218 Commerce Street
P.O. Box 4160
Montgomery, AL 36103-4160

(800) 898-2034

BeasleyAllen.com

Joseph G. VanZandt
Principal
joseph.vanzandt@beasleyallen.com

Davis S. Vaughn
Principal
davis.vaughn@beasleyallen.com

Social Media School District Litigation: Introduction and Frequently Asked Questions

Social media companies, like Facebook, Instagram, TikTok, Snapchat, and YouTube, have infiltrated our communities and become a fixture in the lives of our children. These social media products have become ubiquitous — we see children constantly using these products in our homes and in our schools. National surveys show that a significant percentage of high school and middle school students regularly use social media, often to the point of developing severe addiction to the products. In fact, the U.S. Surgeon General recently issued a public health advisory on social media and youth and found that "there are ample indicators that social media can also have a profound risk of harm on the mental health and well-being of children and adolescents."[1] Our investigation has revealed that social media companies engaged in deceptive practices by designing and promoting their products to attract and addict children. Everything about these products—from inadequate age verification measures, insufficient parental controls, endless scrolling, constant notifications, and targeted algorithms—have been designed to addict teen and adolescent users.

Due to the conduct of these social media companies, a new generation of children are suffering from addiction and other related mental health issues, which has uniquely impacted schools and forced them to incur a multitude of costs to address this problem. With schools now facing the challenge to remedy and abate the situation, Beasley Allen has teamed up with a national coalition of firms to represent school districts and public entities combatting the youth mental health crisis, caused by social media companies. The national law firm coalition includes:

- **Beasley Allen** – Atlanta | Montgomery | Dallas | Mobile (www.beasleyallen.com)
- **Goza & Honnold** – Kansas City (www.gohonlaw.com)
- **Wagstaff & Cartmell** – Kansas City (www.wagstaffcartmell.com)

Each of these firms are committed to protecting public health and have built reputations on their ability and willingness to litigate complex disputes, against some of the world's largest companies. Currently, members from each of these firms serve in key court-appointed leadership roles in the national litigation against JUUL, the e-cigarette manufacturer responsible for creating a youth vaping epidemic among school campuses. We were successful in our pursuit to hold JUUL accountable, as JUUL recently entered into a substantial settlement agreement to compensate school districts and help abate the problems caused by the e-cigarette epidemic.

[1] https://www.hhs.gov/surgeongeneral/priorities/youth-mental-health/social-media/index.html

Our firms similarly believe that social media companies should be held accountable for the mental health crisis impacting our nation's youth. We welcome the opportunity to discuss these important issues with your organization and its members, and hope that you will consider joining this effort on behalf of public education and the welfare of our children. Below, we have provided responses to some frequently asked questions. If you have additional questions or would like additional information, please contact Joseph VanZandt and Davis Vaughn via email at joseph.vanzandt@beasleyallen.com and davis.vaughn@beasleyallen.com or by phone at 334-791-2022.

Frequently Asked Questions

How will filing a lawsuit against social media companies benefit your school district?

Suing social media companies gives school districts the opportunity to recover financial reimbursement for the expenses the districts have incurred because of the youth mental health crisis. Some schools have spent thousands of dollars, countless hours, and other precious resources to implement or adjust their methods of policing, discipline, and helping addicted students who constantly use social media products on school property. Even if your school district has not expended substantial funds to deal with this problem, investigating claims and potentially filing a lawsuit can help a school obtain future damages to fund necessary steps to deal with the social media-caused mental health crisis in your schools.

Beyond the opportunity for financial recovery, school district participation in this litigation is critical. Social media companies have targeted our children with addictive and harmful products that feature no warnings or instructions for safe usage. School districts have been especially impacted and are in a unique position to take a stand against this conduct. School districts joining this litigation will play a pivotal role in holding social media companies accountable and sending the message to these companies that profits should not be gained at the expense of children's health and safety. We believe social media companies should pay and provide schools with resources to fight this mental health crisis on the front lines.

What are the financial costs/risks for school districts participating in this litigation?

Beasley Allen works on a contingency fee basis, meaning school districts are not required to pay any legal fees or expenses unless, and until, Beasley Allen recovers compensation on behalf of the school district. Beasley Allen will front all expenses associated with pursuing a claim. If Beasley Allen recovers compensation on behalf of the school district, Beasley Allen will be reimbursed for expenses out of the amount of the recovery. Beasley Allen's legal fee will be 33% of the recovery. If the case is not successful – meaning that the school district does not recover compensation for its claim – the school district will not owe Beasley Allen for any legal fees or expenses.

What legal claims do school districts have against social media companies?

Cases against social media companies involving school districts are based on a cause of action known as "public nuisance." Public nuisance claims allow both government and private entities to hold companies liable for unique damages incurred as a result of the companies' conduct. This cause of action has been successfully utilized by government and private entities to redress several similar public health epidemics, most notably the JUUL e-cigarette epidemic,

current opioid crisis, and the original tobacco litigation in the 90s. Social media companies have caused a youth mental health crisis that has significantly impacted schools. Utilizing the public nuisance liability theory allows school districts to hold social media companies accountable for its conduct and the damage caused.

Where will the litigation take place and how will it proceed?

Hundreds of personal injury lawsuits have been filed in state and federal courts against social media companies by individuals and school districts. Because several of the social media companies are headquartered in California, there is an active California consolidated state court litigation called the "JCCP". The California state court system has consolidated the state cases before Judge Carolyn Kuhl in the Superior Court of Los Angeles County, California. The federal court system has consolidated the federal cases in a Multi-District Litigation ("MDL") in front of Judge Yvonne Gonzalez Rogers in the Northern District of California (Oakland Division). Both judges will manage discovery, pre-trial briefing, and other issues common to all cases. The judges may also try several test, or "bellwether," cases. Once the MDL work is complete, each case will be sent back to a federal district court in the school district's state for individual trials, unless there is pre-trial settlement.

Beasley Allen lawyer Joseph VanZandt has been appointed as the Co-Lead of the JCCP and the Plaintiff Leadership Committee in the MDL to oversee the litigation in both state and federal court. In this capacity, Beasley Allen and our partner law firms are uniquely situated to help guide and prosecute school district lawsuits against these social media companies.

How much of the school district's time and resources will be required?

This is difficult to predict with certainty, but we anticipate minimal inconvenience and interruption. We understand that your school administrators are extremely busy, so we vow to do everything we can to make this process as efficient as possible. Because your district's case would be consolidated in the JCCP or MDL for pre-trial coordination, most of the litigation efforts will focus on issues common to all litigants. There will be some case-specific discovery in the JCCP and MDL, but that would be mostly in the form of written discovery and document production. Within 2-3 months of filing a case, a school district would complete a written "Plaintiff Fact Sheet" and would provide basic supporting documentation to gather basic information about the school's claim. We will work with school district administrators to obtain the necessary information and documents as efficiently and conveniently as possible.

If a school district's case is selected for trial, more in-depth discovery would occur in the form of depositions of key administrators. However, given the expected large number of cases filed in JCCP and MDL, the number of cases selected for more in-depth discovery and trials is usually relatively small.