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Judge Permits 10 Plaintiffs' Experts to Testify in Social Media Addiction Cases

Monday's ruling by Los Angeles Superior Court Judge Carolyn Kuhl allowed 10 of the 11 plaintiffs' experts on general causation to testify at trials.

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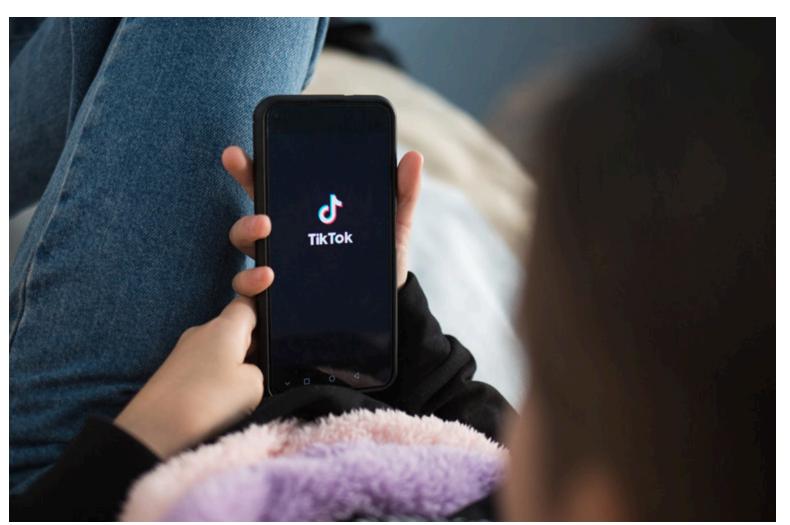


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What You Need to Know

- The ruling was a big win for plaintiffs ahead of a Nov. 19 bellwether trial, the first in the nation to hold social media companies liable for a mental health crisis among America's youth.
- Los Angeles Superior Court Judge Carolyn Kuhl concluded that the experts were not barred by Section 230 of the Communications Decency Act and that their methodologies were reliable.
- The defendants are Meta Platforms, which owns Facebook and Instagram; YouTube's Google; ByteDance, owner of TikTok; and Snap Inc., which owns Snapchat.

A judge has allowed plaintiffs' experts to testify in the first trial blaming social media sites such as Instagram and YouTube on addiction and mental health problems in young people.

Monday's ruling by Los Angeles Superior Court Judge Carolyn Kuhl was a big win for plaintiffs ahead of a Nov. 19 bellwether trial. Kuhl, who is overseeing cases against social media companies in California's state courts, greenlighted 10 of the 11 experts who plan to testify that social media was generally the cause of a mental health crisis among America's youth, many of whom have become addicted and diagnosed with depression or committed suicide.

Kuhl concluded that their opinions, which focused on features of the social media platforms rather than just the content, were not barred by Section 230 of the Communications Decency Act, which immunizes tech companies from the acts of third parties.

"Here, liability for negligence cannot be based on a defendant's decision to allow certain content to appear on its platform," she wrote in an 87-page ruling. "However, a defendant may be held liable for harm caused by a feature or activity that was part of the design or operation of the defendant's social media platform if a jury finds that the defendant was negligent in the design or operation of the social media platform and also find that the design or operation of the social media platform was a substantial factor in causing a plaintiff's injury."

Kuhl found that many of the studies on which plaintiffs' experts relied were based on correlations between mental health effects and social media, regardless of the content the minors were viewing.

"This ruling affirms the strength of the scientific evidence supporting our claims," said plaintiffs' lead counsel Joseph VanZandt of Beasley Allen in Montgomery, Alabama; Mariana McConnell of Kiesel Law in Beverly Hills, California; Rachel Lanier of The Lanier Law Firm in Los Angeles; and Rahul Ravipudi of Los Angeles- based Panish Shea Ravipudi. "The court recognized that social media platforms are not just passive conduits of content—they are engineered environments that can profoundly affect adolescent brain development and harm mental health."

Kuhl also found the experts had reliable scientific methodologies, adding that defendants could cross examine the experts during trial. She also rejected defense arguments that the experts could not testify about internal documents at the social media companies, or that the features on their sites were too different from one another to lump together in research. The defendants, in an omnibus motion, had cited "over-extrapolating from the data" and "cherry-picking across and even within studies" as among their criticisms of the experts.

The cases are against Meta Platforms Inc., which owns Facebook and Instagram; Snap Inc., parent of Snapchat; ByteDance, owner of TikTok; and Google's YouTube. A Meta spokesperson

declined to comment, and representatives and lawyers for the other three companies did not respond to requests for comment.

'Beyond The Expertise Required'

The social media cases in front of Kuhl are separate from the multidistrict litigation pending before U.S. District Judge Yvonne Gonzalez Rogers, in the Northern District of California, where the first case involving a school district is gearing up for a trial next summer. Gonzalez Rogers has scheduled 11 cases for trial to serve as bellwethers in the multidistrict litigation, which involves lawsuits across the country, including those brought by state attorneys general.



Los Angeles Superior Court Judge Carolyn Kuhl.Courtesy photo.051-2010

The bellwether case in Los Angeles is the first of nine individual cases planned for bellwether trials, scheduled in batches of three. Kuhl has scheduled a second set for March 9, and a third on May 11.

Last year, Kuhl <u>struck claims brought by four school districts</u> under Section 230, so the California cases now all involve individual claims, most of them minors.

The only expert Kuhl did not allow to go forward in Monday's ruling was a licensed clinical psychologist and psychotherapy specialist in Denmark focused on adolescent mental health. That expert did not provide a methodology for her opinions, Kuhl wrote, and has not done research.

"The opinion she seeks to provide here goes beyond the expertise required to diagnose an individual patient and to opine about the factors contributing to that patient's injury," Kuhl wrote.

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