs continues today—survey evidence indicates
19 staggering numbers of children under the age of thirteen use Facebook on a daily basis. Meta’s own
20 evidence and internal documentation confirms the same.
21

22 33. As the number of children and adolescents on Facebook grew, so did their engagement
23 with the platform. An FTC Commissioner testified in June 2006 that “MySpace and Facebook reportedly
24 rank among the top ten websites among children age 12 to 17, based on the average minutes they spent
25 online.”
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1 34. The presence of children under the age of thirteen on Facebook and Instagram is
2 particularly significant because federal law prohibits websites from gathering user data from children
3 under the age of thirteen unless the website complies with a set of stringent safety requirements. 15 U.S.C.
4 § 6502. Facebook has never attempted to comply with those safety requirements.

5 35. This provision of federal law was enacted precisely because Congress recognized that
6 children under the age of thirteen are particularly vulnerable to being taken advantage of by unscrupulous
7 website operators. As a June 1998 report by the Federal Trade Commission observed, “[t]he immediacy
8 and ease with which personal information can be collected from children online, combined with the limited
9 capacity of children to understand fully the potentially serious safety and privacy implications of providing
10 that information, have created deep concerns about current information practices involving children
11 online.” The same report observed that children under the age of 13 “generally lack the developmental
12 capacity and judgment to give meaningful consent to the release of personal information to a third party.”

13 36. Contemporaneous testimony by the Chairman of the Federal Trade Commission observed
14 that the Internet “make[s] it easy for children to disclose personal information to the general public without
15 their parents awareness or consent. Such public disclosures raise safety concerns.” Further, “[t]he practice
16 of collecting personal identifying information directly from children without parental designs clear his
17 children strains invents parental control over their family information.” 15 U.S.C. § 6502 was enacted
18 precisely to respond to these serious threats to children and families’ privacy. It has remained in force
19 throughout Facebook’s existence.

20 37. In spite of the law, Facebook encouraged the growth of child and adolescent users on its
21 platform. As the New York Attorney General’s office explained in a September 2007 letter “Facebook
22 prominently advertises and promises to users that Facebook is a ‘trusted environment for people to interact
23 safely,’ has ‘invested heavily in building safety controls,’ and ‘quickly takes down any objectionable
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1 material that may be posted to the site.” The same letter noted that Facebook made these representations
2 on a “‘Safety’ page on its website specifically created to address the security and privacy concerns of
3 Facebook users and parents.”

4 38. Beyond its webpage, the New York Attorney General’s office’s 2007 letter noted that
5 Facebook executives had claimed to the public and consumers that “Facebook protects users under 18 by
6 preventing adults from contacting them if the adults are not affiliated with a specific school network” and
7 that “the system is built for accountability with its email validation requirement and segmentation of
8 communities [meaning] misuse is both deterred and detected quickly.”

9 39. As the same letter noted, those claims were not true—investigators with the New York
10 Attorney General’s office discovered that users under 18 could easily be contacted by adults, frequently
11 were solicited for sexual material, and were routinely exposed to harmful material on the product.
12 Facebook also faced other government investigation related to the harms its product caused children at the
13 same time.
14

15 40. In the face of evidence its platform was causing harm to children, Facebook doubled
16 down—it created product features that would appeal to pre-adolescents’ desires for rewards, increasing
17 their engagement with the Facebook product. At the same time, it continued its marketing of its product
18 as being safe for minor users, touting purported safety tools that offered little actual protection to users.
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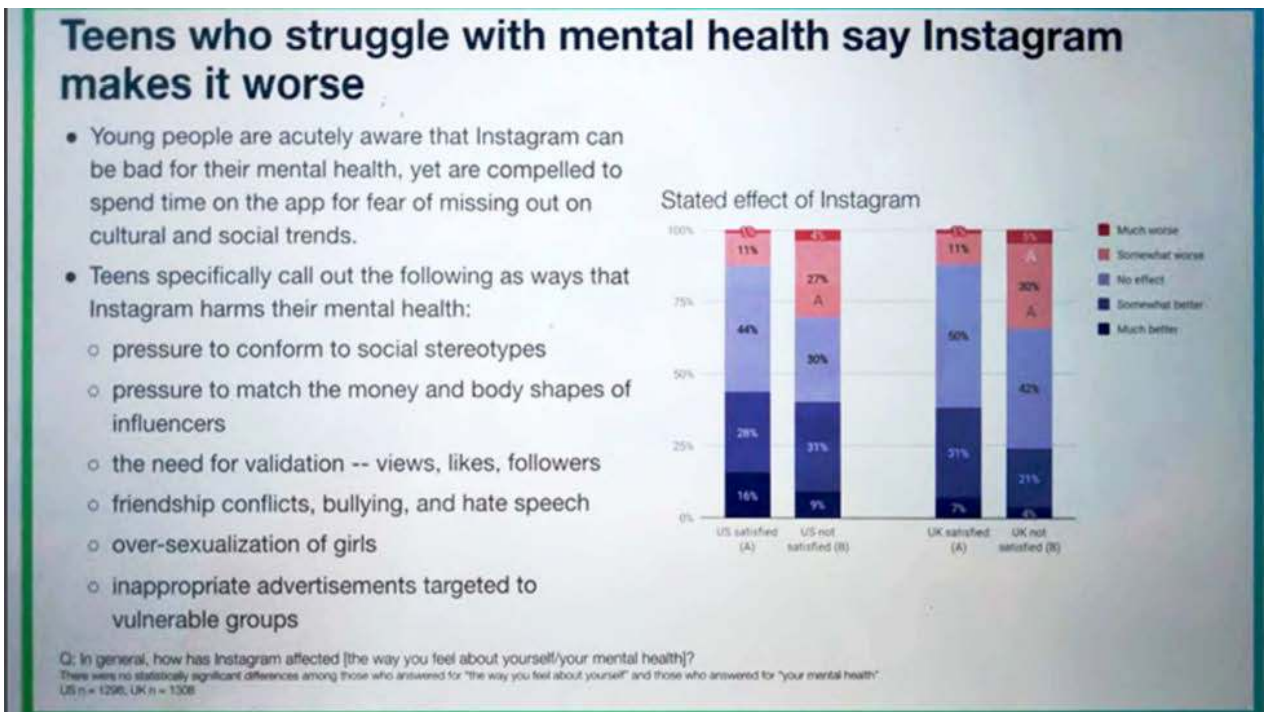
20 41. In 2009, after extensive testing, Facebook created the “Like” button. The “Like” button
21 allows users to click on other user’s posts in a way that triggers a thumbs up icon to appear. The number
22 of “Likes” a given post has received is publicly displayed. At all relevant times, Meta’s Instagram product
23 has also included a “Like” feature, which functions in materially the same way as Facebook’s “Like”
24 feature, except that a heart icon is used instead of a thumbs up icon.
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1 42. The “Like” button fundamentally transformed the nature of interactions on the Facebook
2 product. Suddenly, users were able to earn rewards—in the form of social validation through “Likes” from
3 their peers—for posting on Facebook or Instagram. Those rewards would be both intermittent and
4 variable—some posts would get more “Likes” and some would get less. Users could see whose posts got
5 more “Likes” and whose got less. Facebook and Instagram’s “Like” feature allowed it to tap into the deep-
6 seated need for the reward of social validation, particularly acute in adolescents, and tie it to engagement
7 with the Facebook and Instagram products.
8

9 43. In the words of Samira Rajabi, the director of technology influenced pedagogy at the
10 University of Colorado, Boulder, “Likes” generate a feeling of reward because “[i]t feels good to put
11 yourself out there. It then gets curtailed by this sort of attention economy dynamic where nobody might
12 respond or like it or engage with it, and in that way, it becomes a competition.” Similarly, Mitch Prinstein,
13 the chief science officer of the American Psychological Association, has observed that “social media
14 activity is closely tied to the ventral striatum” precisely because “this region gets a dopamine and oxytocin
15 rush whenever we experience social rewards.”
16

17 44. The corollary of the propensity of “Likes” to serve as a reward is that a lack of “Likes”
18 represents a form of social rejection—a quantifiable indication that a pre-adolescent is less well regarded
19 than their peers, or not as popular, or well-liked. As recent peer-reviewed psychological research found
20 “insufficient validation on social media [is] a brief yet powerful emotional event that threaten[s]
21 adolescents’ social status and elicit[s] emotional distress.” The same study found that “rejection feelings
22 arising from insufficiently positive validation during a brief social media interaction were correlated with
23 ecologically-valid risk factors for depression in adolescence (maladaptive day-to-day stress appraisals)
24 and greater increases in depressive symptoms over 8 months.”
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45. Meta’s internal research on adolescent users has confirmed exactly this. As revealed by the slides below, drawn from multiple studies conducted by Meta, each of which have been disclosed by whistleblowers to the media, Meta’s user research has identified “the need for validation” in the form of “likes” as being a way “that Instagram harms [teen users’] mental health[.]” The broader universe of social comparison harms enabled and furthered by the “Like” feature—including “pressure to conform to social stereotypes,” and “pressure to match the money and body shapes of influencers [users who routinely obtain a large number of “Likes”],” have also been linked by Meta’s internal research as creating harm to adolescent users. As Meta’s own research observes, the consequences of this to adolescent mental health can be severe.



Social pressure leads to negative downstream effects

- Teens called out ad targeting on Instagram as feeding insecurities, especially around weight and body image.
- The pressure to be present means teens lack the space to switch off and shut down.
- Teens play out behaviors they think are "right" and feeling like they've failed and are alone when they don't meet these standards.
- Looking for validation can lead young people to post simply for the attention it can garner.
- Teens directly link the pressure they feel online to self-censorship and decreased production on IG.

"I only post the perfect stuff, which isn't my real life ... I want my posts to be at the same level as the influencers. If it doesn't match their, I just feel shit. So until it is, I'm not going to post"
- US Female

"I just feel on the edge a lot of the time. It's like you can be called out for anything you do. One wrong move. One wrong step"
- US Male

Mental health outcomes related to this can be severe

Eating Disorders

"I keep looking at these images (spiraling). (After getting off IG) I don't know, sometimes I just don't eat or try to eat less."

Body Dysmorphia

"I wish I had the money to get my nose/other body parts fixed."

Body Dissatisfaction

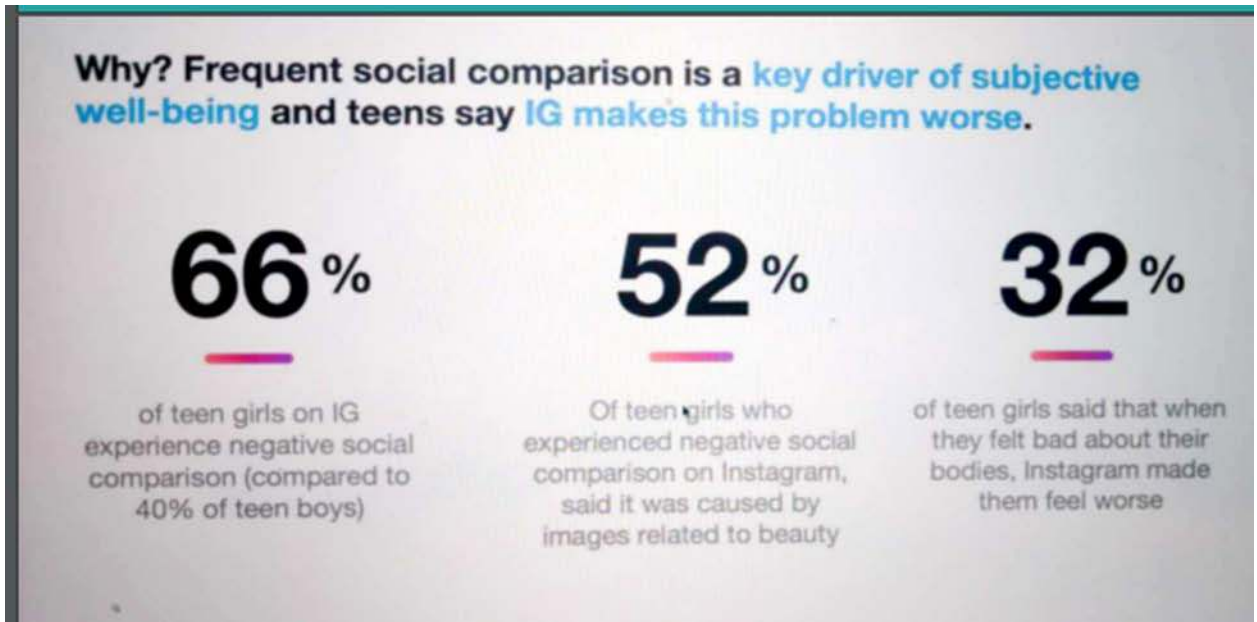
"(when I keep looking at these pictures) I feel like I am too big and not pretty enough"
"It makes me feel insecure about my body even though I know I am skinny."

Depression

"The constant judgement and jealousy can take you to a dark place."
"Some times (after spiraling) I just close my phone and lie on the bed."

Loneliness

"I feel like maybe (because I look like this) I don't have a boyfriend."
"I saw this kid with acne and he had friends! I didn't realize that was possible."



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Teens blame Instagram for increases in the rates of anxiety and depression among teens

- This reaction was unprompted and consistent across all groups
- Constant comparison on Instagram is "the reason" why there are higher levels of anxiety and depression in young people
- Social comparison and perfectionism are nothing new, but young people are dealing with this on an unprecedented scale.
- The proliferation of new and different ways to compare themselves to others, combined with constant access to means that there is no way to escape social comparison on IG.
- For both boys and girls, this was called out as being the number one reason why IG is worse than other platforms for mental health. And, young people openly attribute their increased level of anxiety and depression to Instagram.

*"The reason why our generation is so messed up and has higher anxiety and depression than our parents is because we have to deal with social media. Everyone feels like they have to be perfect."
- UK Female*

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46. This research on adolescent users informed (or should have informed) Meta's understanding of the effects of its products on pre-adolescent users. The changes in brain chemistry that make adolescents vulnerable to the social comparison and other related harms identified in this research occur in pre-adolescence. Mounting evidence that Meta's products caused harm to adolescents thus spoke powerfully to the effect of Meta's products on pre-adolescent users

1 47. Beyond the social comparison harms created through the “Like” feature, the “Like” feature
2 also provides intermittent and variable rewards—which because of their underdeveloped frontal lobes,
3 adolescents are particularly susceptible to. Engineers involved with designing the “Like” button have
4 likened its intermittent and variable rewards to those of a slot machine. Indeed, the lead engineer behind
5 the “Like” button has since criticized the addictive feedback loops associated with the “Like” feature, and
6 uses browser extensions to block her own access to the Facebook site because she found her own use of
7 Facebook had become compulsive. Other engineers involved with the development of the “Like” feature
8 have publicly criticized the feature’s effects on user behavior.

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10 48. The “Like” button was also transformative because it allowed Facebook to see what kinds
11 of content more users engaged with—information the company could then use to target its users with more
12 of that kind of content. “Likes” thus function as a form of social surveillance.

13
14 49. In a 2017 interview with Axios, a media company, Sean Parker, Meta’s first President,
15 explained how Meta’s development of this feature (and of its Facebook product more broadly) was
16 consciously driven by a desire to induce addiction or compulsive use in Facebook users. As Mr. Parker
17 explained:

18
19 The thought process that went into building these applications, Facebook being the first of
20 them, to really understand it was all about: “How do we consume as much of your time
21 and conscious attention as possible?” And that means that we need to sort of give you a
22 little dopamine hit every once in a while, because someone liked or commented on a photo
23 or a post or whatever. And that's going to get you to contribute more content, and that's
24 going to get you, you know, more likes and comments. It's a social-validation feedback
25 loop that that it's exactly the kind of thing that a hacker like myself would come up with,
26 because you're exploiting a vulnerability in human psychology. The inventors, creators —
27 it's me, it's Mark [Zuckerberg], it's Kevin Systrom on Instagram, it's all of these people
28 — understood this consciously. And we did it anyway.

29 50. “God only knows what it’s doing to our children’s brains,” Mr. Parker went on to remark
30 in the same interview.

1 51. The “Like” button’s function as a surveillance tool laid the groundwork for Meta’s next
2 dangerous product change—the development of the algorithmic unlimited News Feed.

3 52. Facebook’s News Feed feature ranks available content and prioritizes content that its
4 algorithms assess users are most likely to engage with. This has the effect—as Facebook quickly
5 realized—of promoting content that it likely to generate strong reactions, because such content is more
6 likely to prompt user engagement. Both Facebook and Instagram have algorithmically controlled
7 newsfeeds. Instagram supplements this newsfeed feature with a number of additional algorithmically
8 controlled feeds which function similarly.
9

10 53. Testing regarding Meta’s Instagram product—which like the Facebook product uses an
11 engagement based algorithmic feed—demonstrates how this structure quickly produces disturbing results.
12 In 2021, Senators Richard Blumenthal, Marsha Blackburn and Mike Lee tested Instagram’s newsfeed by
13 opening certain accounts indicating that the users were teenage girls. NPR reported what the Senators
14 found:
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1 "Within an hour all of our recommendations promoted pro-anorexia and eating
2 disorder content," Blumenthal said. "Nothing has changed. It's all still happening."

3 Sen. Mike Lee, R-Utah, said his office created an account for a 13 year old girl. Shortly
4 afterward, the algorithm recommended a famous female celebrity to follow and when
5 they did, Lee said, "It went dark fast."

6 The fake account was flooded with content about diets, plastic surgery and other
7 damaging material for an adolescent girl, he said.

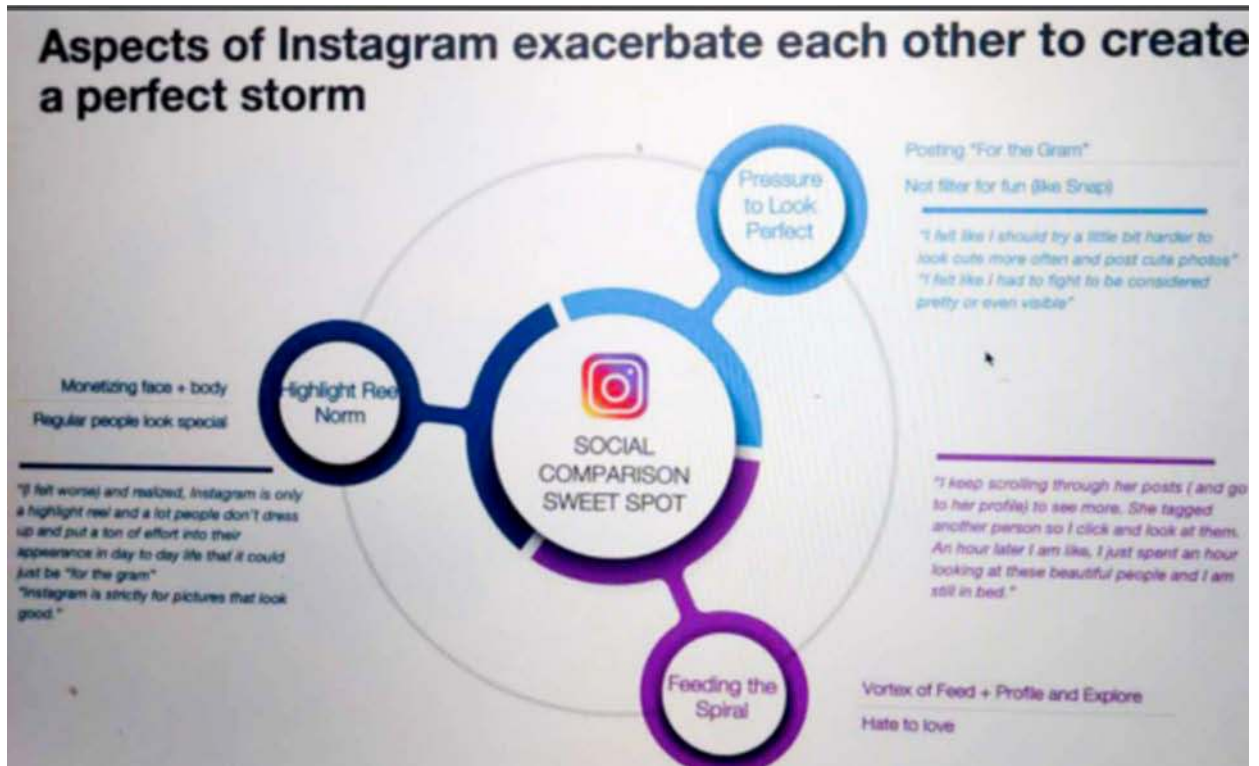
8
9 In another example this week, Blackburn's staff exposed a flaw in Instagram's setting
10 for teens under 16.

11 According to Instagram's policies, new teenage accounts should automatically default
12 to a private setting. But when Blackburn's team set up a phony account for a 15 year
13 old girl, it automatically defaulted to public.

14 Mosseri acknowledged the error, explaining the mistaken default setting was triggered
15 because the account was created on a web browser, as opposed to a mobile app.

16
17 "We will correct that," he said.

18 54. The algorithmic newsfeed exacerbates the social comparison harms created by Facebook
19 and Instagram's "Like" features. As Meta's internal research has revealed, the combination of these (and
20 other) features "create[s] a perfect storm" encouraging the social comparison phenomenon its own
21 research has identified as being particularly harmful.
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14 55. In testimony before Congress in September 2020, Tim Kendall, Facebook’s first Director
15 of Monetization explained how this combination of features—and Facebook’s broader business mode—
16 mirrored the tactics uses by Big Tobacco to addict users to its products:

17
18 At Facebook, I believe we sought to mine as much human attention as possible and turn it
19 into historically unprecedented profits. To do this, we didn’t simply create something
20 useful and fun; we took a page from Big Tobacco’s playbook, working to make our offering
21 addictive at the outset....

22 The next page in Big Tobacco’s playbook was to add bronchodilators to cigarettes. This
23 allowed the smoke to get in contact with more surface area of the lungs. Allowing for
24 misinformation, conspiracy theories, and fake news to flourish were Facebook’s
25 bronchodilators.

26 But that incendiary content wasn’t enough. Tobacco companies then added ammonia to
27 cigarettes to increase the speed with which nicotine traveled to the brain. Facebook’s ability
28 to deliver this incendiary content to the right person, at the right time, in the exact right
way—through their algorithms—that is their ammonia. And we now know it fosters
tribalism and division.

Social media preys on the most primal parts of your brain; it provokes, it shocks, and it
enrages....

1 Facebook and their cohorts worship at the altar of engagement and cast other concerns
2 aside, raising the voices of division, anger, hate, and misinformation to drown out the
3 voices of truth, justice, morality, and peace.

3 56. As Senator Blumenthal observed in Senate hearings on Meta's conduct:

4 Among other revelations, the information that you have provided to Congress is powerful
5 proof that Facebook knew its products were harming teenagers. Facebook exploited teens
6 using powerful algorithms that amplified their insecurities and abuses through what it
7 found was an addict's narrative. There is a question, which I hope you will discuss, as to
8 whether there is such a thing as a safe algorithm. Facebook saw teens creating secret
9 accounts that are often hidden from their parents as unique value proposition. In their
10 words, a unique value proposition. A way to drive out numbers for advertisers and
11 shareholders at the expense of safety, and it doubled down on targeting children pushing
12 products on **pre-teens not just teens, but pre-teens** that it knows are harmful to our kids'
13 mental health and wellbeing.

11 Instead of telling parents, Facebook concealed the facts, it sought to stonewall and block
12 this information from becoming public, including to this committee when Senator
13 Blackburn and I specifically asked the company. And still, even now, as of just last
14 Thursday, when a Facebook witness came before this committee, it has refused this
15 disclosure or even to tell us when it might decide whether to disclose additional documents.
16 And they've continued their tactics, even after they knew the disruption it caused it. Isn't
17 just that they made money from these practices, but they continued to profit from them.
18 Their profit was more important than the pain that they caused.

16 Last Thursday, the message from Ms. Antigone Davis, Facebook's Global Head of Safety
17 was simple, "This research is not a bombshell." and she repeated the line, not a bombshell.
18 Well, this research is the very definition of a bombshell. Facebook and big tech are facing
19 a big tobacco moment, a moment of reckoning, the parallel is striking. I sued big tobacco
20 as Connecticut's attorney general, I helped to lead the states in that legal action and I
21 remember very, very well, the moment in the course of our litigation when we learned of
22 those files that showed not only that big tobacco knew that its product caused cancer but
23 that they had done the research, they concealed the files, and now we knew and the world
24 knew. And big tech now faces that big tobacco jaw dropping moment of truth. It is
25 documented proof that Facebook knows its products can be **addictive and toxic to**
26 **children**. And it's not just that they made money, again, it's that they valued their profit
27 more than the pain that they caused to children and their families.

24 57. Similarly, Frances Haugen, a former Facebook data scientist, observed in media interviews
25 in 2021 that "[t]he thing I saw at Facebook over and over again was there were conflicts of interest
26 between what was good for the public and what was good for Facebook. And Facebook, over and over
27 again, chose to optimize for its own interests, like making more money" and repeatedly "has shown it
28

1 chooses profit over safety.” Ms. Haugen noted that “Facebook has realized that if they change the
2 algorithm to be safer, people will spend less time on the site, they’ll click less ads, [and] they’ll make less
3 money.”

4 58. This conduct was targeted at pre-teens in particular. Whistleblower documents reported by
5 the Wall Street Journal reveal that “Facebook has made what it called ‘big bets’ on designing products
6 that would appeal to preteens across its services,” including by conducting “more than a dozen studies”
7 over the past five years regarding how preteens perceive the Facebook and Instagram products, what
8 product features are appealing to them, and how they view competitor products.
9

10 59. Meta’s ability to analyze the preferences and desires of pre-adolescent users is
11 unsurprising—the company has vast troves of information to be able to identify which of their users are
12 children. For example, Meta’s products contain some of the most sophisticated facial recognition
13 algorithms ever created—capable, for example, of identifying if one of the billions of users of its products
14 is present in a photograph even if the person who posted the photograph is not connected to the user on
15 Facebook. This sophisticated analysis allows Facebook to identify users based on age—including those
16 users under the age of thirteen. Facebook is also able to identify users under the age of thirteen through
17 its sophisticated analysis of user activity and content posted by users. Meta also routinely purchases
18 information about users from data brokers, including information about user age. Meta also collects
19 countless data points from its users both on and off its product platform and has developed proprietary
20 algorithms that it uses to determine the actual age of each user with reasonable certainty. Meta uses these
21 technologies for marketing and advertising purposes but disregards this actual and constructive knowledge
22 of users under 13 when it comes to enforcing age restrictions. Meta permits millions of users under the
23 age of thirteen to use Facebook and Instagram.
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1 60. These revelations from whistleblower, former Facebook insiders, and congressional
2 investigations make clear that Facebook’s algorithms are dangerous to user safety and wellbeing—
3 particularly pre-adolescents. Yet Meta has continued to advertise its algorithms as being safety tools that
4 protect users—despite extensive evidence that this is simply not the case.

5 61. Meta’s development of algorithmic newsfeeds also launched the beginning of purposeful
6 gender discrimination in the Facebook and Instagram products. Meta boasts that its algorithmic newsfeed
7 evaluates hundreds of thousands of different datapoints—what the company calls signals—when creating
8 Facebook and Instagram’s respective newsfeeds. But the company is far more coy in acknowledging that
9 one of those datapoints is user gender. On information and belief, many other datapoints used in Meta’s
10 algorithms are proxies for user gender. Meta collects user information regarding gender when users create
11 Facebook and Instagram accounts. Meta’s vast ability to collect demographic information from its users
12 allows it to determine user gender when users do not provide this information. Meta also purchases
13 information about user gender from data brokers.

14 62. The experiment conducted by Senators Richard Blumenthal, Marsha Blackburn and Mike
15 Lee described above provides a powerful illustration of how Meta’s use of gender in its algorithmic
16 newsfeeds fundamentally shapes users’ experiences on these products. It also highlights an important
17 point about the nature of Meta’s use of gender—that gender plays a particularly important role in shaping
18 user experience of Meta’s products early on, when the company has far fewer other datapoints related to
19 user activity to base its algorithms on. The effect of this is that later datapoints generated based on user
20 activity were generated as a result of engagement that would not have occurred absent earlier algorithmic
21 targeting decisions based on gender—the later datapoints are inherently infused with gender.

22 63. The effect of Meta’s choice to include gender as a basis for its algorithmic tailoring, to use
23 proxies for gender as a basis for its algorithmic tailoring, and to use datapoints inherently infused with
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1 gender as a basis for its algorithmic targeting is that each and every time users open the Facebook or
2 Instagram products, the newsfeeds they see are always determined based on user gender.

3 64. One need look no further than the Meta internal studies discussed above on social
4 comparison harms to understand the consequences of this gender discrimination. A striking number of the
5 harms identified by Meta's internal research connect back to the product's reinforcement of social
6 stereotypes related to gender—particularly those related to body image and appearance. As discussed
7 above, these harms affect users of all genders. Such harms are the obvious and foreseeable consequence
8 of building a product that discriminates by design based on gender.
9

10 65. The scientific community has increasingly come to understand the health effects of Meta's
11 Facebook as being analogous to other addictive products. For example, the Bergen Facebook Addiction
12 Scale (BFAS) was specifically developed by psychologists to assess subjects' social media use using the
13 aforementioned addiction criteria and is by far the most widely used measure of social media
14 addiction. Originally designed for Facebook, BFAS has since been generalized to all social media.
15 BFAS has been translated into dozens of languages and is used by researchers throughout the world to measure
16 social media addiction.
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19 66. BFAS asks subjects to consider their social media usage with respect to the six following
20 statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4) often, or (5) very often,

- 21 (a) You spend a lot of time thinking about social media or planning how to use it.
22 (b) You feel an urge to use social media more and more.
23 (c) You use social media in order to forget about personal problems.
24 (d) You have tried to cut down on the use of social media without success.
25 (e) You become restless or troubled if you are prohibited from using social media.
26 (f) You use social media so much that it has had a negative impact on your job/studies.
27
28

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

3 67. Addictive use of social media by minors is psychologically and neurologically analogous
4 to addiction to internet gaming disorder as described in the American Psychiatric Association's 2013
5 Diagnostic and Statistical Manual of Mental Disorders (DSM-5), which is used by mental health
6 professionals to diagnose mental disorders. Gaming addiction is a recognized mental health disorder by
7 the World Health Organization and International Classification of Diseases and is functionally and
8 psychologically similar to social media addiction.
9

10 68. The increasing trend by psychologists and researchers to term compulsive use of social
11 media addiction is supported by Facebook’s internal research. In November 2021, the Wall Street Journal
12 reported that internal Facebook research on its users revealed that one in eight Facebook users reported
13 engaging in compulsive use of social media that impacts their sleep, work, parenting, or relationships. The
14 Journal reported that Meta uses a euphemism to describe this kind of behavior—“problematic use.”
15

16 69. Following the Wall Street Journal’s report, Meta doubled down once again on its
17 misrepresentations, publishing a vitriolic attack on the Journal’s reporting that denied the existence of a
18 “causal link between social media and addiction” and claimed that “social media does not have a major
19 detrimental impact on well-being.”
20

21 70. In December 2021, the Surgeon General of the United States issued an Advisory,
22 *Protecting Youth Mental Health*. This was a significant step: “A Surgeon General’s Advisory is a public
23 statement that calls the American people’s attention to an urgent public health issue and provides
24 recommendations for how it should be addressed.” “Advisories are reserved for significant public health
25 challenges that need the nation’s immediate awareness and action.”
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1 71. The Advisory identified “alarming increases in the prevalence of certain mental health
2 challenges” among young people—including a 40% increase in “feelings of sadness or hopelessness”
3 from the year 2009. It linked this decline to “technology platforms” and noted that “[b]usiness models are
4 often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring
5 that users engage with one another in safe and healthy ways.” “This translates to technology companies
6 focusing on maximizing time spent, not time well spent.” The Surgeon General thus called upon young
7 people, their family members, and social media companies to take steps to protect the mental health and
8 wellbeing of young people using their platforms. The Surgeon General’s Advisory specifically cited to
9 research regarding the Facebook product’s effects on adolescent and pre-adolescent wellbeing.
10

11 72. In the face of this call to act responsibly, Meta did not meaningfully alter its Facebook or
12 Instagram products. It instead launched an advertisement campaign emphasizing how purported
13 algorithmic safety tools protected users and meant Facebook was safe for children to use. One of the
14 several television advertisements Facebook ran as part of this campaign is featured at the beginning of
15 this complaint.
16

17 73. Meta’s false and misleading statements regarding the safety of its platform are not limited
18 to those made in its television advertisements. For example, Facebook’s Code of Conduct, available on
19 Facebook’s website and published as part of Meta’s public relations response to adverse publicity, states
20 that “[o]ur reach and influence require that we commit and hold ourselves accountable to a high standard,
21 ensuring that we build products and programs that have a positive impact, keep people safe and serve
22 everyone.” The Code of Conduct also stated that one of Facebook’s five core principles is to “keep people
23 safe and protect privacy” and emphasized that “we are committed to protecting our communities from
24 harm.”
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1 74. Facebook’s Code of Conduct further claims that Meta “design[s] and build[s] products that
2 prioritize safety, privacy, provide appropriate warnings where necessary and articulate instructions for
3 safe and responsible use.”

4 75. Likewise, Mr. Zuckerberg claimed in a recent media interview that “as a product designer
5 a big part of what you are designing is the emotional experience people have using it” and that “Instagram
6 is a super positive space,” “the energy on Instagram is generally very positive and its easy to spend time
7 there and just absorb a lot of the positivity.” Mr. Zuckerberg claimed that this occurred because of “the
8 design of the [Instagram] system.”
9

10 76. Similarly, a senior Facebook executive publicly claimed in early 2021 that “more than
11 anyone else in the industry we invest on the safety and security side to sort of keep bad content off the site
12 before it gets ranked and put into what people see.” The same executive claimed Facebook has “the most
13 robust set of content policies out there” and “we really do more than anyone else in the industry on the
14 safety and security front to prevent things like misinformation and bad content going into the system in
15 the first place.”
16

17 77. These recent false statements reinforce Facebook’s longstanding marketing of its product
18 as being safe for children—marketing that, as described above, stretches back since the product opened
19 its site to children by removing its .edu verification requirement.
20

21 78. Meta’s recent advertisements have also actively encouraged children to use its Facebook
22 and Instagram products. For example, in a 2021 online advertisement, Meta actively highlighted the
23 content available for fifth grade children on its Facebook product, highlighting the experience of an art
24 teacher who used Facebook to communicate with students during the pandemic—an experience the video
25 noted was “a lot to unpack for little, tiny people.”
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79. Meta’s decision to double down on its misrepresentations about safety and to expand its advertising campaigns directed at children is the product of a corporate culture that until very recently has been insulated from meaningful social or legal accountability.

80. The experience of the class representative shows just how serious the consequences of Meta’s conduct are. Around the age of ten, J.P. began accessing the Meta Products without her parents’ knowledge or consent. When V.P. discovered J.P. was using the Meta Products, she forbade J.P. from accessing the Meta Products. J.P. quickly created another account on the Meta Products. When V.P. discovered that account, she shut it down as well and took J.P.’s phone away. But J.P. continues to attempt to use the Meta products. J.P. sneaks to the family computer in the late night, often at midnight or 2 A.M. in the morning, to attempt to use the Meta Products. V.P. believes that J.P. also accesses the Meta Products while visiting friends—but V.P. cannot effectively prevent J.P. from accessing the Meta Products in this way without imposing draconian restrictions on her daughter.

81. Despite V.P.’s prompt and dilligent action to protect her daughter, serious harm had already been done. Since using the Meta Products, J.P. has developed troubling body image issues. For example,

1 J.P. has said that when she grows up, she want to become a plastic surgeon, so she can correct the ways
2 J.P. believes her body is flawed. In the many conversations V.P. has had with her daughter about these
3 body image issues, the Meta Products, and the stereotypes about body image reflected in their newsfeeds,
4 have been a consistent theme.

5 **CLASS ACTION ALLEGATIONS**

6
7 82. Pursuant to Cal. Code Civ. Pro. § 382, Plaintiffs seek certification of the following classes
8 and subclasses: (1) a nationwide unjust enrichment subclass on behalf of all persons under the age of
9 thirteen who have Facebook or Instagram accounts and have used those accounts for at least twenty-five
10 hours at the time of class certification and (2) a nationwide Unruh Civil Rights Act subclass on behalf of
11 all persons under the age of thirteen who have Facebook or Instagram accounts and have used those
12 accounts for at least twenty-five hours at the time of class certification and (3) subclass claims under the
13 state consumer protection laws of Colorado, the District of Columbia, Hawaii, Idaho, Indiana, Kansas,
14 Michigan, New Hampshire, New York, Ohio, Oklahoma, Utah, and Virginia on behalf of all persons under
15 the age of thirteen who have Facebook or Instagram accounts and have used those accounts for at least
16 twenty-five hours at the time of class certification.
17
18

19 83. The nationwide unjust enrichment class is defined as follows: All persons under the age of
20 thirteen who have Facebook or Instagram accounts and have used those accounts at least twenty-five hours
21 at the time of class certification.

22 84. Plaintiff reserves the right to amend this class definition over the course of the case as
23 informed by discovery. Plaintiff anticipates that discovery will reveal Meta has developed more
24 sophisticated, tailored, and targeted metrics to identify those users engaged in harmful use of its products
25 and can identify those users based on the data it collects.
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1 85. The nationwide Unruh Civil Right Act class is defined as follows: All persons under the
2 age of thirteen who have Facebook or Instagram accounts and have used those accounts for at least twenty-
3 five hours at the time of class certification.

4 86. Plaintiff reserves the right to amend this class definition over the course of the case as
5 informed by discovery. Plaintiff anticipates that discovery will reveal Meta has developed more
6 sophisticated, tailored, and targeted metrics to identify those users engaged in harmful use of its products
7 and can identify those users based on the data it collects.

8 87. The subclass claims are defined as follows: All persons under the age of thirteen in each
9 Subclass State who have Facebook or Instagram accounts and have used those accounts for at least twenty-
10 five hours at the time of class certification.

11 88. Plaintiff reserves the right to amend this class definition over the course of the case as
12 informed by discovery. Plaintiff anticipates that discovery will reveal Meta has developed more
13 sophisticated, tailored, and targeted metrics to identify those users engaged in harmful use of its products
14 and can identify those users based on the data it collects.

15 89. Excluded from each of these classes or subclasses are all claims for personal injury related
16 to Meta's products and all persons who have or will in future prior to the date of class certification bring
17 claims against Meta for personal injury. This suit does not affect in any way the right of any class member
18 at any point to bring an action against Meta for harms suffered in personal injury because of the defective
19 features of the Facebook product, Instagram product, or any other Meta product. Any person who has
20 brought such a claim or who will bring such a claim in future prior to the date of class certification is
21 excluded from the class. Also excluded from the classes or subclasses are Meta and its subsidiaries and
22 affiliates, all persons who make a timely election to be excluded from the classes or subclasses,
23 governmental entities, the Judge to whom this case is assigned and their immediate family, all chambers
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1 staff working for the Judge to whom this case is assigned and their immediate family, and Plaintiffs'
2 counsel and their immediate families. Plaintiffs reserve the right to revise these classes or subclasses based
3 on information learned through discovery or as is otherwise appropriate.

4 90. Certification of Plaintiffs' claims for class-wide treatment is appropriate because Plaintiffs
5 can prove the elements of their claims on a classwide basis using the same evidence as would be used to
6 prove those elements in individual actions alleging the same claim.

8 91. This action has been brought and may be properly maintained on behalf of the classes or
9 subclasses proposed herein under California Code of Civil Procedure §384.

10 92. **Ascertainability**: Cal. Code Civ. Pro. § 382: Both the nationwide class and state subclasses
11 are readily ascertainable. Plaintiffs may be ascertained from Meta's books and records and through expert
12 proof. All class members share a common cause of action against Meta. Class members may be notified
13 of the pendency of this action by recognized, Court-approved notice dissemination methods, which may
14 include U.S. Mail, electronic mail, Internet postings, and/or published notice.

16 93. **Numerosity**: The members of the Class are so numerous and geographically dispersed that
17 individual joinder of all Class members is impracticable. There are many thousands of members of each
18 class and subclass. The precise number of class and subclass members is unknown to Plaintiffs but may
19 be ascertained from Meta's books and records and through expert proof. Class members may be notified
20 of the pendency of this action by recognized, Court-approved notice dissemination methods, which may
21 include U.S. Mail, electronic mail, Internet postings, and/or published notice.

24 94. **Community of Interest**: The class has a shared community of interest because this action
25 involves common questions of law and fact, which predominate over any questions affecting individual
26 Class members, including, without limitation:

- 27 (a) Whether Meta engaged in the conduct described in this complaint;
28

1 (b) Whether Meta obtained billions in profits unjustly enriching itself by profiting from
2 the tortious endangerment of children;

3 (c) Whether Meta deliberately markets its products to children;

4 (d) Whether Meta knowingly permits children under thirteen to use its products;

5 (e) Whether Meta's age and identity verification requirements are grossly inadequate;

6 (f) Whether Meta misrepresented the features of its products, particularly its safety
7 tools;

8 (g) Whether Meta structured its products to include variable and intermittent rewards
9 similar to a slot machine;

10 (h) Whether Meta's products inflict social comparison and other related harms;

11 (i) Whether pre-adolescents are uniquely vulnerable to the harms created by Meta's
12 products; and
13

14 (j) Whether Plaintiffs are entitled to damages and injunctive relief.
15

16 95. **Typicality**: Plaintiffs' claims are typical of the other class and subclass members' claims
17 because, among other things, all class and subclass members were comparably injured through Meta's
18 wrongful conduct as described above.
19

20 96. **Adequacy**: Plaintiffs are adequate class representatives because their interests do not
21 conflict with the interests of the other members of the classes and subclasses they seek to represent;
22 Plaintiffs have retained counsel competent and experienced in complex class action litigation; and
23 Plaintiffs intend to prosecute this action vigorously. The classes and subclasses interests will be fairly and
24 adequately protected by Plaintiffs and their counsel.
25

26 97. **Substantial Benefit**: A class action will provide substantial benefits to the class members
27 compared to any other available means for the fair and efficient adjudication of this controversy, and no
28

1 unusual difficulties are likely to be encountered in the management of this class action. The damages or
2 other detriment suffered by Plaintiffs and the other class or subclass members are relatively small
3 compared to the burden and expense that would be required to individually litigate their claims against
4 Meta, so it would be impracticable for the members of the Classes to individually seek redress for Meta's
5 wrongful conduct. Importantly, this action does not seek recovery for damages for personal injury—it is
6 focused on clearly distinct harms related to Meta's unjust enrichment, gender discrimination, and
7 omissions and misrepresentations. Such injuries are not feasible to remedy through individual litigation.
8 Even if Class members could afford individual litigation, the court system could not. Individualized
9 litigation creates a potential for inconsistent or contradictory judgments and increases the delay and
10 expense to all parties and the court system. By contrast, the class action device presents far fewer
11 management difficulties and provides the benefits of single adjudication, economy of scale, and
12 comprehensive supervision by a single court.
13
14

15 **COUNT I**

16 **On Behalf of the Unjust Enrichment Subclass**

17 **For Unjust Enrichment**

18 98. Plaintiffs incorporate ¶¶1-97 by reference.

19
20 99. Meta was unjustly enriched because it received a benefit from Plaintiffs, understood it
21 received a benefit from Plaintiffs, and did so in circumstances in which acceptance or retention of the
22 benefit was inequitable.

23 100. The benefit Meta received was in the form of user time by minors spent on its product and
24 engagement with its product, which is valuable to Meta because Meta's profits from advertisements are
25 inextricably linked to user engagement with its platform.

26
27 101. Unlike a billboard, where an advertiser pays a set fee to display an advertisement in a
28 particular place, regardless of whether anyone actually sees that advertisement, Meta only charges

1 advertisers for impressions (a user seeing an ad) and clicks (when a user clicks on an ad). The price of
2 advertisements on Meta's products is set by a complex bidding process based on what users advertisers
3 are targeting. In order to facilitate this structure, Meta retains extensive records of what advertisements by
4 which advertisers were seen by what users and what Meta was paid for that advertisement.

5
6 102. On information and belief, because of this structure, it is possible to identify through an
7 analysis of Meta's records the amount of money Meta made from showing advertisements to class
8 members, both as a whole and on an individual basis.

9
10 103. Acceptance or retention of the benefit of minor time spent on its products (and the resulting
11 profits) was inequitable because Plaintiffs were induced to spend time on Meta's platform through the
12 tortious conduct described above. Plaintiffs and the nationwide punitive class members have an equitable
13 right to the money that Defendant has reaped from advertisers that is superior to Defendant's claim.

14
15 104. Defendant's algorithms induced Plaintiffs to develop addictive behaviors to Meta Products.
16 These behaviors only created increased profits from Defendant based on user engagement.

17
18 105. Every dollar derived from members of the unjust enrichment class was taken in violation
19 of federal laws which exist to protect children under the age of thirteen from being exploited for profit.
20 Every dollar derived from members of the unjust enrichment class was taken while knowingly putting
21 children in harm's way. Plaintiffs and the nationwide class members have an equitable right to the money
22 that Defendant has reaped from advertisers that is superior to Defendant's claim.

23
24 106. Meta acted with knowledge of the underlying wrong to Plaintiffs or despite a known risk
25 that the conduct in question violated the rights of Plaintiffs. It is thus liable for its net profits incurred as
26 a result of its unjust enrichment.

27
28
COUNT II

On Behalf of the Unruh Civil Rights Act Subclass
For Damages Under Unruh Civil Rights Act

1
2
3 107. Plaintiffs incorporate ¶¶1-97 by reference.

4 108. The California Unruh Civil Rights Act provides that “[a]ll persons within the jurisdiction
5 of this state are free and equal, and no matter what their sex ... are entitled to the full and equal
6 accommodations, advantages, facilities, privileges, or services in all business establishments of every kind
7 whatsoever.” Cal. Civ. Code § 51.

8
9 109. The Unruh Act prohibits arbitrary discrimination by businesses on the basis of specified
10 classifications, including sex.

11 110. “Sex includes, but is not limited to, a person's gender...” Cal. Civ. Code § 51(e)(5). Sex
12 also “includes a perception that the person has any particular characteristic or characteristics within the
13 listed categories or that the person is associated with a person who has, or is perceived to have, any
14 particular characteristic or characteristics within the listed categories.” Cal. Civ. Code § 51(e)(6).

15
16 111. Defendant and its Meta Products are a “business establishment” within the meaning of the
17 Act. Defendant is headquartered in California, and its primary purpose and goal in operating Meta is to
18 conduct business, generate revenue, and earn profits. Defendant earns billions of dollars in revenues from
19 its business activities conducted in California. The Unruh Act also applies to business services that are
20 conducted wholly over the internet.

21
22 112. Defendant has intentionally, knowingly, and purposefully engaged in discriminatory
23 conduct by designing algorithms that discriminate against users on the basis of sex. These discriminatory
24 algorithms deny users full and equal accommodations, advantages, facilities, privileges, or services of
25 Meta Products by categorizing and segregating its users by gender.
26
27
28

1 113. Meta violated the Unruh Act each and every time it discriminated based on gender while
2 providing the Meta Products to Plaintiffs, including, but not limited to, each and every time it generated
3 an algorithmic newsfeed.

4 114. Pursuant to Cal. Civ. Code § 52(a), Plaintiffs seek monetary relief against Defendant of
5 statutory damages in the amount of \$4,000 per violation, or actual damages in an amount to be proven at
6 trial, as well as injunctive relief, attorneys' fees, and any other just and proper relief available under the
7 law.
8

9 **COUNT III**

10 **On Behalf of the Colorado Consumer Protection Subclass**

11 **For Damages Under Colorado Consumer Protection Law**

12 115. Plaintiffs incorporate ¶¶1-97 by reference.

13 116. The Colorado Consumer Protection Act (Colorado CPA) prohibits deceptive practices in
14 the course of a person's business, including but not limited to "fail[ing] to disclose material information
15 concerning goods, services, or property which information was known at the time of an advertisement or
16 sale if such failure to disclose such information was intended to induce the consumer to enter into a
17 transaction." Colo. Rev. Stat. § 6-1-105.
18

19 117. Defendant is a "person" under Colo. Rev. Stat. § 6-1-102(6).

20 118. Plaintiffs and Colorado Class members are "consumers" for purposes of Col. Rev. Stat. §
21 6-1-113(1)(a).
22

23 119. Each Defendant's conduct, as set forth above, occurred in the conduct of trade or
24 commerce.
25

26 120. Pursuant to Colo. Rev. Stat. § 6-1-113, Plaintiffs seek monetary relief against Defendant
27 in the form of statutory damages in the amount of \$500 for each class member or actual damages in an
28

1 amount to be proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper
2 relief available under the law.

3 **COUNT IV**

4 **On Behalf of the District of Columbia Consumer Protection Subclass**
5 **For Damages Under District of Columbia Consumer Protection Law**

6 121. Plaintiffs incorporate ¶¶1-97 by reference.

7 122. D.C. Code § 28-3904 forbids “any person to engage in an unfair or deceptive trade
8 practice[.]”

9 123. Defendant is a “person” within the meaning of this statute.

10 124. Pursuant to D.C. Code § 28-3905(k)(1), Plaintiffs seek monetary relief against Defendant
11 in the amount of \$1,500 in statutory damages for each class member or actual damages in an amount to
12 be proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available
13 under the law.
14
15

16 **COUNT V**

17 **On Behalf of the Hawaii Consumer Protection Subclass**
18 **For Damages Under Hawaii Consumer Protection Law**

19 125. Plaintiffs incorporate ¶¶1-97 by reference.

20 126. Hawaii Rev. Stat. § 480-2(a) prohibits “unfair methods of competition and unfair or
21 deceptive acts or practices in the conduct of any trade or commerce.”

22 127. Each Defendant is a “person” under Hawaii Rev. Stat. § 480-1.

23 128. Plaintiffs and Hawaii Class members are “consumer[s]” as defined by Hawaii Rev. Stat. §
24 480-1, who purchased or leased the Polluting Vehicles at issue.
25
26
27
28

1 129. Pursuant to Hawaii Rev. Stat. § 480-13, Plaintiffs seek monetary relief in the form of
2 statutory damages of \$1,000 for each class member or actual damages in an amount to be proven at trial,
3 as well as injunctive relief, attorneys’ fees, and any other just and proper relief available under the law.

4 **COUNT VI**

5 **On Behalf of the Idaho Consumer Protection Subclass**

6 **For Damages Under Idaho Consumer Protection Law**

7
8 130. Plaintiffs incorporate ¶¶1-97 by reference.

9 131. The Idaho Consumer Protection Act (Idaho CPA) prohibits deceptive business practices,
10 including engaging in any unconscionable method, act or practice in the conduct of trade or commerce.
11 Idaho Code Ann. § 48-603.

12 132. Defendant is a “person” under Idaho Code Ann. § 48-602(1).

13 133. Defendant’s acts or practices as set forth above occurred in the conduct of “trade” or
14 “commerce” under Idaho Code Ann. Idaho Code Ann. § 48-602(2).

15 134. Pursuant to Idaho Code Ann. § 48-608, Plaintiffs seek monetary relief against each
16 Defendant in the amount of \$1,000 in statutory damages for each plaintiff or actual damages in an amount
17 to be proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief
18 available under the law.
19
20

21 **COUNT VII**

22 **On Behalf of the Indiana Consumer Protection Subclass**

23 **For Damages Under Indiana Consumer Protection Law**

24
25 135. Plaintiffs incorporate ¶¶1-97 by reference.

26 136. Indiana’s Deceptive Consumer Sales Act (Indiana DCSA) prohibits a person from
27 engaging in a “deceptive business practice[s].”

28 137. Defendant is a “person” within the meaning of Ind. Code § 25-5-0.5-2(a)(2).

1 138. Plaintiffs’ interactions with Facebook and Instagram are “consumer transactions” within
2 the meaning of Ind. Code § 24-5-0.5-2(a)(3).

3 139. Pursuant to Ind. Code § 24-5-0.5-4, Plaintiffs seek monetary relief against Defendant of
4 statutory damages in the amount of \$500 for each plaintiff or actual damages in an amount to be proven
5 at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available under the
6 law.
7

8 **COUNT VIII**

9 **On Behalf of the Kansas Consumer Protection Subclass**

10 **For Damages Under Kansas Consumer Protection Law**

11 140. Plaintiffs incorporate ¶¶1-97 by reference.

12 141. The Kansas Consumer Protection Act (Kansas CPA) states “[n]o supplier shall engage in
13 any deceptive act or practice in connection with a consumer transaction.” Kan. Stat. Ann. § 50-626(a).
14 Deceptive acts or practices include but are not limited to “the willful use, in any oral or written
15 representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact” and “the willful
16 failure to state a material fact, or the willful concealment, suppression or omission of a material fact.”
17 Kan. Stat. Ann. § 50-626.
18
19

20 142. Plaintiffs and are “consumers” within the meaning of Kan. Stat. Ann. § 50-624(b).

21 143. Plaintiffs’ relationships with Facebook and Instagram are “consumer transactions” within
22 the meaning of Kan. Stat. Ann. § 50-624(c).

23 144. Pursuant to Kan. Stat. Ann. § 50-634, Plaintiffs seek monetary relief against Defendant of
24 statutory damages in the amount of \$10,000 for each plaintiff or actual damages in an amount to be proven
25 at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available under the
26 law.
27
28

COUNT IX

**On Behalf of the Michigan Consumer Protection Subclass
For Damages Under Michigan Consumer Protection Law**

1
2
3 145. Plaintiffs incorporate ¶¶1-97 by reference.

4 146. Mich. Comp. Laws Ann. § 445.903 states that “[u]nfair, unconscionable, or deceptive
5 methods, acts, or practices in the conduct of trade or commerce are unlawful,” including “[r]epresenting
6 that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities
7 that they do not have,” “[m]aking a representation of fact or statement of fact material to the transaction
8 such that a person reasonably believes the represented or suggested state of affairs to be other than it
9 actually is,” and “[f]ailing to reveal facts that are material to the transaction in light of representations of
10 fact made in a positive manner.”
11

12 147. Defendant is engaged in “the conduct of trade or commerce” within the meaning of this
13 statute.
14

15 148. Pursuant to Mich. Comp. Laws Ann. § 445.911, Plaintiffs seek monetary relief against
16 Defendant of statutory damages in the amount of \$250 for each plaintiff or actual damages in an amount
17 to be proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief
18 available under the law.
19

20 **COUNT X**

21 **On Behalf of the New Hampshire Consumer Protection Subclass**
22 **For Damages Under New Hampshire Consumer Protection Law**

23 149. Plaintiffs incorporate ¶¶1-97 by reference.

24 150. The New Hampshire Consumer Protection Act prohibits a person, in the conduct of any
25 trade or commerce, from “using any unfair or deceptive act or practice,” including “but . . . not limited to,
26 the following: . . . [r]epresenting that goods or services have . . . characteristics, . . . uses, benefits, or
27 quantities that they do not have”; “[r]epresenting that goods or services are of a particular standard, quality,
28

1 or grade, . . . if they are of another”; and “[a]dvertising goods or services with intent not to sell them as
2 advertised.” N.H. Rev. Stat. § 358-A:2.

3 151. Both Defendant and Plaintiffs are “persons” under N.H. Rev. Stat. § 358-A:1.

4 152. Defendant’s conduct occurred in the conduct of trade or commerce within the meaning of
5 this statute.

6
7 153. Pursuant to N.H. Rev. Stat. § 358-A:10, Plaintiffs seek monetary relief against Defendant
8 of statutory damages in the amount of \$1,000 for each plaintiff or actual damages in an amount to be
9 proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available
10 under the law.

11 **COUNT XI**

12 **On Behalf of the New York Consumer Protection Subclass**

13 **For Damages Under New York Consumer Protection Law**

14
15 154. Plaintiffs incorporate ¶¶1-97 by reference.

16 155. The New York General Business Law (New York GBL) makes unlawful “[d]eceptive acts
17 or practices in the conduct of any business, trade or commerce.” N.Y. Gen. Bus. Law § 349.

18
19 156. Plaintiffs and New York Class members are “persons” within the meaning of N.Y. Gen.
20 Bus. Law § 349(h).

21 157. Defendant is a “person,” “firm,” “corporation,” or “association” within the meaning of
22 N.Y. Gen. Bus. Law § 349.

23
24 158. Pursuant to N.Y. Gen. Bus. Law § 349, Plaintiffs seek monetary relief against Defendant
25 of statutory damages in the amount of \$50 for each plaintiff or actual damages in an amount to be proven
26 at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available under the
27 law.

28 **COUNT XII**

On Behalf of the Ohio Consumer Protection Subclass

For Damages Under Ohio Consumer Protection Law

159. Plaintiffs incorporate ¶¶1-97 by reference.

160. Ohio Rev. Code Ann. § 1345.02 broadly prohibits unfair or deceptive acts or practices in connection with a consumer transaction.

161. Plaintiffs are “consumers” as that term is defined in Ohio Rev. Code Ann. § 1345.01(D) and their relationships with Facebook and Instagram are a “consumer transaction” within the meaning of Ohio Rev. Code Ann. § 1345.01(A).

162. Defendant is a “supplier” within the meaning of Ohio Rev. Code Ann. § 1345.01(C).

163. Defendant’s conduct constitutes an act or practice declared to be deceptive or unconscionable by rule and by the decisions of the courts of Ohio. Pursuant to Ohio Rev. Code Ann. § 1345.09, Plaintiffs seek monetary relief against Defendant of statutory damages in the amount of \$200 for each plaintiff or actual damages in an amount to be proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available under the law.

COUNT XIII

On Behalf of the Oklahoma Consumer Protection Subclass

For Damages Under Oklahoma Consumer Protection Law

164. Plaintiffs incorporate ¶¶1-97 by reference.

165. The Oklahoma Consumer Protection Act declares unlawful, inter alia, the following acts or practices when committed in the course of business: making a “misrepresentation, omission or other practice that has deceived or could reasonably be expected to deceive or mislead a person to the detriment of that person” and “any practice which offends established public policy or if the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.” Okla. Stat. Tit. 15, §§ 752–753.

1 166. Plaintiffs are “persons” under Okla. Stat. Tit. 15, § 752.

2 167. Defendant is a “person,” “corporation,” or “association” within the meaning of Okla. Stat.
3 Tit. 15, § 751(1).

4 168. Plaintiffs’ relationships with Facebook and Instagram are a “consumer transaction” within
5 the meaning of Okla. Stat. Tit. 15, § 752.

6 169. Defendant’s conduct occurred in the conduct of trade or commerce within the meaning of
7 this statute.

8 170. Pursuant to Okla. Stat. Tit. 15, § 761.1, Plaintiffs seek monetary relief against Defendant
9 of statutory damages in the amount of \$2,000 for each plaintiff or actual damages in an amount to be
10 proven at trial, as well as injunctive relief, attorneys’ fees, and any other just and proper relief available
11 under the law.
12
13

14
15 **COUNT XIV**

16 **On Behalf of the Utah Consumer Protection Subclass**

17 **For Damages Under Utah Consumer Protection Law**

18 171. Plaintiffs incorporate ¶¶1-97 by reference.

19 172. The Utah Consumer Sales Practices Act (Utah CSPA) makes unlawful any “deceptive act
20 or practice by a supplier in connection with a consumer transaction,” including but not limited to indicating
21 that the subject of a consumer transaction has sponsorship, approval, performance characteristics,
22 accessories, uses, or benefits, if it has not; indicating that the subject of a consumer transaction is of a
23 particular standard, quality, grade, style, or model, if it is not; and “indicat[ing] that a specific price
24 advantage exists, if it does not.” Utah Code Ann. § 13-11-4.
25
26
27
28

1 173. Defendant knew, or had reason to know, that consumers would rely on its failure to disclose
2 the defects in its Facebook and Instagram products. Defendant therefore engaged in an unconscionable
3 act within the meaning of Utah Code Ann. § 13-11-5.

4 174. Pursuant to Utah Code Ann. § 13-11-4, Plaintiffs seek monetary relief against Defendant
5 of statutory damages in the amount of \$2,000 for each plaintiff or actual damages in an amount to be
6 proven at trial, as well as injunctive relief, attorneys' fees, and any other just and proper relief available
7 under the law.
8

9 **COUNT XV**

10 **On Behalf of the Virginia Consumer Protection Subclass**

11 **For Damages Under Virginia Consumer Protection Law**

12 175. Plaintiffs incorporate ¶¶1-97 by reference.

13 176. The Virginia Consumer Protection Act (Virginia CPA) lists prohibited "practices," which
14 include "[u]sing any other deception, fraud, false pretense, false promise, or misrepresentation in
15 connection with a consumer transaction." Va. Code Ann. § 59.1-200.
16

17 177. Defendant is a "supplier" under Va. Code Ann. § 59.1-198.

18 178. Plaintiffs' relationships with Facebook and Instagram are a "consumer transaction" within
19 the meaning of Va. Code Ann. § 59.1-198.
20

21 179. Defendant willfully and knowingly misrepresented or used false promises as to the safety
22 of Meta Products to Plaintiffs.

23 180. Defendant also willfully and knowingly omitted material facts as the harmful nature of the
24 content on Meta Products that were explicitly designed to target Plaintiffs' children.

25 181. Pursuant to Va. Code Ann. § 59.1-204, and because Defendant's conduct was committed
26 willfully and knowingly, Plaintiffs seek monetary relief against Defendant of statutory damages in the
27
28

1 amount of \$1,000 for each plaintiff or actual damages in an amount to be proven at trial, as well as
2 injunctive relief, attorneys' fees, and any other just and proper relief available under the law.
3

4 **PRAYER FOR RELIEF**


5 Plaintiff requests that the Court, after trial on the merits, grant the following relief and judgment:
6

- 7 A. Certification of each of the proposed classes and subclasses described above;
8 B. Disgorgement of Meta's unjust enrichment to the unjust enrichment subclass;
9 C. Damages, in the amount to be determined at trial, for the civil rights and state consumer
10 protection subclasses, as well as appropriate injunctive relief;
11 D. An award of costs and legal fees;
12 E. Such other or further relief as may be appropriate.
13

14 **JURY DEMAND**

15 Plaintiff hereby demands a trial by jury.
16

17 Dated: September 26, 2022
18

19
20 By: 
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