



Social Media Addiction Cases:

Ethics, PFS Strategy & Managing Complex Claims

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Litigation Updates And Case Developments



Two-Forum Architecture

Social media addiction litigation operates on a deliberate parallel track — federal consolidation alongside a state-court trial proving ground. Understanding how these forums interact is essential to managing strategy across any inventory.

MDL 3047 – Judge Gonzalez Rogers

N.D. California

Federal consolidation of personal injury and government entity cases. The largest single repository of discovery, common-issue briefing, and bellwether scheduling orders in this litigation.

JCCP 5255 – Judge Kuhl

LA Superior Court

State-court trial proving ground where bellwether verdicts are being forged. Trial outcomes here send immediate pricing signals across the entire plaintiff and defense docket.

i *The "Parallel Track" structure means rulings in either forum can rapidly reshape strategy across the entire docket. Monitor both simultaneously.*

The Defendants

*Four major platform groups — each with **distinct design choices, distinct document profiles, and distinct litigation posture.** Treat them separately; cookie-cutter strategy is malpractice risk.*

Meta

Instagram + Facebook — Internal research on youth harm is central to both liability and punitive exposure.

Google / YouTube

Autoplay and recommendation algorithm sit at the center of design-defect claims.

Snap / Snapchat

Streak features and disappearing content create unique behavioral design issues.

TikTok / ByteDance

Aggressive algorithmic amplification.

Core Allegations: Design, Not Content

*The litigation's central architectural choice is **addictive design, not content specific claims** — deliberately framed to sidestep § 230 immunity by targeting platform design decisions, not third-party content. Each feature below is an independent theory of liability.*



Infinite Scroll

Eliminates natural stopping points, extending session duration by design. No endpoint means no user-initiated pause — the interface is built to prevent disengagement.



Autoplay

Removes the user's affirmative choice — content continues without consent. Each successive video is algorithmically selected to maximize watch time, not user wellbeing.



Engagement Notifications

Push alerts engineered to interrupt and re-engage users compulsively. Timing and frequency are optimized to exploit psychological re-engagement windows.



Algorithmic Amplification

Content ranking optimized for engagement over user wellbeing. Internal documents show platforms knew amplification of emotionally charged content increased harm risk, particularly in adolescents.

Key Legal Battlegrounds


Two threshold legal contests define the current pretrial landscape. Every inventory decision should be stress-tested against both.

§ 230: Design vs. Content

*Courts have **largely sided with plaintiffs** on the design/content distinction — holding that product liability claims targeting algorithmic architecture are not barred by § 230. The framework is holding, but it remains contested at the appellate level.*

Daubert: Causation Under Attack

*Defense teams are aggressively targeting causation experts. **Claimant-specific proof is required.** General population studies are a starting point, not a finish line — your expert chain must connect platform design to individual harm through a methodology that survives scrutiny at every link.*

 *The key lesson: causation proof must be **airtight, and individualized** before you approach any bellwether pool.*

Recent Developments: What Has Actually Happened

KGM Bellwether Verdict

A jury returned findings on negligence and failure to warn — the first meaningful signal of how lay factfinders evaluate platform conduct. The verdict re-priced risk across the entire docket. Every defense valuation model has been revised in its wake.

Punitive Damages Phase

*The punitive phase opened a window into **platforms' internal conduct** — internal research, product decisions, and executive awareness of harm. This evidence does not stay siloed; it travels across claims, defendants, and forums.*

The litigation calculus has changed for everyone — plaintiffs, defendants, and the judiciary. Revisit valuations, trial timelines, and settlement posture in light of what the KGM jury saw.



Ethical Considerations

The ethical obligations governing advertising, intake, client representation, and competence are not obstacles to effective advocacy. They are the architecture of a durable, credible practice. Firms that treat ethics as a compliance checkbox will find themselves outperformed — and potentially disciplined — by those who treat it as a competitive advantage.



Advertising & Intake: Where Risk Lives

The first point of client contact is also the first point of professional liability exposure. ARPC 7.1 prohibits false or misleading communications — and in this litigation, misleading intake is endemic. The gap between advertising promise and case reality is where bar complaints are born.

Do

- *Use open-ended intake processes that surface the full history — including adverse facts*
- *Investigate before representing viability to any client or referring attorney*
- *Clearly distinguish inquiry from claim at every stage of the intake funnel*
- *Document the basis for accepting or declining each matter*

Don't

- *Promise outcomes or overstate case viability in advertising or intake calls*
- *Imply that social media use plus any mental health difficulty equals a viable claim*
- *Allow advertising to create expectations the underlying facts cannot support*
- *Accept referral fees for cases you have not independently screened*

Representing Minors & Vulnerable Clients

This client population requires a materially different operational posture — procedurally, humanly, and ethically. Standard mass-tort intake workflows are not fit for purpose here.

1

Procedural Structure

Age at time of harm vs. age at signing affects SOL tolling and fee agreements. Structure retainer agreements to account for these distinctions from day one — errors here can compromise the entire representation.

2

Trauma-Informed Intake

Documentation and intake interviews can re-traumatize. Prepare your team with protocols that prioritize client wellbeing — not just efficiency. Staff training, interview pacing, and appropriate referrals are all part of competent representation.

3

Clinical Referral Resources

Competent representation includes connecting clients with therapeutic support beyond the litigation. Build referral relationships with licensed clinicians before you need them — not in the middle of a crisis intake call.

Sensitive Information: Obligations & Strategy

Know the Record Before They Do

*Alternative causation is the defense's primary trial weapon. Pre-existing mental health diagnoses, family instability, and other adverse records **will be discovered**. Your obligation — and strategic imperative — is to find them first, assess them honestly, and decide how they affect the claim before you are surprised at deposition or trial.*

Reframing as Advocacy

*Adverse records do not automatically defeat a claim. Reframing — contextualizing pre-existing vulnerability within the platform's design-defect theory — is a core litigation skill in this docket. **The platform's conduct doesn't disappear because the plaintiff was already at risk.** Vulnerability is often an element of the harm, not a bar to it.*

☐ *Confidentiality obligations attach to sensitive mental health and medical records. Know your jurisdiction's specific protections — HIPAA, state mental health privilege statutes, and protective order frameworks — and build intake workflows accordingly from the first client contact.*

Duty of Competence: Know the Platforms

Rule 1.1 competence in this litigation requires subject-matter literacy that most litigators have not yet acquired. You don't need to be a software engineer — but you need to have done the reading before you appear at deposition, before a Daubert hearing, and before any bellwether trial.

Platform Literacy

- *How recommendation algorithms function and optimize for engagement over user welfare*
- *What streak features and variable-reward mechanics do behaviorally — and what the internal research shows*
- *How to read and contextualize internal platform documents in deposition and at trial*

Behavioral Health Literacy

- *How trauma and addiction manifest in adolescent medical and school records*
- *The contested science of social media causation — what experts can and cannot reliably say under Daubert*
- *How to distinguish platform-caused harm from alternative causation in the evidentiary record*

The Quality Spectrum

Every inventory management decision maps onto one of three failure modes. The target is a narrow band of honest, well-investigated, merit-based case selection. Deviation in either direction creates professional responsibility exposure and weakens the docket as a whole.

1

Over-Screening

Cases with no realistic recovery path. Drains resources, damages credibility with the court and co-counsel, and exposes the firm to Rule 11 sanctions and bar complaints.

2

✔ Target Zone

Honest evaluation + adequate investigation = a claimant-specific, documentable claim. This is the only sustainable inventory strategy in a multi-year, high-scrutiny docket.

3

Overstatement / Underdeveloped

Either filing on records that don't support the theory or leaving genuine merit inadequately built out — underserving clients and leaving value on the table.



Plaintiff Fact Sheets: What The Scope Signals To Firms

The PFS is not just extensive — it is strategically significant.



THREE THINGS THE PFS DEMANDS FROM EVERY FIRM

01

A Consistent Claimant Narrative

Platform usage, injury timeline, and household/school history must all tell the same story. Internal contradictions are the first thing defense counsel will find.

02

A Credible Causation Theory

The PFS maps specific features to specific injuries. Medical records must support — not contradict — the attributed harm. Pre-existing conditions will be scrutinized.

03

Complete Authorizations and Supporting Records

15+ exhibit categories required. HIPAA, education, insurance, Medicare, employment. Gaps in authorization are deficiencies that affect credibility and case value.

Deficiencies affect credibility, case valuation, and create downstream discovery problems.



Background & History

What the PFS asks about

- Household/family, educational history, disciplinary records
- Abuse, bullying, trauma, violence
- Substance use, gambling, gaming addiction history



Medical & Mental Health

Full lifecycle documentation

- All outpatient providers for conditions lasting 3+ months
- Every hospital, ER, and inpatient admission
- All prescriptions — antidepressants, antipsychotics, anti-anxiety



Social Media & Damages

Platform use and injury linkage

- Detailed usage data: average, peak, and nightly use per platform
- Platform-specific feature use and content exposure by Defendant
- Lost wages, medical expenses, educational disruption

PLATFORM APPENDICES: FEATURE-BY-FEATURE ACCOUNTABILITY

- Each named Defendant requires a separate appendix — Meta, Snap, TikTok, and YouTube are treated independently.
- Claimants must identify each specific feature used and confirm whether it contributed to their injury.
- Content exposure and harmful experiences (bullying, grooming, sextortion) must also be confirmed per platform.

Meta · Facebook & Instagram

- Infinite scrolling, Video auto-play
- Reels, IGTV, Stories, Explore
- People You May Know, Vanish Mode

TikTok · ByteDance

- For You Page (FYP)
- TikTok Live, Duet, Gifts
- Filters, Likes, Find Friends

Snap · Snapchat

- Snap Streaks & Snapscore
- Snap Map, Spotlight, Quick Add
- Lenses, Filters, Direct Snaps

YouTube · Google

- Autoplay, YouTube Shorts
- YouTube Kids vs. main app
- Parental controls (12 categories)



PFS Execution: How to Proceed Constructively

A practical framework for firms with active inventories.



PREPARING CLAIMANTS: THREE PRINCIPLES

01

Prepare Early — Not at Intake

Claimants and families need time to process what the PFS requires. Scope, sensitivity, and documentation needs should be explained well before the form is put in front of them. The PFS is not a quick intake form.

02

Accuracy Over Speed

Distinguish between what the claimant remembers, what is assumed, and what is documented. Do not rush. A premature submission with gaps or inconsistencies is harder to fix than a well-prepared one.

03

Use Structured Interviews to Build Timelines

Build chronological timelines through interviews before finalizing responses. Social media use history, school history, and medical history must align with each other — and with the complaint.

What Firms Should Collect

Mental health and medical records are the core of the case. Firms should collect and review these directly — they are the primary evidence linking the claimant's harm to the platform.

Specifically:

- Mental health and psychiatric treatment records
- Diagnoses, inpatient stays, and ER visits related to alleged injuries
- Prescriptions for mental health conditions during the Relevant Time Period

What Authorizations Cover

Signed authorizations allow Defendants to collect most other records if the case advances into discovery. The firm's obligation is to secure executed authorizations — not to independently gather every record.

Authorizations cover:

- Education, employment, and insurance records
- Medicare and Medicaid records
- Workers' compensation and disability records

Exhibits A-1 through H in the JCCP PFS

QUALITY CONTROL: THREE CHECKS BEFORE SUBMISSION

Check 1: Compare Complaint Allegations to PFS Responses

Do the platforms, timeframes, and injuries in the complaint match what is reported in the PFS? Inconsistencies between the two documents are the easiest deficiencies for defense counsel to exploit.

Check 2: Check Consistency Across Records and Timelines

Do medical records support the injury dates? Does school history align with social media usage patterns? Are medication start dates consistent with the mental health allegations in the PFS?

Check 3: Identify and Resolve Gaps Before Submission

Flag missing providers, unsigned authorizations, and unaccounted time periods. A submission with visible gaps invites deficiency notices — and creates a record of incomplete development.

SOCIAL MEDIA USAGE: THREE METRICS — EASY TO CONFUSE

The PFS asks for average use, peak use, and late-night use — separately, for each of five platforms. These are not the same number, and claimants frequently conflate them.

AVERAGE USE

Sections XII.B

e.g., 90 min/day

Days accessed per week x minutes per day, per platform. Claimants often report their heaviest-use period as their average — overstating typical use across the full Relevant Time Period.

Overstated averages invite defense challenges on habit-formation claims.

PEAK USE

Section XII.D

e.g., 5+ hrs/day

Age at peak usage and minutes per day at peak. This is the maximum — not the norm. Must be clearly distinguished from average to avoid internally inconsistent responses.

Conflating peak with average creates direct contradictions in the record.

NIGHTLY USE

Sec. XII.C (10:30 PM–6 AM)

e.g., 45 min/night

Nights per week and minutes per night, per platform. Sleep disruption is a key injury category — this metric is separate from daytime use and must be reported independently.

Missing nightly data weakens sleep disorder and self-harm causation theories.

THE 24-HOUR PROBLEM: WHEN THE NUMBERS DON'T ADD UP

A common pattern: reported average usage, totaled across all five platforms, exceeds 24 hours in a day.

Platform	Avg. Min/Day (reported)
Facebook	60 min
Instagram	120 min
Snapchat	90 min
TikTok	150 min
YouTube	120 min
TOTAL	540 min = 9.0 hrs/day

Hypothetical illustration only

Why This Happens

Platform Overlap

Use often overlaps in time — background autoplay, simultaneous tabs, TV + phone.

Peak vs. Average Confusion

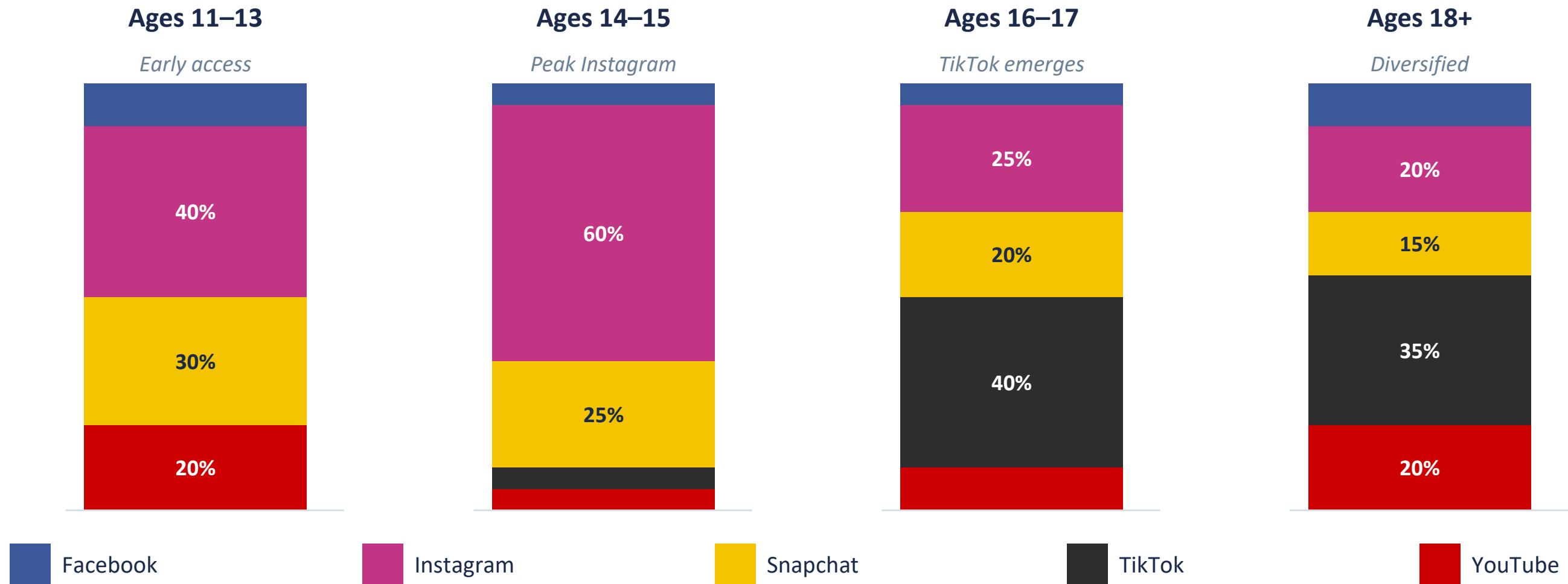
Claimants recall their heaviest-use period and report it as their average — especially when recalling adolescence.

Shifting Use Over Time

Use migrates across platforms as new ones emerge. Claimants may report prior peak use on old platforms at full rate alongside current platforms.

USAGE PATTERNS SHIFT — RESPONSES MUST REFLECT THAT

The PFS captures a snapshot — but social media use evolves. Firms must help claimants report change over time, not a single blended average.



● Claimants should not average across all years — each platform's peak use must be placed in time.

● A shift from Instagram to TikTok means peak use on each occurs at different ages.

● Reporting peak use on every platform simultaneously produces impossible totals.



Predictive Analytics & Strategic Planning

Turning Litigation Data into Strategic Advantage.



Predictive modeling applies statistical and machine-learning techniques to current & historical data in order to forecast how litigation is likely to evolve. For leadership firms representing plaintiffs, it shifts strategy from reactive judgment to probabilistic planning.

Core Inputs Typically Modeled

- **Claim characteristics:** injury type, exposure pathway, latency profile, jurisdiction
- **Temporal signals:** filing velocity, inventory accumulation, medical maturation
- **Procedural factors:** bellwether outcomes, key rulings (Daubert, CMO details, etc.), MDL phase changes
- **Economic drivers:** settlement benchmarks, fee structures, defense solvency

What Leaders Gain

- Forward-looking estimates of **case inflow**, **case quality mix**, and **resolution timing**
- A quantitative view of uncertainty ranges rather than single-point assumptions
- Early warnings of inflection points (e.g., post-bellwether acceleration or attrition)

This allows firm leadership to align litigation posture, staffing, capital deployment, and inventory acquisition with where the docket is *likely* to go—not where it has already been.

Three main uses of predictive analytics in mass torts

1. Portfolio & Capital Strategy

- Models forecast expected claim volumes and resolution horizons, enabling firms to:
- Calibrate advertising and intake spend
- Size litigation financing and working capital needs
- Prioritize disease or exposure cohorts with superior expected value

2. Litigation & Negotiation Strategy

By simulating outcomes under different procedural scenarios, firms can:

- Anticipate defense settlement pressure points
- Quantify the strategic impact of bellwether wins or losses
- Decide when conditions favor aggregation versus early resolution

3. Risk Management & Governance

Leadership can stress-test downside scenarios:

- Slower-than-expected filing rates
- Adverse scientific rulings
- Jurisdictional bottlenecks or process constraints

The result is institutional decision-making grounded in data, not anecdote or optimism bias



Supporting Claimants While Strengthening The Record

Addressing the human side of these cases in a disciplined way.



HELPING CLAIMANTS UNDERSTAND WHAT THIS CASE IS ABOUT

Claimants need to understand the theory of the case — so they can identify and emphasize the right harms in their own history.

ACTIONABLE CLAIMS

Addictive platform design and features

This case is about how the platform was designed to maximize engagement and compel continued use — regardless of the harm to the user.

The addiction caused by that design is the injury. The downstream mental health consequences — depression, anxiety, eating disorders, self-harm, sleep disruption — flow from the addiction.

Features like the For You Page, infinite scroll, autoplay, streaks, and variable reward notifications are the specific design choices at issue.

DOCUMENT, BUT NOT THE CORE CLAIM

Harm from content

Harmful content — bullying, body image comparison, eating disorder content, violent or sexualized material — can and should be documented.

But under current law, content-based claims face significant legal obstacles (Section 230). These harms can exist alongside addictive design claims — they do not need to be hidden or denied.

Help claimants identify and articulate the addictive design experience — not just what they saw, but how they felt compelled to keep using.

WORKING WITH CLAIMANTS: DO AND DO NOT

DO

Help claimants locate and gather mental health and medical records from identified providers

Ask open-ended questions to surface relevant history — let the timeline emerge naturally

Educate claimants on addictive design features so they can identify and articulate those experiences accurately

DO NOT

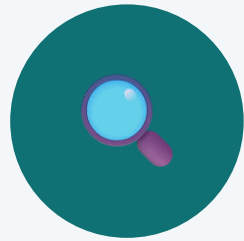
Do not suggest what a claimant should have experienced on a given platform — confirm it from them

Do not fill in feature-usage answers based on what seems typical for their age or platform

Do not discourage disclosure of comorbidities, alternate causes, or content-based harms

BE OPEN AND HONEST: COMORBIDITIES AND ALTERNATE CAUSES

Problems in a case are better known and addressed early. They will surface in discovery regardless — the question is whether the firm is prepared.



Disclose Alternate Causes

Pre-existing mental health diagnoses, trauma history, family circumstances, or other life events may have contributed to the claimant's condition. These should be identified and discussed honestly — not hidden.

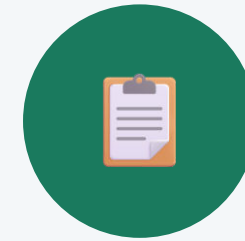
Defense counsel will find them in the records. Better to frame them first.



Identify Comorbidities

Many claimants have multiple overlapping conditions. Anxiety and depression may predate social media use — or coexist with it. The case does not require the platform to be the only cause, only a contributing one.

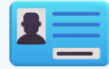
Knowing the full picture allows counsel to develop a credible causation theory.



The Records Will Tell the Story

Medical records, school records, and provider notes will document what was known, when it was known, and what was treated. Claimants who are candid about their history allow their counsel to address those facts constructively — rather than be surprised by them.

THE PLAINTIFF USER ACCOUNT PRESERVATION FORM: WHAT IT COVERS



Identity & Contact Info

Plaintiff identification details

- Full legal name, date of birth, city and state
- Phone numbers and email addresses linked to any Defendant platform
- Guardian/representative name for minor plaintiffs



Account Usernames & URLs

Platform-by-platform account data

- Facebook URLs, Instagram handles, Snapchat, TikTok, and YouTube usernames
- Third-party accounts used by the plaintiff, with time periods and relationship
- Other identifying info Defendants may use to locate accounts



Third-Party Bad Actor Accounts

Misconduct and harassment accounts

- Name and account info for any bad actor whose misconduct is alleged
- Platform where misconduct occurred and known or approximate date range
- Submitted confidentially under the Protective Order solely for preservation

COMPLETING THE PPF: THREE PRINCIPLES FOR FIRMS

01

Collect Every Account — Including Third-Party Accounts

The PPF asks not only for accounts held by the plaintiff, but for any third-party account they used — including a parent's or sibling's. Collect email addresses, phone numbers, usernames, and URLs for every platform. Gaps here are the primary reason Defendants fail to locate accounts and claim no data exists.

02

Document Bad Actor Accounts When Misconduct Is Alleged

Where bullying, grooming, sextortion, or other user-directed misconduct is alleged, the PPF requires identifying the bad actor by name and account information, the platform involved, and the approximate date range. Claimants often underreport this section — make it part of your intake interview, not an afterthought.

03

Treat the PPF as a Preservation Obligation — Not a Discovery Response

The PPF is confidential under the Protective Order and submitted solely so Defendants can preserve the plaintiff's account data. An incomplete or inaccurate PPF means account data may be lost before it can be used. The standard is reasonable investigation — the form requires thoroughness, not perfection, but incomplete submissions have real downstream consequences.

Counsel Clients to Preserve All Devices — Before Any Action Is Taken

Every smartphone, tablet, and computer used to access any Defendant's platform must be retained. Advise clients not to destroy, sell, transfer, or significantly modify any device. Device repair or replacement requires counsel coordination first — instruct clients to call before taking any action. If there is any question about whether a device is covered, the answer is to preserve it and ask counsel.

Instruct Clients: No Deletions of Accounts, Posts, or Content

Clients must preserve all social media accounts, posts, messages, photos, videos, and usage records — including content that appears unrelated or damaging. Post-litigation deletion is spoliation and can result in sanctions. Account credentials should be documented. Firms should issue a written litigation hold and confirm receipt. Any question about whether specific content must be preserved should come to counsel, not be resolved unilaterally by the client.

Warn Clients Against Discussing the Case With AI Tools or Third Parties

Clients should be expressly advised not to share case facts, evidence, or documents with AI chatbots (ChatGPT, Claude, Gemini, or similar tools), or to discuss their case with anyone outside the attorney-client relationship. Courts have required disclosure of AI conversations in discovery — these exchanges are not privileged. If a client has any question about what may be shared or discussed with others, the answer is to contact counsel first.

THANK YOU

For questions, follow-up, or to discuss your social media addiction inventory, please reach out directly. This presentation was prepared for educational purposes in connection with the Perrin Conferences event and does not constitute legal advice.



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Appendix



What This Means for Your Inventory

Mass-tort inventory management in this litigation demands discipline across five dimensions — starting now, not at the eve of trial. Each dimension is a potential failure point if left unaddressed.

PFS Compliance

Plaintiff Fact Sheet obligations are enforcement tools — non-compliance creates dismissal risk. Build compliance workflows and tracking systems immediately. Courts have been unsympathetic to late or incomplete submissions.

Documentation

Records-based, individual causation packages — medical, school, and device records — must be gathered and preserved proactively. Waiting until discovery requests arrive is too late in this docket.

Causation Architecture

Each claim needs a Daubert-proof causation narrative: general science → specific platform → specific claimant harm. Build this chain at intake, not at the expert designation deadline.

Minor Plaintiff Context

SOL tolling, damages framing, and client sensitivity require specialized handling. Age at time of harm, age at signing, and guardian representation all require bespoke procedural attention. This population is not routine inventory.

No Global Settlement on the Horizon

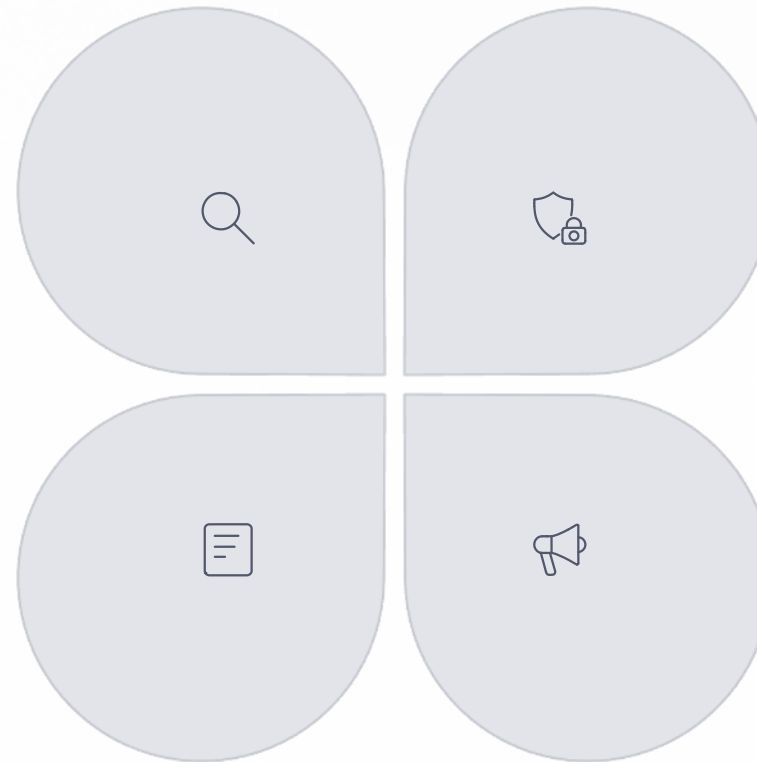
Litigation stamina is required. Inventory must be built to survive multi-year pretrial proceedings before any resolution framework emerges. Financial and operational planning should reflect this reality.

The Ethical Framework as a Whole

These obligations are not independent compliance checkboxes. They form a single, coherent advocacy architecture — and every element reinforces the others.

Thorough Investigation

Surface adverse facts early; build the full record before litigation pressures force shortcuts.



Careful Confidentiality

Protect sensitive mental health and medical records through jurisdictionally appropriate workflows from intake forward.

Honest Evaluation

Only merit-based, adequately investigated claims belong in your inventory — credibility with courts and co-counsel depends on it.

Accurate Advertising

Advertising that matches the actual case standard prevents misaligned client expectations and bar exposure.

"All of these make you a better advocate, not a constrained one." — Michelle Greene, Lanier Law Firm



KEY TAKEAWAYS

- 1** The PFS makes claimant quality the central battleground — not just legal theory.
- 2** Average, peak, and nightly usage are distinct metrics per platform — conflating them creates contradictions defense will exploit.
- 3** Comorbidities and alternate causes are not problems to hide — they are facts to address. The records will surface them regardless.
- 4** This case is about addictive design, not content — claimants need to understand and articulate that distinction to tell their story effectively.
- 5** Quality control before submission is a competitive advantage — and an ethical obligation.