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Guardian *Ad Litem* Lynette Young, on
behalf of himself and all others similarly situated

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOHN DOE, a minor by and through his
Guardian *Ad Litem* Lynette Young, on
behalf of himself and all others similarly
situated,

Plaintiffs,

vs.

SNAPCHAT, INC., A Delaware
Corporation, and DOES 1-20

Defendants

Case No.: 2:16-cv-04955

CLASS COMPLAINT FOR DAMAGES

- 1. Violations of Unfair Business Practices Act [Cal. Bus. & Prof. Code § 17200, *et seq.*]**
- 2. Negligence *Per Se***
- 3. Violations of 47 U.S.C. §230, *et seq.***
- 4. Unjust Enrichment**
- 5. Injunctive Relief**

DEMAND FOR JURY TRIAL

COMPLAINT

1
2 1. Plaintiff John Doe brings this putative class action, on behalf of himself and a
3 putative class comprised of approximately 150 million users of “Snapchat,” a wildly
4 popular internet computer service and application developed by Snapchat, Inc.

5 2. This putative class action is based on Snapchat’s willful and intentional
6 violations of the Communications Decency Act, specifically 47 U.S.C. §230 and 47 U.S.C.
7 §231, in addition to other violations of State consumer law¹.

8 3. In 2015, in an effort to monetize its interactive platform, Snapchat developed
9 Snapchat Discover, an integrated feature on Snapchat where Snapchat, Inc. creates,
10 generates, curates, develops, and promotes content jointly with “media partners” which
11 include DailyMail, BuzzFeed, Vice, Cosmopolitan, Fusion, MTV, and a handful of other
12 popular media publishers. Snapchat selects the media partners for Snapchat Discover and
13 exercises direct control over its editorial content and what is published to the consumer.

14 4. Although Snapchat claims to have pivoted away from its founding roots
15 which included promoting surreptitious “sexting” with disappearing text and images, the
16 content Snapchat develops and curates on Snapchat Discover paints a different and
17 dangerous picture.

18 5. Specifically, through Snapchat Discover, Snapchat is currently engaged in an
19 insidious pattern and practice of intentionally exposing minors to harmful, offensive,
20 prurient, and sexually offensive content, without warning minors or their parents that they
21 would be exposed to such explicit content.

22 6. Millions of parents in the United States today are unaware that Snapchat is
23 curating and publishing this profoundly sexual and offensive content to their children.

24 7. By engaging in such conduct directed at minors, and making it simple and
25 easy for users to “snap” each other content from Snapchat Discover, Snapchat is reinforcing
26 the use of its service to facilitate problematic communications, such as “sexting,” between
27

28

¹ **WARNING:** The images and content contained in this Complaint are not suitable for minors. The images in this

1 minors. Snapchat has placed profit from monetizing Snapchat Discover over the safety of
2 children.

3 8. The Communication Decency Act prohibits this conduct.

4 9. Specifically, the Communication Decency Act requires internet computer
5 services like Snapchat “at the time of entering an agreement with a customer for the
6 provision of interactive computer service and in a manner deemed appropriate by the
7 provider, to notify such customer that parental control protections (such as computer
8 hardware, software, or filtering services) are commercially available that may assist the
9 customer in limiting access to material that is harmful to minors. Such notice shall identify,
10 or provide the customer with access to information identifying, current providers of such
11 protections.”

12 10. Snapchat’s “Terms of Service,” which are generally entered into directly by
13 minors who even lack the capacity and consent to enter into contracts in the first place,
14 includes **no warnings** about the offensive content on Snapchat Discover.

15 11. The Communications Decency Act also provides a \$50,000.00 civil penalty
16 for each violation of the Act. Each day a violation occurs constitutes a separate violation.

17 12. As demonstrated below, a random sample of the content Snapchat and its
18 media partners post on Snapchat Discover, and encourage users to share, from the period of
19 just July 1, 2016 through July 3, 2016, demonstrates that millions of minors are being
20 exposed to content that would shock any parent’s conscience. Worse yet, the biggest
21 offender in sharing offensive communications with minors is not user to user
22 communications, but is instead communications that Snapchat is sending and promoting to
23 minors through Snapchat Discover.

24 13. This putative class action seeks a simple, but important solution (1) to hold
25 Snapchat financially accountable for the civil penalties it owes for each violation of law,
26 and (2) to compel Snapchat to proactively warn parents and children about the content it
27 curates and/or to develop basic access controls and filters that differentiate minor users
28

1 from adult users.

2 **JURISDICTION AND VENUE**

3 21. This Court has diversity jurisdiction over this class action pursuant to 28
4 U.S.C. § 1332(d)(2) because the matter in controversy, exclusive of interest and costs,
5 exceeds \$5,000,000 and is a class action in which some members of the class are citizens of
6 states different from the states where Defendants are citizens.

7 22. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because many of
8 the acts and transactions giving rise to this action occurred in this District as Defendant: (a)
9 is authorized to conduct business in this District and has intentionally availed itself to the
10 laws and markets within this District through the promotion, marketing, distribution and
11 sale of its products in this District: (b) currently does substantial business in this District;
12 and (c) is subject to personal jurisdiction in this District.

13 **PARTIES**

14 23. At all relevant times John Doe was a resident of Los Angeles County,
15 California, and a citizen of California. Plaintiff, on behalf of himself and the putative
16 National class, and California sub-classes, brings this class action against Snapchat, Inc.

17 24. Defendant Snapchat Inc. is a Delaware Corporation with its principal place of
18 business in Venice, California. Each of the DOES 1-10 is the agent, servant, partner, joint-
19 venturer, co-venturer, "media partner," principal, director, officer, manager, employee, or
20 shareholder of one or more of its co-defendant(s) who aided, abetted, controlled, and
21 directed or conspired with and acted in furtherance of said conspiracy with one or more of
22 its co-defendant(s) in said co-defendant(s) performance of the acts and omissions described
23 below. Plaintiff sues each of these Doe Defendants by these fictitious names because
24 Plaintiff does not know these Defendants' true names and capacities. Despite reasonable
25 efforts, Plaintiff has not been able to ascertain the identity of DOES 1-20.
26
27
28

25. Plaintiff further alleges that each Defendant is directly liable and/or vicariously, jointly and severally liable for the violations of the California Consumers Legal Remedies Act and the California Unfair Business Practice Act.

26. At all times relevant, Plaintiff directly viewed the highly offensive sexual conduct directed at him by Snapchat, Inc, which is provided below in this Complaint.

27. Upon information and belief, Snapchat, Inc's conduct directly affects approximately 150 million users, to whom Snapchat owes a legal duty of care and to whom Snapchat is directly responsible for damages for each day of each violation.

FACTUAL ALLEGATIONS

A. SNAPCHAT DISCOVER

28. Snapchat is an interactive computer service that provides a mobile application allowing consumers to send and receive photo and video messages known as "snaps." Snapchat markets itself as an "ephemeral" messaging application, having claimed that once a certain period of time expires, the snap "disappears forever."

29. According to International Business Times, "Back in 2013, Snapchat was solely a one-to-one messaging app. While popular among college students, it had yet to go mainstream or provide much to interest publishers. The narrative began to change when Snapchat introduced 'Stories,' or 24-hour feeds for each user's photos, in October 2013. Storytelling expanded from individual accounts to publishers through the launch of 'Our Stories' on June 17, 2014. Then, on Jan. 27, 2015, Discover entered the picture."²

30. On January 27, 2015, Snapchat formally announced a new feature called "Snapchat Discover." Snapchat announced:

Today we're introducing Discover.

Snapchat Discover is a new way to explore Stories from different editorial teams. It's the result of collaboration with world-class leaders in media to build a storytelling format that puts the narrative first. This is not social media.

² <http://www.ibtimes.com/snapchat-discover-one-year-later-how-23-media-companies-are-building-stories-evan-2281851>

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