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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ASHLEIGH HEFFNER, individually and as the
 Personal Representative of the Estate of Liam
 Birchfield,

Plaintiff,

v.

META PLATFORMS, INC., formerly known
 as FACEBOOK, INC.; SNAP, INC.,

Defendants.

NO.

COMPLAINT FOR WRONGFUL
 DEATH AND SURVIVORSHIP, AND
 FOR VIOLATIONS OF THE
 CALIFORNIA UNFAIR
 COMPETITION LAW, BUS. & PROF.
 CODE §§17200, *ET. SEQ*

JURY DEMAND

In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what's best for the technology company and what's best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users' health and ensuring that users engage with one another in safe and healthy ways. . . . Technology companies must step up and take responsibility for creating a safe digital environment for children and youth. Today, most companies are not transparent about the impact of their products, which prevents parents and young people from making informed decisions and researchers from identifying problems and solutions.

Protecting Youth Mental Health, United States Surgeon General Advisory, December 7, 2021

Plaintiff Ashleigh Heffner, individually and as the Personal Representative of the Estate of Liam Birchfield, brings this action against Meta Platforms, Inc., formerly known as Facebook, Inc. ("Meta"), doing business as Instagram ("Instagram"), and Snap, Inc., doing business as Snapchat ("Snapchat"), and alleges as follows:

I. INTRODUCTION

1. This product liability action seeks to hold Defendants' products responsible for causing and contributing to the burgeoning mental health crisis perpetrated upon the children and teenagers of the United States by Defendants and, specifically, for the wrongful death of 11-year-old Liam Birchfield caused by his addictive use of and exposure to Defendants' unreasonably dangerous and defective social media products. On July 6, 2021, after struggling with the harmful effects of social media, Liam took his own life.

2. Liam Birchfield's death was a symptom of the current mental health crisis among American youth caused by social media. On December 7, 2021, the United States Surgeon General issued an advisory cataloging a dramatic increase in teen mental health crises including suicides, attempted suicides, eating disorders, anxiety, depression, self-harm, and inpatient admissions. Between 2007 and 2018, for example, suicide rates among youth ages twelve to sixteen in the U.S. increased a staggering 146 percent!

3. The most significant and far-reaching change to the lives of young people during this period was the widespread adoption of mobile social media platforms, most prominently the Instagram and Snapchat products designed and distributed by Defendants. By 2014, 80 percent of high school students said they used a social media platform daily, and 24 percent said that they were online "almost constantly." Millions of children and teenagers spend hours throughout the day and night using Defendants' unreasonably dangerous and defective social media products.

4. Peer reviewed studies and the available medical science have identified social media use associated with major mental health injuries among youth, including depression, self-harm, eating disorders, suicide attempts and ideation, dissatisfaction with life, depression, and sleep deprivation. Both large observational studies and experimental results point to the heavy use of Defendants' social media products as a cause of increased depression, suicidal ideation, and sleep deprivation among minors.

5. Defendants' own research also points to their social media products as a cause of increased depression, suicidal ideation, sleep deprivation, and other serious harms. Meta researchers, for example, found that Instagram is "worse" than many competitor products and "is

1 seen as having the highest impact [on negative body and appearance comparison], and Snapchat
2 isn't far behind."

3 6. Defendants have invested billions of dollars to intentionally design and develop
4 their products to encourage, enable, and push content to children and teenagers that Defendants
5 know to be problematic and highly detrimental to their minor users' mental health.

6 7. Internal, non-public data collected by Instagram and Facebook reveal large
7 numbers of its users are engaging in "problematic use" of its products. This problematic use
8 identified in the medical literature is precisely the type of use Defendants have designed their
9 products to encourage through psychological manipulation techniques—sometimes referred to as
10 persuasive design—that is well-recognized to cause all the hallmarks of clinical addiction.

11 8. Likewise, each of Defendants' products contains unique product features which are
12 intended to and do encourage addiction, and unlawful content and use of said products, to the
13 detriment of Defendants' minor users.

14 9. Plaintiff brings claims of strict liability based upon Defendants' defective design
15 of their social media products that renders such products not reasonably safe for ordinary
16 consumers in general and minor users in particular. It is technologically feasible to design social
17 media products that substantially decrease both the incidence and magnitude of harm to minors
18 arising from their foreseeable use of Defendants' products with a negligible increase in production
19 cost.

20 10. Plaintiff also brings claims for strict liability based on Defendants' failure to
21 provide adequate warnings to minor users and their parents of the danger of mental, physical, and
22 emotional harms and sexual abuse arising from foreseeable use of their social media products. The
23 addictive quality of Defendants' products and the impacts of their harmful algorithms are unknown
24 to minor users and their parents.

25 11. Plaintiff also brings claims for common law negligence arising from Defendants'
26 unreasonably dangerous social media products and their failure to warn of such dangers.
27 Defendants knew, or in the exercise of ordinary care should have known, that their social media
28 products were harmful to a significant percentage of their minor users and failed to redesign their

1 products to ameliorate these harms or warn minor users and their parents of dangers arising out of
2 the foreseeable use of their products.

3 12. Many of Defendants' own former and/or current developers do not allow their own
4 children and teenagers to use Defendants' products. For many years, Defendants have had actual
5 knowledge that their social media products are dangerous and harmful to children and teenagers,
6 but actively concealed these facts from the general public and government regulators and failed to
7 warn parents about this known harm for continued economic gain.

8 13. Plaintiff brings claims under California's Unfair Competition Law ("UCL"), Cal.
9 Bus. & Prof. Code, §§17200, *et seq.* The conduct and omissions alleged herein constitute unlawful,
10 unfair, and/or fraudulent business practices prohibited by the UCL.

11 14. Finally, Plaintiff brings claims under 47 U.S.C. § 1595 based on Defendants'
12 financial benefit derived from knowingly assisting, supporting, and facilitating the sexual
13 solicitation and exploitation of Liam Birchfield and similarly situated children. Defendants have
14 actual knowledge of, and knowingly benefit from, the large number of adult predators who
15 regularly use Defendants' platforms to solicit and groom minor users to engage in commercial sex
16 acts with minors

17 15. Defendants have actual knowledge that adult predators use their social media
18 platforms to facilitate commercial sex acts, yet have purposefully failed to undertake reasonable
19 efforts to redesign their social media products to protect minor users such as Liam Birchfield from
20 sex abuse; failed to warn minor users and their parents that sexual predators are using their
21 platforms to recruit minors to perform commercial sex acts; and failed to notify law enforcement
22 despite knowledge of illegal sex acts performed on and through their platforms.

23 II. PARTIES

24 16. Plaintiff Ashleigh Heffner is an individual residing in Bluff City, Tennessee, and
25 has been appointed the administrator of the Estate of her son Liam Birchfield, who died of suicide
26 on July 6, 2021.

27 17. Plaintiff Ashleigh Heffner has not entered into a User Agreement or other
28 contractual relationship with any of the Defendants herein in connection with Liam Birchfield's

1 use of their social media products. As such, in prosecuting this action Plaintiff is not bound by any
2 arbitration, forum selection, choice of law, or class action waiver set forth in said User
3 Agreements. Additionally, as Personal Representative of the Estate of Liam Birchfield, Plaintiff
4 expressly disaffirms any and all User Agreements with Defendants that her son may have entered
5 into.

6 18. Defendant Meta Platforms, Inc., formerly known as Facebook, Inc., is a Delaware
7 corporation with its principal place of business in Menlo Park, CA. Defendant Meta Platforms
8 owns and operates the Instagram social media platform, an application that is widely available to
9 users throughout the United States.

10 19. Defendant Snap, Inc. is a Delaware corporation with its principal place of business
11 in Santa Monica, CA. Defendant Snap owns and operates the Snapchat social media platform, an
12 application that is widely marketed by Snap and available to users throughout the United States.

13 III. JURISDICTION AND VENUE

14 20. This Court has subject-matter jurisdiction over this case under 28 U.S.C. § 1332(a)
15 because the amount in controversy exceeds \$75,000 and Plaintiff and Defendants are residents of
16 different states. Venue is proper in this District under 28 U.S.C. § 1391(b)(2)

17 21. This Court has personal jurisdiction over Defendants because they are each
18 headquartered and have their principal place of business in the State of California. Venue is proper
19 in this District under 28 U.S.C. § 1391(b)(1) because Defendant Meta's principal place of business
20 is in the Northern District of California and Defendant Snap, Inc. is a resident of the State of
21 California.

22 IV. DIVISIONAL ASSIGNMENT

23 22. The case is properly assigned to the San Francisco Division pursuant to Civ. L. R.
24 3-2(c)-(d) because a substantial part of the events or omissions giving rise to Plaintiff's claims
25 occurred in San Mateo County, where Defendant Meta Platforms, Inc. maintains its primary place
26 of business.

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