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David W. Slayton, Executive Officer / Clerk of Court

By: A. Rosas Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

Social Media Cases
JCCP5255
(Lead Case: 22STCV21355)

P.F., et al. v. Meta Platforms, Inc., et al.
23SMCV03371

Dept. 12 SSC
Hon. Carolyn B. Kuhl
Date of Hearing: June 4, 2026

**Meta Defendants' Motions for Judgment Notwithstanding the Verdict
and for New Trial (K.G.M.)**

**Defendants YouTube, LLC and Google LLC's Motions for New Trial
and Judgment Notwithstanding the Verdict**

Court's Ruling: Both Motions are denied.

After a lengthy trial of Plaintiff K.G.M.'s negligence and negligence failure-to-warn claims against Defendants Meta Platforms, Inc. and Instagram, LLC (collectively, Meta), and Google LLC and YouTube, LLC (collectively, YouTube), the jury found in favor of Plaintiff. The jury determined that K.G.M.'s compensatory damages were \$3,000,000, with Meta assigned 70% of the responsibility and YouTube assigned 30%. The jury also awarded punitive damages: \$2,100,000 against Meta and \$900,000 against YouTube.

Meta and YouTube now each move for an order setting aside the judgment entered on the verdict and/or granting a new trial.

In its 50-page memorandum, Meta raises several reasons it believes the court should grant its Motion. First, Meta argues that Section 230 precludes liability for both the negligence claim and the negligent failure-to-

warn claim. Second, Meta argues that the First Amendment entitles Meta to judgment notwithstanding the verdict because it protects Meta's "editorial choices," Meta's choices about who can access Instagram, and Meta's own speech. Third, Meta argues that Plaintiff failed to prove her claims. Fourth, Meta argues that it is entitled to judgment in its favor on punitive damages. Fifth, Meta argues that the jury instructions and verdict form were improper and warrant a new trial. Sixth, Meta argues that "several prejudicial evidentiary issues" warrant a new trial. And seventh, Meta argues that Instagram, LLC is entitled to judgment in its favor because it does not own or operate Instagram.

For its part, YouTube raises three main arguments in support of its request for judgment notwithstanding the verdict and a new trial. First, YouTube argues that Plaintiff failed to prove that she is entitled to recover punitive damages from YouTube. Second, YouTube argues that the First Amendment shields YouTube from liability. And third, YouTube argues that the jury's verdict is precluded by Section 230.

Most of the arguments raised by Defendants in these Motions have been raised previously by Defendants and rejected by this court over more than two and one-half years of litigation. Indeed, rather than addressing Section 230 issues at length in its Motion, YouTube very reasonably explains that it has merely raised Section 230 for the purposes of preserving arguments for appeal:

YouTube submits that Section 230 warrants JNOV or, at minimum, a new trial, but it recognizes that the Court has already ruled on and rejected YouTube's arguments at the demurrer, summary judgment, motion in limine, and jury instruction stages. As such, YouTube does not repeat the details of those arguments here and instead preserves them for appeal.

(YouTube's Mot., at p. 36.) The current Motions thus lead the court and the parties back to well-trodden ground. Rather than repeating at length the reasoning underlying its prior holdings, the court here assumes the reader's familiarity with the procedural history and factual record of this coordinated proceeding, but refers to some of the court's principal prior rulings addressing the parties' current arguments.

I. Legal Standard – JNOV Motion

"A motion for judgment notwithstanding the verdict may be granted only if it appears from the evidence, viewed in the light most favorable to

the party securing the verdict, that there is no substantial evidence in support.” (*Sweatman v. Department of Veterans Affairs* (2001) 25 Cal.4th 62, 68, internal citations omitted.) “The trial judge cannot weigh the evidence [citation], or judge the credibility of witnesses. [Citation.] If the evidence is conflicting or if several reasonable inferences may be drawn, the motion for judgment notwithstanding the verdict should be denied. [Citations.] ... If there is any substantial evidence, or reasonable inferences to be drawn therefrom, in support of the verdict, the motion should be denied.” (*Hauter v. Zogarts* (1975) 14 Cal.3d 104, 110, internal citations and quotation marks omitted.) An order granting judgment notwithstanding the verdict “is only appropriate where the plaintiff’s proof raises nothing more than speculation, suspicion or conjecture.” (*Jimenez v. Hayes Apartment Homes, LLC* (2025) 115 Cal.App.5th 1072, 1083, internal citations and quotation marks omitted.) A judgment notwithstanding the verdict “on the issue of punitive damages is proper when no reasonable jury could find the plaintiff’s evidence to be clear and convincing proof of malice, fraud or oppression.” (*Hoch v. Allied-Signal, Inc.* (1994) 24 Cal.App.4th 48, 60-61.)

II. Legal Standard – Motion for New Trial

Defendants make no argument that the trial was affected by an irregularity in the proceedings, jury misconduct, accident or surprise, newly discovered evidence or excessive or inadequate damages. (See Code Civ. Proc., § 657(1)-(5).) Defendants ask that the verdict be vacated and a new trial ordered due to insufficiency of the evidence and error of law. (Code Civ. Proc., § 657 (6)-(7).)

“When a trial court rules on a motion for new trial based upon inadequacy of the evidence, it is vested with a plenary power—and burdened with a correlative duty—to independently evaluate the evidence. [Citations.] [A] motion asserting inadequate or excessive damages is governed by the same standards and principles as one asserting that the evidence is insufficient to sustain the verdict. [Citations.] In such cases, the court has the power to disbelieve witnesses, reweigh the evidence, and draw reasonable inferences therefrom contrary to those of the trier of fact [citation]; it sits as an independent trier of fact [citation]; and it must independently assess the evidence supporting the verdict [Citation.] The trial judge has to be satisfied that the evidence, as a whole, was sufficient to sustain the verdict; if he was not, it was not only the proper exercise of a legal discretion, but his duty, to grant a new trial.” (*Ryan v. Crown Castle NG Networks Inc.* (2016) 6 Cal.App.5th 775, 784, internal citations, quotation marks and brackets omitted.)

“Even when legal error is established on a motion for new trial, to be entitled to a new trial, the moving party must also show the error was prejudicial—that it affected a substantial right and prevented him from obtaining a fair trial. ... [An appellate court] may not substitute [its] judgment for the trial court’s on the essentially factual question of whether the legal error was prejudicial” (*Pomona Valley Hospital Medical Center v. Kaiser Foundation Health Plan, Inc.* (2026) 119 Cal.App.5th 43, 73, internal citations and quotation marks omitted.)

III. Meta’s Motion

a. Section 230

Meta argues that it is entitled to judgment notwithstanding the verdict because the jury found Meta liable for publishing third-party content. As it has argued throughout this litigation, Meta argues that it cannot be liable because Section 230 provides immunity for “Instagram’s publishing activity.” (Meta’s Mot., at p. 3.)

Meta’s arguments (and its repeated reliance on cases where liability was based directly on harm stemming from content) have been rejected several times. (See, e.g., Ruling on Defs’ Dem., Oct. 13, 2023, at pp. 57-66; Ruling on Dem. and MTS, Jan. 8, 2025, at p. 14, 17-23.) Perhaps most relevantly, this court rejected Meta’s Section 230 arguments when it denied Meta’s motion for summary judgment as to Plaintiff. (See Ruling on Defs’ K.G.M. MSJs, Nov. 5, 2025, at pp. 2-3.) The court there concluded that, even before trial, there was sufficient evidence to show that Plaintiff’s harms were caused by Instagram design features for which Section 230 does not provide immunity. The same conclusion must be reached now with respect to the evidence presented by Plaintiff at trial. There was substantial evidence that Plaintiff was harmed by the design features of Instagram, regardless of any of the content found on that platform.

Cases cited by Meta for the proposition that Plaintiff held Meta liable for the exercise of an editorial function do not address immunity under Section 230 for design features of social media platforms. Rather, those cases instead bar recovery when plaintiffs seek to hold a social media provider liable for injury caused by *content* selected for publication by the defendant social media company. (See *M.P. by and through Pinckney v. Meta Platforms Inc.* (4th Cir. 2025) 127 F.4th 516, cert. denied sub nom. *M. P. By and Through Pin v. Meta Platforms Inc.* (2025) 146 S.Ct. 287 [injury allegedly caused by racist content curated by the defendant’s algorithm]; *Doe 1 v. Meta Platforms, Inc.* (9th Cir. 2026) 174 F.4th 1159 [injury allegedly caused by third party content that incited violence].) Recent

authorities support this court's earlier determination that Section 230 does not bar claims for injury based on the effects of the performance of social media platform design. (*Commonwealth v. Meta Platforms, Inc.* (2026) 497 Mass. 384; *TikTok, Inc. v. Eighth Judicial District Court in and for County of Clark* (2025) 578 P.3d 640.)

Furthermore, the conclusion that the jurors improperly held Meta liable for its publishing activities is negated by the fact that the jurors were repeatedly instructed not to base liability on those activities for which Section 230 provided protection. In addition to providing closing instructions that included the limitations Section 230 places on the potential bases for recovery, the court pre-instructed the jury with instructions that included the Section 230 instruction and repeated the Section 230 instruction on its own in the course of the Plaintiff's case in chief. Meta again challenges the court's Section 230 instruction (see *infra*), but the Section 230 instruction adequately served to prevent the jurors from basing liability on Meta's "publishing activities." Insofar as there was some evidence at trial that *some portion* of K.G.M.'s harms *may have* been caused by third-party content present on Instagram, this does not support the conclusion that the jurors failed to follow the instructions given by this court. Instead, there is a presumption that the jurors followed the instructions. (See *People v. Ochoa* (1998) 19 Cal.4th 353, 427; *Rayii v. Gatica* (2013) 218 Cal.App.4th 1402, 1415 (*Rayii*).) Meta does not present evidence suggesting that the jurors did not follow the jury instructions.

Meta argues that "Plaintiff failed to prove a content-independent claim at trial." (Meta' Mot., at p. 4.) Meta once again attempts to have this court apply a "but-for" cause test under Section 230. As this court has held, however, a cause of action is not barred by Section 230 when third-party content is one "but-for" cause of the harm suffered by the plaintiff. (See, e.g., Ruling on Defs' MTS, July 19, 2024, at p. 9.) And "the fact that a design feature like 'infinite scroll' impelled a user to continue to consume content that proved harmful does not mean that there can be no liability for harm arising from the design feature itself." (Ruling on Defs' K.G.M. MSJs, Nov. 5, 2025, at p. 2.)

Meta also repeats arguments it has previously made as to why liability cannot be premised on either "recommendation algorithms," "likes," "infinite scroll/autoplay," "notifications," or "filters." As discussed above, this court's rulings and instructions to the jury preclude liability based on content recommended by Meta's algorithms. Prior rulings of this court address why Section 230 does not bar liability premised on the effects of other features. (See, e.g., Ruling on YouTube MIL No. 4, Feb. 9, 2026, at pp. 1-4 ["likes"]; Ruling on Defs' MSJs K.G.M., Nov. 5, 2025, at p. 2 ["infinite

scroll"/"autoplay"]; Ruling on Defs' Dem., Oct. 13, 2023, at p. 59 ["notifications"]; Ruling on Defs' Dem., Oct. 13, 2023, at p. 60 ["filters"].)

Regarding Meta's provision of filters by which young users are invited to alter their appearance in the photographs they post on Instagram, Meta now argues that it is being held liable for filters used by Plaintiff that Meta did not supply to users. However, there was evidence at trial that beauty filters were a product supplied to users by Instagram. (Pl's Opp. Meta Mot., at pp. 24-25.) Meta also contends that Plaintiff was injured (if at all) by seeing altered images posted by third parties, not by altering her own photographs using filters provided by Instagram. However, there was substantial testimony concerning the extremely large number of altered photographs the Plaintiff posted of herself on Instagram, and how she felt bad about herself when she compared the altered images to the way she looked in the mirror. (See Pl's Opp. Meta Mot., at p. 24.) Plaintiff testified she became extremely upset when a friend posted an unaltered photograph of her. The jury could have concluded that Plaintiff's extensive use of Instagram filters to alter her own image contributed to Plaintiff's body dysmorphia, the continuing effects of which were illustrated by her waking up at 3:30 am to spend 3-4 hours getting ready to be seen in public at trial.

As to the lack of age verification, this court made an early ruling that liability could not be premised on the lack of age verification for use of Instagram. (Ruling on Defs' MTS, July 19, 2024, at p. 27.) However, after further consideration and a more complete understanding of Plaintiff's argument that Meta did not enforce its publicly articulated policy precluding use by minors under age 13, this court refused to give an instruction prohibiting the jury from premising liability on Meta's allegedly ineffective age verification policies. (Ruling on Meta's Br. RE Age Verification, Feb. 23, 2026.) The court concluded that caselaw holding that a defendant could not be held liable for its lack of age verification did not apply here, because it concerned harm flowing from third-party content. (Ruling on Meta's Br. RE Age Verification, Feb. 23, 2026, at pp. 2-3.)

Meta's argument under Section 230 is partially based on Meta's factual conclusion that Plaintiff was addicted to the content on Instagram rather than being addicted to Instagram itself as a result of how the design features functioned. Meta is of course entitled to its factual position, but that does not mean this court must overturn the jury's verdict. Plaintiff presented substantial evidence that Plaintiff's harms (including social media addiction) were caused by the design features themselves, regardless of the content that was ultimately viewed or shared; and the jury was repeatedly instructed not to hold Meta liable for harm stemming from content.

b. The First Amendment

Meta argues it is entitled to judgment notwithstanding the verdict because its actions are protected by the First Amendment. This is not the first time Meta has asked the court to “address this issue as a matter of law ... and conclude that the First Amendment bars Plaintiff’s claim” (Meta’s Mot., at p. 13.) As with Meta’s Section 230 arguments, this court has repeatedly rejected Defendants’ arguments that the First Amendment protects Meta from facing liability for the way it designed the features and architecture of its platforms. Nothing in Meta’s current Motion requires reconsideration.

Meta once again relies on *Moody v. NetChoice, LLC* (2024) 603 U.S. 707 (*Moody*) to argue that Meta’s design features are entitled to First Amendment protection. However, as this court has repeatedly concluded, “the allegedly addictive features of Defendants’ platforms (such as endless scroll) cannot be analogized to how a publisher chooses to make a compilation of information, but rather are based on harm allegedly caused by design features that affect how Plaintiffs interact with the platforms regardless of the nature of the third-party content viewed.” (Ruling on Dem. and MTS, Jan. 8, 2025, at p. 15, internal citations and quotation marks omitted; see Court’s Rationale for Rulings on Jury Instructions, Mar. 24, 2026.) At trial, there was substantial evidence showing that Instagram’s design features themselves (and not the effect of the content found on Instagram) caused Plaintiff’s harm.

In *Moody*, the Supreme Court considered a facial challenge to the constitutionality of a Texas legislative restriction on a social media platform’s *content-moderation* practices, which affected the “platforms’ selection, ordering and labeling of third-party posts” (*Moody, supra*, 603 U.S. at p. 727.) The Court made clear that “Texas has never been shy, and always been consistent, about its interest: The objective is to correct the mix of speech that the major social-media platforms present.” (*Id.*, at p. 740.) The state law at issue in *Moody* sought to “require[] the platforms to carry and promote user speech that they would rather discard or downplay.” (*Id.*, at p. 728.) In remanding the case for further consideration by lower courts, the Court held: (1) “the First Amendment offers protection when an entity engaging in expressive activity, including compiling and curating others’ speech, is directed to accommodate messages it would prefer to exclude” (*id.*, at p. 731); (2) First Amendment protection is not vitiated “just because a compiler includes most items and excludes just a few” (*id.*, at p. 732); and (3) “the government cannot get its way just by asserting an interest in improving, or better balancing, the marketplace of ideas” (*id.*).

The Court in *Moody* did not address the very different question of whether liability for harm flowing, not from the content on the platform, but from the design features of the platform themselves, is precluded by the First Amendment. The Court in *Moody* was careful to make this point clear. (See *id.* at p. 736, fn. 5 [“[w]e ... do not deal here with feeds whose algorithms respond solely to how users act online—giving them the content they appear to want, without any regard to independent content standards”]; see also *id.* at p. 746 (conc. opn. of Barrett, J.) [opining that the First Amendment implications “might be different” for an algorithm that “just presents automatically to each user whatever the algorithm thinks the user will like”].) Meta’s reliance on *Moody* is thus misplaced. Liability here does not entail directing Meta to “accommodate messages it would prefer to exclude”; instead, it holds Meta liable for the design and operation of its design features, regardless of the content found on Instagram.

In its Reply Brief, Meta argues that its algorithms produce “distinctive compilations of expression.” (Reply Br., at p. 9.) Meta analogizes these “compilations” to *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston* (1995) 515 U.S. 557, in which the Supreme Court held that the First Amendment does not allow the government to tell parade organizers they must include in the parade marchers who wish to convey a message the parade organizers do not want to include. In that context, the Court stated that “the presentation of an edited compilation of speech generated by other persons is a staple of most newspapers’ opinion pages, which, of course, fall squarely within the core of First Amendment security” (*Id.* at p. 570.) Meta now contends, without citation to evidence, that its “algorithmic curation is protected expressive activity” and does not respond solely to the actions of users. (Reply Br., at p. 9.) But at trial, Defendant presented no evidence of how its algorithm works, other than conceding that the Instagram algorithm is designed to present users with content their prior Instagram usage somehow suggests they would be interested in, thereby encouraging them to continue to use the social media site. If the Instagram algorithm is designed to convey a message based on Instagram’s “edited compilation,” it was Meta’s burden to offer that evidence in support of its First Amendment defense. Meta did not do so.

Even assuming *arguendo* that Meta’s algorithms that place third-party content before minors are subject to the same protection as the content-moderation algorithms at issue in *Moody*, no First Amendment issue arises here because this court instructed the jury that “[y]ou may not hold a Defendant liable for ... [r]ecommending any third-party content to the Plaintiff.” Thus, the protections of Section 230 as applied in this trial provided Meta with the same (or broader) protections as the First

Amendment constraints explained in *Moody*. This court instructed the jury (applying current California precedent) that no Defendant may be held liable for including content on its platform, for removing content from its platform, or for recommending content to a user of its platform.¹ Defendants are broadly protected by this court's Section 230 instruction from liability for the type of platform activity—generally speaking, “compiling and curating others’ speech”—that the *Moody* Court held to be protected by the First Amendment. Again, without any evidence from Meta so demonstrating, this court declines any invitation to assume that the jurors ignored this court's instructions.

Meta argues that the First Amendment protects its choices about who can access Instagram. Meta's argument concerns evidence that Meta allowed children, including children under 13, to use Instagram. In making this argument, Meta once again relies on a case dealing with content regulation: *NetChoice v. Carr* (N.D. Ga. 2025) 789 F.Supp.3d 1200 (*Carr*). *Carr*, which is not binding on this court, is inapposite, as the court there focused on a Georgia law that necessarily constituted “content-based regulation” requiring application of strict scrutiny: “taking into account both the content-based definition of ‘social media platforms’ and the burdens imposed by these provisions, the Court [evaluated] whether the [law could] survive strict scrutiny.” (*Id.* at p. 1223.) Here, in light of the instructions given to the jurors and the evidence presented at trial, this court concludes that the jurors did not hold Meta liable for harm flowing from content on Instagram.

This case is unlike those in which an internet company, by failing to block access for minors, fails to shield children from harmful third-party content present on a platform or website. (See, e.g., *Free Speech Coalition, Inc. v. Paxton* (2025) 606 U.S. 461 (*Paxton*).) In such cases, the internet company is effectively held responsible for allowing children to come into contact with harmful content. By contrast, here, the relevant harm was caused by Meta's own actions (the design and operation of its design features that allegedly are especially harmful to children); and Meta's conduct can only properly be assessed in conjunction with evidence showing that, despite its claims to the contrary, Meta knew that numerous children under 13 years old were Instagram users and thus exposed to the harmful design features.

¹ In contrast to current California law, the Third Circuit has held that Section 230 does not bar liability when a social media company affirmatively recommends harmful content to a minor user. (*Anderson v. TikTok, Inc.* (3d Cir. 2024) 116 F.4th 180.)

Importantly, there has been no showing by Meta (or YouTube) that the verdict in this case amounts to a requirement that social media companies employ adequate age verification features in a way that would burden the First Amendment rights of adult users of Instagram. (See *id.* at p. 483 [law requiring internet publishers of sexually explicit content to impose age verification measures placed a burden on adult's right to access speech that is obscene only to minors and thus triggered intermediate scrutiny].) Instead, the verdict could simply require Meta to change the harmful nature of its design features.

Comparing this action with the holding in *Paxton* is illustrative. The Court there addressed a Texas law that required "certain commercial websites that publish sexually explicit content to verify the ages of their visitors." (*Id.* at p. 466.) The law ultimately survived a constitutional challenge under intermediate scrutiny. Notably, there was no dispute that minors had no First Amendment rights to access harmful sexual content—that is, the Supreme Court assumed that minors have lesser First Amendment rights than do adults vis-à-vis certain types of harmful content. "The power to verify age is part of the power to prevent children from accessing speech that is obscene to them." (*Id.* at p. 462.) Thus, regulation to protect minors may be appropriate in a context where it would not be permissible to "protect" adults. And here the protection is based on the manner in which addictive interactive design features affect minors, not on the content consumed by the minors.

Paxton dealt with the rights of third-party adults. Intermediate scrutiny was applied because the Texas law was found to have burdened "adult visitors of these websites, who ... have a First Amendment right to access at least some of the content that the websites publish." (*Id.*) The law in question mandated covered entities to "require visitors to comply with a commercial age verification system that uses government-issued identification or a commercially reasonable method that relies on public or private transactional data." (*Id.* at p. 467, internal citations and quotation marks omitted.) Failure to comply with this requirement would subject the covered entity to (1) an order enjoining the entity to comply with the law, and (2) civil penalties. (*Id.* at p. 468.) The Court in *Paxton* found that the law burdened First Amendment rights because it placed a burden on adults' right to view a particular type of content or expression: "speech that is obscene only to minors." (*Id.* at p. 482.)

Here, Meta has not offered any evidence to suggest that the verdict would effectively require Meta to place a burden on adults' ability to view certain content/expression on Instagram. Meta did not present any evidence remotely suggesting that, in order to adequately learn which users

were minors, Meta would have to, for example, require all adults to provide government-issued identification. To the contrary, there was evidence submitted at trial tending to show that, even without imposing any additional age verification tools, Meta was already aware of minor users on Instagram yet failed to remove those users. The court is thus left to guess as to what the “burden” on adult First Amendment rights would be if Meta put in place effective age verification processes.

Meta equates Plaintiff’s claims with a statutory prohibition for a certain group of minor users. The verdict need not be interpreted to have such an effect. Plaintiff presented evidence that Meta itself purported to prohibit access to those under 13 years old, and that Meta communicated this age limitation to the public. There was evidence that, despite publicly setting this age limit, Meta knowingly failed to effectively exclude minors under 13 from Instagram. From this evidence, the jury could conclude that Meta failed to warn the public that they could not rely on Meta’s representation and that children under 13 were in fact able to use Instagram. Moreover, the jurors reasonably could conclude that Meta knew that children under 13 were being exposed to its harmful design features, which Plaintiff contended were especially harmful to minors. As this court previously explained, “the allegedly inadequate age verification system could explain in part why the implementation of the design features was negligent” (Ruling on Bench Brief RE Age Verification Jury Instruction, Feb. 23, 2026, at p. 3.)

Lastly, Meta argues that the failure-to-warn claim violates Meta’s First Amendment rights by compelling Meta “to engage in highly controversial and inaccurate speech.” (Meta’s Mot., at p. 21.) Requiring health and safety warnings has long been considered permissible under the First Amendment. (*National Institute of Family and Life Advocates v. Becerra* (2018) 585 U.S. 755, 775. (*NIFLA*)). This case does not implicate warnings about dangers from speech that a minor might encounter on Instagram – the jury instructions precluded any such liability. (*Cf., NetChoice, LLC v. Bonta* (2024) 113 F.4th 1101, 1118 and n. 7 [Court of Appeals found that a California statute compelled speech concerning content on social media websites, but distinguished and did not address compelled speech concerning whether a social media website uses design features to increase use of a product by children].)

Meta contends, however, that it was held liable for failing to make warnings for harms that are “highly controversial,” citing *NIFLA*. In that case a California statute required all licensed “pro-life (largely Christian belief-based) organizations that offer a limited range of free pregnancy options” to disseminate a government-drafted notice stating that California has programs to provide free or low-cost family planning services,

contraception, and abortion. (*NIFLA*, *supra*, 585 U.S. at pp. 761-763, internal quotation marks omitted; brackets in original.) The compelled speech that was held to violate the First Amendment in *NIFLA* not only pertained to an obviously “controversial” area of public policy, it was not a warning about a commercial product. Although Meta contends that the causal link between the features of its social media platform, addictive behavior and resulting harm for minors is “a highly controversial issue,” Meta presented no evidence at trial in support of that proposition. In the pretrial process, Meta designated multiple experts who, Meta asserted, would support the proposition that there is no scientific support for the proposition that children can be addicted to social media. However, none of those experts testified at trial. Meta does not meet its burden of proving the factual basis for a First Amendment defense based on compelled speech.

c. Sufficient Evidence to Support Liability

Meta argues it is entitled to either judgment notwithstanding the verdict or a new trial because Plaintiff failed to prove her claims. Meta first challenges the jury’s conclusion that Instagram caused Plaintiff harm. Meta asks this court to conclude that Plaintiff’s “harms were instead caused and exacerbated by family medical history, her fractured relationship with and treatment by her mother and father, school and social struggles, body image issues, and other social media.” (Meta’s Mot., at p. 28.) Meta also cites different testimony from the trial that could be relied upon to support a conclusion that Plaintiff was not relevantly harmed by her Instagram use.

Though Meta disagrees with the jury’s factual findings, this court concludes that the evidence at trial was sufficient to support a finding that Instagram design features were a substantial factor causing Plaintiff’s harms. Plaintiff’s expert, Dr. Lembke, provided substantial evidence supporting the conclusion that Instagram’s design features cause minor users harm, including addiction. Meta’s own internal documents showed that Meta’s employees were aware of certain dangers posed by Instagram’s features, including how those features harmed children. One of Plaintiff’s treating therapists, Victoria Burke, provided testimony that Plaintiff suffered relevant mental health harms; and Ms. Burke’s testimony supports a conclusion that those harms were linked to use of social media. Other treating physicians testified that Plaintiff spent a lot of time on social media. Plaintiff herself, an appropriate witness as to her own social media use and the harms she suffered, offered substantial testimony to support the conclusion that Plaintiff was addicted to Instagram, and that excessive use of Instagram caused her harm. Plaintiff’s testimony, when viewed in light of Dr. Lembke’s general causation testimony, could be relied upon by the jury to link Plaintiff’s use of Instagram’s design features to Plaintiff’s harms. And

Plaintiff's specific causation expert, Dr. Bagot, offered her admissible conclusions that, to a reasonable degree of medical certainty, Instagram's design features were a substantial factor in causing Plaintiff's harm. Vacating the judgment and overturning the jury's verdict would be improper on this factual record, despite the fact that Meta can point to evidence admitted at trial tending to show that Instagram was not the cause of Plaintiff's harms.

There is admissible expert testimony by Dr. Bagot that adequately supports the jury's conclusion that Instagram's design features caused Plaintiff's harms. Consequently, even if Meta were correct that "causation must be proven within a reasonable medical probability based upon competent expert testimony" (Meta's Mot., at p. 26, internal citations and quotation marks omitted), Meta would not be entitled to a new trial or judgment notwithstanding the verdict. Meta contends Dr. Bagot's testimony should be interpreted to somehow preclude the jury from concluding that K.G.M.'s harm would not have occurred without Meta's conduct. (Meta's Mot., at p. 27. See CACI 430, providing that conduct cannot be a substantial factor in causing harm if the same harm would have occurred without that conduct.) However, when Dr. Bagot was asked whether K.G.M. would "have suffered the same mental health harms to the same extent if she had never become addicted to Instagram," Dr. Bagot responded, "No." (TR 4593-4594.) Plaintiff is not required to offer expert testimony that quantifies the degree of K.G.M.'s harm that was caused by Meta. (See *Crouch v. Trinity Christian Center* (2019) 39 Cal.App.5th 995, 1014.)

Moreover, the court again rejects Meta's argument that the testimony of a specific causation expert is, as a matter of law, required in order to conclude that social media design features caused a minor's harm. "[J]uries may determine emotional distress damages without testimony from an expert." (Ruling on Defs' Sargon Mots., Sept. 22, 2025, at p. 11, citing *Shirvanyan v. Los Angeles Community College Dist* (2020) 59 Cal.App.5th 82, 104.) And even assuming Dr. Bagot had not testified, testimony by Plaintiff as to her experiences and harms related to Instagram use would not have been offered in a vacuum. The jury also was able to hear substantial evidence (including general causation expert testimony by Dr. Lembke) regarding the way in which Instagram's design features were capable of harming minor users. Such evidence adequately dealt with the factual question of whether and how Instagram's design features cause relevant harm. Viewed in conjunction with Plaintiff's testimony, the evidence could adequately support the jury's verdict even if Dr. Bagot's testimony had been excluded.

Meta next argues that Plaintiff failed to present evidence establishing her failure-to-warn claim. Plaintiff presented substantial evidence showing that, after Plaintiff first started using Instagram in 2015, Meta continued to update the design features of Instagram to make Instagram more addictive and thus more profitable, that these new design features caused harm to minor users, that Meta knew minors were using Instagram, and that Meta knew that its design features harmed users—yet, the evidence also showed that Meta never provided adequate warnings regarding the harms posed to minor users of Instagram flowing from the design features. Moreover, testimony by Plaintiff’s mother was introduced supporting the conclusion that adequate warnings to Plaintiff and/or her mother would have prevented or mitigated Plaintiff’s harms.

The court rejects the argument that Meta had no duty to warn after 2015. The evidence presented at trial showed that the design features at issue here have been updated since that time. Meta even contends in its instant Motion that it “had no duty to warn when Plaintiff signed up in 2015 because many of the challenged features alleged to have caused Plaintiff’s harm did not yet exist on Instagram.” (Meta’s Mot., at p. 31.) The jury could reasonably conclude that, as Instagram became more harmful to users, a duty to warn of those dangers arose. There is no authority cited by Meta supporting the notion that Meta had no duty to warn its users (or their parents) of any of the risks Meta created after those users first started using Instagram. Meta did not sell a stagnant product that stayed in the form in which it was purchased. Rather, social media platforms constitute an interactive experience, and Meta, over time, changed the manner in which it interacted with its users in ways that allegedly promoted addictive responses from minors. The duty to warn therefore did not end at time of first use of Instagram.

Meta now claims that warnings were unnecessary because the risks associated with minors’ use of Instagram were “ ‘merely speculative or conjectural.’ ” (Meta’s Mot., at p. 30, quoting *Johnson & Johnson Talcum Powder Cases* (2019) 37 Cal.App.5th 292, 314 [holding a manufacturer of talcum powder could not be liable for a product liability failure to warn claim for a failure to warn prior to 1967 because there was no substantial evidence that the manufacturer “knew or should have known [the talcum] powder was unsafe by 1967”].) To the contrary, the evidence presented at trial supports the conclusion that Meta actually knew the risks to minors from use of Instagram’s design features; a fortiori, the evidence adequately supports the conclusion that these risks were more than speculative or conjectural.

Finally, Meta argues it is entitled to judgment notwithstanding the verdict as to the negligence claim because Plaintiff “failed to prove that Meta

negligently designed or operated Instagram because the challenged features are standard throughout the industry and their purported harms remain scientifically unproven.” (Meta’s Mot., at p. 36.) However, “[e]vidence of custom in the same trade or occupation is admissible for the consideration of the jury *but it is not conclusive* on the question of what constitutes ordinary care.” (*Reagh v. San Francisco Unified School Dist.* (1953) 119 Cal.App.2d 65, 70, emphasis added.) Meta’s own cited caselaw states that “a manufacturer’s compliance with regulations, directives or trade custom does not necessarily eliminate negligence but instead simply constitutes evidence for jury consideration with other facts and circumstances.” (*Howard v. Omni Hotels Management Corp.* (2012) 203 Cal.App.4th 403, 421, internal citations, quotation marks, and brackets omitted.) “Following a custom or practice does not excuse conduct that is unreasonable. [The jury] should consider whether the custom or practice itself is reasonable.” (CACI No. 413.) The fact that other social media companies may have also engaged in unreasonable conduct does not immunize Meta from negligence liability.

Lastly, Meta’s claim that the “harms remain scientifically unproven” is directly undermined by substantial evidence presented to the jury at trial. It is also important to note that, although Meta claims that the “purported harms remain scientifically unproven,” Meta failed to call a general causation expert to offer testimony on this question.

d. Punitive Damages

Meta argues it is entitled to judgment notwithstanding the verdict as to punitive damages “because Plaintiff failed to present clear and convincing evidence of malice, oppression, or fraud.” Meta’s argument is based on the factual claim that “[t]here is no direct, conclusive scientific evidence—externally or internal to Meta, at the time the features were introduced or now—establishing that Instagram’s ‘features’ cause ‘social media addiction’ or other claimed mental health harm.” (Meta’s Mot., at p. 38.)

The punitive damages award is supported by substantial evidence showing that Meta’s operation of Instagram involved a willful and conscious disregard for the rights and safety of its minor users. (*Pfeifer v. John Crane, Inc.* (2013) 220 Cal.App.4th 1270, 1299.) The jury could properly conclude that Meta acted with “malice” even if Meta did not have an “actual intent to harm”: “Conscious disregard for the safety of another may be sufficient where the defendant is aware of the probable dangerous consequences of his or her conduct and he or she willfully fails to avoid such consequences. ... Malice may be proved either expressly through direct evidence or by implication through indirect evidence from which the jury draws inferences.” (*Id.*, internal citations and quotation marks omitted.)

The evidence summarized in Plaintiff's Opposition Brief at pp. 48-49 supports the sufficiency of the evidence for purposes of punitive damages. There is evidence that Meta prioritized increasing time spent by users on Instagram to such a degree that it designed Instagram to be addictive; that Meta, at the highest levels, was aware its design features were harmful to minor users; that Meta suppressed research into harms caused by its products; and that Meta failed to take action to address the known risks and failed to warn users or parents about the dangers of the Instagram platform. This evidence is sufficient to show malice as defined by California law.

Meta argues that it did not have "fair notice" of the type of conduct that would subject it to punitive damages, citing *State Farm Mut. Auto. Ins. Co. v. Campbell* (2003) 538 U.S. 408, 417. California Code of Civil Procedure section 3294 provides notice of the type of conduct for which punitive damages may be awarded, and there was evidence from which a jury could find by clear and convincing evidence that the statutory definition was met. The jury's finding of punitive damages therefore should not be overturned.

e. Jury Instructions and Verdict Form

Meta argues the court should order a new trial because (1) the jury was not properly instructed on the scope of Meta's immunity under Section 230, and (2) the jury should have been instructed on the First Amendment. Meta raises issues that were extensively litigated between the parties prior to and during the trial.

At this court's urging, before the end of 2024 the parties began briefing to propose competing jury instructions concerning Section 230. The court issued an Early Tentative Determination of Personal Injury Jury Instructions on March 20, 2025, which included the court's tentative draft of an instruction addressing the liability restrictions of Section 230. On January 29, 2026, the court filed its Rulings on Jury Instructions for KGM Trial. In that document, the court stated that it would separately provide brief statements addressing Section 230 and the court's reasons for refusing Defendants' proposed instruction concerning the First Amendment. On March 24, 2026 the court issued its Rationale for Rulings on Jury Instructions concerning Section 230 and the First Amendment for KGM Trial. The court stands by its prior analyses and declines to order a new trial. At oral argument on Meta's Motion, counsel for Meta agreed with the court that First Amendment constraints on tort liability should be enforced by the court, either through a determination that tort liability cannot be permitted at all, or by jury instructions defining the tort in a manner that does not impose

liability that is unconstitutional under the First Amendment. Yet, the First Amendment jury instruction proffered by Meta was drafted in a manner that impermissibly invited the jury to second-guess and displace the judicial role in interpreting the First Amendment and instead would have invited the jurors to make lay judgments about what may and may not be protected speech. (See Court's Rationale for Rulings on Jury Instructions concerning Section 230 and the First Amendment, March 24, 2026, at p. 3.) The court refused Meta's proffered First Amendment instruction on that basis.

Meta also argues that a new trial is warranted by this court's decision not to instruct the jurors "that causation must be established through expert testimony." (Meta's Mot., at p. 44.) Meta's argument is rejected for two reasons. First, as previously discussed, this court does not agree with Meta's suggestion that causation could, as a matter of law, only be proved here through reliance on specific causation expert testimony. Second, even if the court's failure to give the requested instruction had been made in error, Meta has failed to show that it would have been a *prejudicial* error. As noted above, Plaintiff presented expert testimony on the issue of causation by both Dr. Lembke and Dr. Bagot; the jury could rely on this testimony to conclude that Instagram was a cause of Plaintiff's harms.

Finally, Meta argues that a new trial is warranted because the verdict form prevented "any determination of which 'features' provided the basis for the jury's imposition of liability on Meta." (Meta's Mot., at p. 45.) Meta thus contends that it is impossible "to determine whether the jury's verdict did or did not rest on impermissible grounds." (Meta's Mot., at p. 45.) This argument necessarily assumes that the Section 230 jury instruction and the decision not to give a First Amendment jury instruction somehow failed to guide the jurors in a way that would avoid an impermissible finding of liability. (See also Def's Mot., at p. 45, relying on *Henderson v. Harnischfeger Corp.* (1974) 12 Cal.3d 663, 674 [addressing the prejudicial effect of a clearly erroneous instruction on strict liability in tort].) This court is not convinced that any jury instruction was improper, and no party argues that the jurors failed to follow the instructions in reaching a verdict. Furthermore, this court has repeatedly rejected Defendants' request to tie specific harm to specific design features; Plaintiff is entitled to present a case based on the overall architecture of the Instagram platform: i.e., based on the way in which multiple design features, functioning together, created a harmful platform for minor users. Defendant's requested feature-by-feature approach for Plaintiff's negligence claims is not supported by caselaw and would artificially distort the way in which the alleged harms flow from the design and operation of a social media platform.

f. Evidentiary Rulings

Meta identifies what it believes are three prejudicial evidentiary errors that entitle Meta to a new trial. “The Court (1) admitted extensive evidence on age verification despite Section 230; (2) admitted one-sided testimony on cyberbullying while limiting Meta’s rebuttal; and (3) allowed Mr. Boland to testify about matters within Section 230’s protection without allowing Meta to provide context.” (Meta’s Mot., at p. 46.)

Meta argues that evidence of Instagram’s purportedly inadequate age verification procedures should have been excluded because (1) Meta cannot be liable for inadequate age verification, and (2) the age verification evidence had “minimal probative value” because “[n]o expert testimony linked Meta’s age-verification process to Plaintiff’s mental health injuries.” (Meta’s Mot., at p. 46.) This court previously explained why age verification evidence can properly be presented at trial:

Plaintiffs seek to show that Meta designed and operated a platform that it knew or should have known used features that are harmful to minors. Under this theory of liability, it is relevant whether Meta failed to implement effective age verification features to prevent/lessen potential harms to minors. Nothing in Section 230 would prevent reliance by the jury on the age verification features in assessing harm flowing from design features. As the court’s prior ruling suggested, the allegedly inadequate age verification system could explain in part why the implementation of the design features was negligent.

(Ruling on Bench Brief RE Age Verification Jury Instruction, Feb. 23, 2026, at pp. 2-3.) The Section 230 instruction adequately precluded the jury from holding Meta liable for harm flowing from the age verification features’ inability to shield Plaintiff from harmful content on Instagram. Meta fails to persuade this court that the age verification evidence should have been excluded at trial under Evidence Code section 352.

As to the link between age verification requirements and K.G.M.’s mental health injuries, there was evidence that she began using Instagram at age 9. Meta’s own documents reference the company’s efforts to engage young users on the platform to ensure continuing usage over time

Meta next argues that all evidence of bullying should have been excluded under Section 230, or at the very least excluded under Evidence Code section 352, because any probative value was substantially outweighed

by the danger that the jury would improperly hold Meta liable for bullying on Instagram. Meta argues in the alternative that it should have been able to introduce evidence as to its tools for addressing cyberbullying.

The court rejects Meta's characterization of Plaintiff's case as "build[ing] a sustained narrative around cyberbullying." (Meta's Mot., at p. 48.) As this court has previously explained, the minimal cyberbullying evidence was admitted for a limited purpose: namely, to prove addiction by showing that Plaintiff returned to social media platforms despite suffering bullying on those platforms. Importantly, this court provided a clarifying limiting instruction to the jurors specifically addressing bullying evidence. The jurors were instructed, when evidence of online bullying was first admitted, that "bullying" is "third-party content" for purposes of Section 230, and that bullying evidence was only admitted for the limited purpose of supporting Plaintiff's argument that Plaintiff continued to use social media despite the bullying messages she received. (See Special Instruction B.) Meta's objection to bullying evidence is again overruled. And even if the introduction of the bullying evidence had been error, it would not have been a prejudicial error. In light of the Section 230 instruction, evidence showing that Plaintiff suffered harm from bullying could actually serve to support Meta's repeated position that Plaintiff's mental health harms stemmed from third-party actions for which Meta cannot be held liable. Indeed, Defendants at trial offered evidence that K.G.M. was bullied online in an apparent attempt to diminish their own liability for harm flowing from the design features.

In light of the limiting instruction, Meta was not entitled to introduce evidence regarding its "anti-bullying tools." (Meta's Mot., at p. 47.) Whether Meta's "anti-bullying tools" were effective was, as Meta admits, entirely irrelevant to the liability determination. However, if such evidence regarding Meta's alleged best practices had been admitted, fairness would have dictated that Plaintiff be allowed to respond with evidence regarding the ineffectiveness of those alleged tools. To avoid the potentially substantial presentation of evidence on an irrelevant question (i.e., whether Meta acted improperly in failing to prevent cyberbullying), it was proper under Evidence Code section 352 to preclude evidence regarding the nature of Meta's "anti-bullying tools."

Finally, Meta argues that a new trial should be granted because the court improperly allowed Brian Boland to offer testimony. Meta argues that "Boland's testimony invited the jury to hold Meta liable for dissemination of third-party content, despite repeated instructions that content cannot be a basis for liability," and that Meta was unfairly prevented from introducing evidence to show that Boland left his employment with Meta "in part

because of concerns about misinformation and election-related issues that had nothing to do with child safety as it relates to Plaintiff's claims." (Meta's Mot., at pp. 49-50, internal citations, quotation marks, and brackets omitted.) Meta notes that one of the jury's deliberation questions regarded Boland's reasons for leaving Meta.

Citing evidence from a motion in limine, evidence that was not admitted at trial, Meta states that Mr. Boland left Meta *in part* because of concerns about misinformation and election-related issues. (Meta Mot. at p. 50, citing 2/16/26 Bench Brief to preclude References to Lee and Boland as Whistleblowers at pp. 2-3.) Introducing evidence about the inflammatory subjects of how Meta allegedly spread misinformation (from someone's perspective) or interfered with an election, both topics that involve Meta's content publication decisions, would have either prejudiced Meta or required further testimony on subjects far-afield of the litigation and unduly consumed time. Meta has not shown that it was unduly prejudiced by Mr. Boland's testimony about some, but not all, reasons why he left the company. Because there was such a brief mention of Mr. Boland's reasons for leaving Meta, it is unsurprising that the jury wanted to hear a readback of testimony to be sure they did not miss anything. In this trial, many jury questions centered on evidence as to which the jury desired more detail (requesting, for example, chronologies of events).

Again, this court cannot simply assume that the jurors disregarded the Section 230 instruction and found Meta to be liable based on portions of Bolan's testimony that may have addressed third-party content. (*Rayii, supra*, 218 Cal.App.4th at p. 1415.) Even if it were error for this court to prevent further evidence regarding the reasons for Boland's departure from Meta, such an error would not justify granting a new trial. It is not "reasonably probable that [Meta] would have obtained a more favorable result absent the error"; accordingly, the admission of Boland's testimony did not result in a "miscarriage of justice." (*Id.*) In other words, the purported error is not "prejudicial" and thus does not justify a new trial.

g. Instagram, LLC's Liability

Meta argues that the entity Instagram, LLC is entitled to judgment notwithstanding the verdict. Without citing evidence, Defendant claims "that Meta Platforms, Inc.—not Instagram, LLC—owns and operates Instagram." (Meta's Mot., at p. 50.) Meta thus argues that Plaintiff had a duty to introduce evidence about Instagram, LLC to show that its actions were a substantial factor in causing Plaintiff's harms.

This argument is rather surprising. Meta made no attempt to raise this issue in the context of trial preparation or during the trial. In fact, Meta itself proposed jury instructions that refer collectively to all Meta defendants as “Meta” in the singular; and Meta failed to request any instructions regarding individual liability of Instagram, LLC. The result was that both this court and the jurors were led to believe that the actions taken by “Meta” (as identified in the jury instructions) could also be ascribed to the entity “Instagram, LLC.” To the extent the failure to alert the jurors to the question of whether Instagram, LLC could be liable individually was an error, it was an error induced by Meta’s own litigation conduct. Meta cannot “mislead[] the trial court and then profit[] therefrom” after a verdict has been entered. (*Saxena v. Goffney* (2008) 159 Cal.App.4th 316, 329.) Judgment notwithstanding the verdict for Instagram, LLC is denied.

In any event, there is sufficient evidence to support a verdict that Instagram, LLC is liable for Plaintiff’s harm. The jurors heard the testimony of Instagram, LLC’s “Head,” Adam Mosseri. Mosseri offered testimony that, in his role as the Head of Instagram, LLC, he was in charge of the ways in which the Instagram platform functioned. The jurors could rely on Mosseri’s testimony to conclude that Instagram, LLC operated and designed the Instagram platform in conjunction with Meta Platforms, Inc. Instagram, LLC could thus be held responsible for the way in which the Instagram platform’s design features caused Plaintiff’s harm.

IV. YouTube’s Motion

a. Sufficient Evidence to Support Punitive Damages

YouTube seeks judgment notwithstanding the verdict on the punitive damages award. YouTube argues that “Plaintiff failed to adduce substantial evidence from which a jury could have found by clear and convincing evidence that YouTube acted with the requisite ‘oppression, fraud, or malice’ necessary to support an award under Civil Code, § 3294.” (YouTube’s Mot., at p. 7.) According to YouTube, “[t]here is no evidence, let alone clear and convincing evidence, that YouTube consciously disregarded user safety in the pursuit of growth.” (YouTube’s Mot., at p. 13.) YouTube further claims that “the evidence viewed in the light most favorable to [Plaintiff] shows that YouTube became aware (after [Plaintiff’s] peak use) of certain studies positing an association between social media and/or online video watching and mental health harms, but very few even purported to establish causation, even fewer studied YouTube or its features, and there was certainly no consensus in the field that YouTube’s features caused harm to minors.” (YouTube’s Mot., at p. 17.)

Despite the fact that YouTube's arguments might be supported by certain evidence presented at trial, the request for judgment notwithstanding the verdict is denied because a reasonable jury could find that Plaintiff presented clear and convincing evidence of malice, fraud or oppression. "If there is any substantial evidence, or reasonable inferences to be drawn therefrom, in support of the verdict, the motion should be denied." (*Ena North Beach, Inc., v. 524 Union Street* (2019) 43 Cal.App.5th 195, 210 (internal quotation marks and citation omitted, discussing JNOV motion in the context of a punitive damages award.) There was substantial evidence suggesting that YouTube prioritized its own profits over the safety concerns of its minor users. Plaintiff's counsel's oral argument in opposition to YouTube's Motion at the June 4, 2026 hearing succinctly assembled evidence from trial that would support a punitive damages verdict. The jurors could conclude from YouTube's own internal documents that its intention was to design an *addictive* platform, with a goal of "viewer addiction." YouTube argues that its internal documents used the term "addiction" in a colloquial manner. But that is a quintessential jury issue. The jurors could reasonably conclude that YouTube had a conscious disregard for the mental health of children, as it disregarded safety concerns associated with an addictive social media platform and failed to adequately warn the public about those concerns. And the jurors could conclude that YouTube engaged in such actions during the time Plaintiff was using YouTube as a minor.

b. The First Amendment

Much like Meta, YouTube asks this court to vacate the jury's verdict "on the ground that the First Amendment precludes or limits liability for YouTube's design and operation of the 'features' at the core of Plaintiff's case." (YouTube's Mot., at p. 18.) YouTube claims:

Here, the evidence at trial demonstrated that all of the "features" upon which Plaintiff based her negligence claim reflect protected speech and editorial decisions, and that the ways Plaintiff and her experts claimed these features were harmful necessarily implicated the speech they convey. Because those features cannot, as a matter of law, be the basis for liability, evidence regarding those features is insufficient to support the jury's finding and YouTube is entitled to JNOV.

(YouTube's Mot., at p. 18.)

YouTube's arguments, which have been raised in different forms throughout this litigation, still do not persuade the court. Plaintiff presented a case that she was harmed by the design architecture of YouTube's platform, and that her harms flowed directly from that design architecture, not from content. There is substantial evidence that YouTube employed design features that would maximize engagement to the point of creating addiction, regardless of the particular content or "expression" that was communicated to Plaintiff or other minor users. The case presented by Plaintiff here thus differs significantly from those cases cited by YouTube, in which the regulation at issue effectively limited or silenced a particular "message" that was being communicated. For example, in *Sorrell v. IMS Health, Inc.* (2011) 564 U.S. 552, the Supreme Court found that the challenged regulation "imposes a burden based on the content of speech and the identity of the speaker." (*Id.*, at p. 557.) Here, the tort theories that the Plaintiff presented in the context of the limitations imposed by the Section 230 instruction were independent of both content and the identity of any speaker.

YouTube, like Meta, relies on arguments that have already been rejected by this court. For example, in arguing that it cannot be liable in any way for the "like" feature, YouTube once again relies on *NetChoice, LLC v. Bonta* (9th Cir. 2025) 152 F.4th 1002, citing the case as support for the proposition that Plaintiff cannot base liability on the number of likes she received. This court previously addressed this argument when denying YouTube's motion in limine to exclude evidence regarding design features:

Defendants rely on *Bonta* in arguing that allowing Plaintiffs to include discussion of the "likes" feature as an aspect of their argument regarding the allegedly addictive propensities of social media would violate the First Amendment. In *Bonta* the court considered the constitutionality of a statute that established an absolute prohibition on a social media platform's publication of the total number of "likes" received by a minor's posting. The court held that this was a content-based prohibition on speech by the social media platform and that strict scrutiny applies. Further, the Ninth Circuit reasoned that "the like-count default setting is not the least restrictive way to advance California's interest in protecting minors' mental health. ... California could encourage websites to offer voluntary content filters related to like counts or educate children and parents on such filters." (*Bonta, supra*, at p. 1016, internal quotation marks and citations omitted.)

Based on this court's current understanding, the "like" feature as presented on Defendants' platforms is a mechanism whereby users can provide expressive reactions in the binary nature of "approve" or "disapprove." Similar to the filter tools that allow a minor user to create a modified picture of themselves (see, e.g., Ruling on Defs' Demurrer to Amended Short-Form Complaints and Defs' Motion to Strike Allegations, Jan. 8, 2025, at pp. 18-20), the "like" tool is not speech of the social media platform itself. When used by a third party to express like or dislike of another user's posting, the expression of approval (thumbs up) or disapproval (thumbs down) is the speech of the third party. When the social media platform publishes the actual third party reaction (thumbs up or thumbs down), it is publishing third party speech. Insofar as the social media platform publishes an aggregate number of thumbs up or thumbs down reactions received, the aggregate number is the speech of the social media platform itself, as *Bonta* holds.

Plaintiffs wish to argue that the consequences of the existence of the "like" feature on the social media platform is that it caters to minors' craving for social validation as a means of keeping minors returning to the platforms, allegedly resulting in addiction. Unlike the aggregate "like counts" number considered in *Bonta*, the "like" feature is not itself content until used by a third party. To be sure, the "like" feature is a mechanism provided by social media companies for the communication of third-party content. But in that respect, it is subject to regulation insofar as it violates the law. (See, e.g., *HomeAway.com v. City of Santa Monica* (9th Cir. 2018) 918 F.3d 676, 682 [provider that hosted postings by persons offering Airbnb rentals was required to comply with an ordinance prohibiting short-term home rentals unless licensed as "home-sharing"]; *Lee v. Amazon.com, Inc.* (2022) 76 Cal.App.5th 200, 256 [provider was required to post a warning under California's "Proposition 65" where the product offered for sale by a third party on defendant's website exposed consumers to mercury].)

Moreover, this is not a case in which the court is asked to determine whether or not the Defendants may be precluded from providing a "like" feature. Insofar as the Plaintiffs are able to prove that the "like" feature, as it is used in the context of a particular social media platform or video streaming service, causes harm to minors,

Defendants may be able to ameliorate that harm by modifications in how they configure their service rather than by eliminating the “like” feature altogether. Even in *Bonta*, where a content-based restriction on speech was at issue, the court indicated that measures short of precluding the publication of the aggregate number of “likes” might be a permissible regulation of speech as less restrictive alternatives. Here, the evidence may show that less restrictive alternatives to a total constraint on the publication methodology (the “likes” feature) on which liability might be premised are available to the platforms that offer the “likes” feature in order to avoid foreseeable harm to minors.

(Ruling on YouTube Motion in limine 4, Feb. 9, 2026, at pp. 3-4, internal italics, brackets, and ellipses in original.) The evidence presented at trial supports Plaintiff’s theory that the like feature functioned as just one part of the overall design architecture of YouTube’s platform to addict minor users like Plaintiff. The court rejects YouTube’s claim that the jury necessarily held YouTube liable for *displaying* the like count (i.e., for displaying a particular message). (See YouTube’s Mot., at p. 24.) Moreover, the jury verdict is not akin to a legal requirement imposed by the state precluding YouTube from listing the number of “likes” on its platform.

YouTube argues that liability for notifications was improper under the First Amendment because the harm from notifications flowed from content on YouTube. This argument is contrary to the facts presented by Plaintiff at trial. Plaintiffs presented evidence that Plaintiff was harmed because notifications were sent to her at all hours of the day and night causing disruption of sleep and inability to disengage from the platform. Again, the jurors were repeatedly instructed that they were not to find YouTube liable for harm flowing from content. YouTube also argues that the notifications are its own speech, for which it can never be held liable. This court has already rejected this argument as well. (See Ruling on Defs’ Dem., Oct. 13, 2023, at pp. 73-74.)

Relying on *Moody*, YouTube, like Meta, argues that its personalized algorithm is entitled to First Amendment protection. For the reasons given above in connection with the same argument made by Meta, this argument is rejected. Under the same reasoning, the court declines to hold that the First Amendment protects YouTube for liability stemming from the design features infinite scroll, YouTube Shorts, and Autoplay. As explained above in connection with Meta’s motion, the fact that none of these design features “can operate or even exist independent of the video they display” (YouTube’s

Mot., at p. 30) is of no moment here. Given the Section 230 instruction, the jury here could appropriately conclude that Plaintiff's harms arose from the nature of the design features themselves, not from the specific content associated with those design features.

Finally, YouTube argues that the introduction of evidence regarding age verification and parental control features justifies judgment notwithstanding the verdict. This argument fails for the same reasons given above in connection with Meta's argument that the First Amendment prevented the presentation of age verification evidence. As Plaintiff correctly notes, "[a] company that knowingly permits minors to access an admittedly addictive platform without warning parents or guardians of documented addiction risks is liable not merely for how it designed the platform, but for its failure to disclose known dangers to those responsible for the vulnerable users it was targeting." (Pl's Opp. YouTube's Mot., at pp. 23-24.) The jury's finding that YouTube's design features harmed Plaintiff thus cannot be analogized to a law "madat[ing] age verification requirements or parental consent for online platforms like YouTube." (YouTube's Mot., at p. 31.)

c. Section 230

"Given the Court's prior rulings on Section 230, [YouTube addresses] that issue only briefly for record preservation." (YouTube's Mot., at p. 7.) Because this court declines to alter its prior Section 230 rulings, the court denies YouTube's Motion on this issue.

Date: 6/9/2026



A handwritten signature in black ink that reads "Carolyn B. Kuhl". The signature is fluid and cursive.

Carolyn B. Kuhl / Judge
Judge of the Los Angeles Superior Court