Nos. 26-5120; 26-5121; 26-5132

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

META PLATFORMS, INC.
Plaintiff-Appellant,
v.
ROB BONTA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA, in his official capacity,
Defendant-Appellee.

TIKTOK, INC. AND TIKTOK USDS JOINT VENTURE, LLC,
Plaintiffs-Appellants,
v.
ROB BONTA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA, in his official capacity,
Defendant-Appellee.

GOOGLE LLC AND YOUTUBE, LLC,
Plaintiffs-Appellants,
v.
ROB BONTA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA, in his official capacity,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of California
No. 5:25-cv-09792; 5:25-cv-09789; 5:25-cv-09795
Hon. Edward J. Davila (U.S.D.J.)

[CORRECTED] BRIEF OF *AMICI CURIAE* CHILDREN'S ADVOCACY INSTITUTE, COMMON SENSE MEDIA, FAIRPLAY, MOTHERS AGAINST MEDIA ADDICTION, ORGANIZATION FOR SOCIAL MEDIA SAFETY, PARENTS FOR SAFE ONLINE SPACES, AND 5RIGHTS FOUNDATION, IN SUPPORT OF DEFENDANT-APPELLEE AND AFFIRMANCE

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DISCLOSURE STATEMENT

Amici curiae Children's Advocacy Institute at the University of San Diego School of Law ("CAI"), Common Sense Media ("Common Sense"), Fairplay, Mothers Against Media Addiction ("MAMA"), Organization for Social Media Safety ("OSMS"), Parents for Safe Online Spaces ("ParentsSOS"), and 5Rights Foundation do not have parent corporations or stock. Nobody owns 10 percent or more of them. No party's counsel authored any part of this brief, and no party or party's counsel or person other than *amicus curiae*, its members, or its counsel contributed money intended to fund preparing or submitting the brief. Defendant-Appellee consents to this brief being submitted. All Plaintiffs-Appellants consent to the filing of this brief.

October 20, 2026

Respectfully submitted,

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STATEMENT OF INTEREST

CAI, founded in 1989 as part of the University of San Diego's School of Law, is an academic, research, and advocacy organization working to improve the lives of children. CAI has spearheaded the enactment of numerous California statutes improving child safety in social media, and CAI's research in support of a prior child social media addiction-related California bill (AB 2408 (Cunningham and Wicks, from 2022)) and Utah Code §§ 78B-3-1101 through 1106 served as a foundation for the *Protecting Our Kids from Social Media Addiction Act*, Cal. Health & Safety Code § 2700, et seq. (the "Act").

Common Sense is a nonpartisan, nonprofit organization dedicated to improving the lives of children and families by providing the trustworthy information, education, and independent voice they need to thrive. For more than a decade, Common Sense has studied children's and teenagers' relationships with social media and technology, as well as the effects of those relationships on their well-being. Common Sense has also advocated for state and federal laws protecting children's online safety and privacy for years. Common Sense supported the Act's enactment and has defended it in litigation. Common Sense likewise supported New York's Stop Addictive Feeds Exploitation ("SAFE") for Kids Act, N.Y. Gen. Bus. Law §§ 1500–1508 (2024), which similarly regulates addictive social media feeds directed at minors.

Founded 25 years ago, Fairplay is a national, independent nonprofit organization dedicated to protecting children from unfair commercial practices in media and digital environments, social media especially, where it is a nationally recognized expert. Fairplay engages in research, regulatory advocacy, coalition building, and public education addressing social media design, children's privacy, algorithmic amplification, AI deployment, and related harms.

MAMA is a nonprofit, nonpartisan grassroots movement of parents and allies

fighting back against media addiction and creating a world where real-life experiences and interactions remain at the heart of a healthy childhood. MAMA brings parents' lived experiences into policymaking and advocates for state and federal laws that protect children's online safety and privacy, including safeguards against addictive product design and greater accountability for technology companies. Through our 56 chapters in 27 states, including California, MAMA builds parent power, giving families information, tools, and opportunities to advance these protections in their communities and state legislatures.

OFSMS is a national 501(c)(3) nonprofit founded in 2017 to protect the public, children especially, from the harms associated with social media use through education, advocacy, research, and technology. OFSMS teaches social media safety in K-12 schools nationwide and partners with university researchers to study children's experiences on social media. OFSMS sponsored California's Youth Social Media Protection Act (AB 2481 (2024)) and Assembly Bill 1709 (2026), Cal. Bus. & Prof. Code § 22682 et seq., which complements the Act by prohibiting covered platforms from providing addictive features, including addictive feeds and autoplay, to users under 16.

ParentsSOS, a project of Fairplay, is an educational initiative created by families who have lost children as a result of online harms. Our children experienced the worst as a result of Big Tech's design and business model, including cyberbullying, sextortion, social media-facilitated sales of illegal substances, and the algorithmic promotion of dangerous challenges and pro-suicide content. We advocate for legislative change to protect children online.

5Rights Foundation is an international nonprofit organization protecting and promoting children's rights in digital environments. The organization combines legal and policy expertise, research, youth engagement, and advocacy. 5Rights Foundation develops new policy, creates innovative frameworks, develops technical

standards, publishes research, challenges received narratives, and ensures that children's rights and needs are recognized and prioritized in the digital world.

SUMMARY OF ARGUMENT

Plaintiffs-Appellants Meta Platforms, Inc., TikTok Inc., TikTok USDS Joint Venture LLC, Google LLC, and YouTube, LLC (hereinafter "Appellants") appeal the District Court's denial of their requests that the Act be preliminarily enjoined, arguing that the Act violates their First Amendment rights and that the State has not demonstrated that the Act addresses actual harm to children. *Amici*, a coalition of organizations dedicated to children's online safety and well-being, strongly disagree and ask that the ruling of the District Court be upheld. *Amici* in this brief address Appellants' arguments that their recommendation algorithms driven by a user's personalized data ("addictive feeds") are not harmful to children and their arguments that the Act will not address harm to children. The evidence on both counts—including evidence from the Appellants' employees and documents—is overwhelmingly to the contrary. *Amici* also address Appellants' arguments that their parental and user tools are making their platforms safe for young users. Again, the evidence is overwhelmingly to the contrary. These tools are ineffective, and evidence shows that Appellants are aware of this.

STANDARD FOR GRANTING APPELLANTS' MOTIONS

The District Court's decision to deny Appellants' Motions for the "extraordinary and drastic remedy" of a preliminary injunction—motions where they have "the burden of persuasion" (*Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012) (citation omitted))—is reviewed for abuse of discretion. *X Corp v. Bonta*, 116 F.4th 888, 897 (9th Cir. 2024). Appellants must demonstrate that "[they are] likely to succeed on the merits, that [they are] likely to suffer irreparable harm in the

interim, and that an injunction is both equitable and in the public interest." *NetChoice, LLC v. Bonta*, 152 F.4th 1002, 1012 (9th Cir. 2025).

ARGUMENT

I. EVIDENCE, INCLUDING EVIDENCE FROM APPELLANTS' OWN EMPLOYEES AND INTERNAL DOCUMENTS, CLEARLY SHOWS A RELATIONSHIP BETWEEN THEIR ADDICTIVE FEEDS AND THE HARMS TO MINORS ADDRESSED BY THE ACT

Appellants seek to enjoin the child-protecting benefits of the Act's personalized feed reforms. Appellants, therefore, seek to expose children for an indeterminate amount of time to the *status quo*, where Appellants, without a parent's consent, are free to use an ever-improving, sophisticated, neuroscience-informed, AI-driven engagement technology that causes children to become addicted to Appellants' products. These products and the child addiction they cause are contributing, in the words of a recent Surgeon General, to no less than a child health "emergency"[1] and "crisis"[2] whereby children *en masse* are dying by suicide and suffering life-enduring mental health damage. The connection between AI-determined algorithmic feeds and harms to children is well documented in scientific literature, and young people themselves report an inability to log off social media platforms when they want to do so because of them. Minors' developing brains are uniquely vulnerable to the sophisticated personalization techniques Appellants deploy on their feeds. Appellants' own internal documents clearly establish their

[1] Dr. Vivek Murthy, *Surgeon General: Why I'm Calling for a Warning Label on Social Media Platforms*, N.Y. TIMES (Jun. 17, 2024), available at https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html.

[2] U.S. Dep't of Health & Hum. Servs., Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory*, at 13 (2023), hereinafter, "Surgeon General 2023," available at https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.

awareness of this urgent problem.

Equity and the public interest demand rejection, not an embrace lasting many years, of the lethal and damaging *status quo* for children. Properly benchmarked by the current "emergency" and "crisis," Appellants' Motions should be denied.

A. Social Media Companies Wield Unprecedented Power Over Human Attention

Social media companies have more power than any other companies in history to capture, direct, and hold human attention. Unlike traditional companies that might test a product on a focus group of a dozen people, social media platforms can observe billions of people at once, continuously testing what content, format, timing, and presentation produce more engagement.

Meta alone reported 3.60 billion daily active people across its platforms in June 2026—roughly 43.3% of the world's population.[3] This extraordinary reach gives Meta unprecedented power to collect behavioral data and refine its ability to predict and influence human attention. Instagram uses extensive histories of users' interactions to predict how individuals will respond to posts made by other users, continuously refining its AI-written delivery algorithms and thus its ability to capture and sustain users' attention.[4] Meta reports that its machine-learning models can be retrained as frequently as every hour using new behavioral data.[5] The surveillance underlying those predictions is extraordinarily granular. Platforms can record what users watch, search, click, like, share, whom they follow, what they say, where they

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[3] *Meta Platforms, Inc., Meta Reports Second Quarter 2026 Results* (July 29, 2026), https://investor.atmeta.com/investor-news/press-release-details/2026/Meta-Reports-Second-Quarter-2026-Results/.

[4] *Scaling the Instagram Explore Recommendations System*, ENG'G AT META (Aug. 9, 2023), https://engineering.fb.com/2023/08/09/ml-applications/scaling-instagram-explore-recommendations-system/.

[5] *Id*.

are, and even how long they linger on a particular post.[6] They can also receive information from tracking pixels, apps, advertisers, and data brokers about activity far beyond the platform itself.[7] In a Consumer Reports study of 709 Facebook users, the average participant was linked to information from 2,230 outside companies, and some to more than 7,000.[8] That surveillance is especially revealing when users are vulnerable: searches related to medical conditions, religious faith, and relationships have been found in data reports,[9] exposing information users may never affirmatively disclose or wish to be disclosed. The place people increasingly turn to for private exploration is also a place where their location, behavior, vulnerabilities, and desires can be continuously observed and analyzed. For youth, who are especially vulnerable online, whatever they are doing, see Section I.D, *infra*, this can be doubly problematic.

Once a platform learns what is most likely to hold a person's attention, it has a virtually limitless supply of material to choose from. For example, more than 500 hours of video are uploaded to YouTube every minute[10]—over 720,000 hours every day. AI-powered algorithms, not humans, can therefore select from an effectively

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[6] Fed. Trade Comm'n, *A Look Behind the Screens: Examining the Data Practices of Social Media and Video Streaming Services*, at 52 (2024), https://www.ftc.gov/system/files/ftc_gov/pdf/Social-Media-6b-Report-9-11-2024.pdf.

[7] *Id*.

[8] Don Marti, et al., *Who Shares Your Information with Facebook? Sampling the Surveillance Economy in 2023*, Consumer Reports at 3–4 (Jan. 2024), https://innovation.consumerreports.org/wp-content/uploads/2024/01/CR_Who-Shares-Your-Information-With-Facebook.pdf.

[9] Fed. Trade Comm'n, *supra* at note 6, at iv.

[10] YouTube Team, *Reimagining Video Infrastructure to Empower YouTube*, YouTube Blog (Apr. 21, 2021), https://blog.youtube/inside-youtube/new-era-video-infrastructure/.

inexhaustible stream of content and serve each user the next item predicted to keep that person watching. The result is a system that combines billions of users, continuous behavioral surveillance, self-updating prediction models, and an endless content supply—all directed toward a single objective: keeping people engaged longer.

Furthermore, social media companies incorporate design features that prolong use. As identified in the U.S. Surgeon General's advisory,

> Social media platforms are often designed to maximize user engagement, which has the potential to encourage excessive use and behavioral dysregulation. Push notifications, autoplay, infinite scroll, quantifying and displaying popularity (i.e., 'likes'), and algorithms that leverage user data to serve content recommendations are some examples of these features that maximize engagement.[11]

These features function together to sustain attention, encourage repeated checking, and reinforce habitual engagement.

Minors, whose cognitive abilities are still developing, have developmental characteristics that make them particularly vulnerable to AI-powered, data-driven engagement techniques.

B. Contrary to Appellants' Arguments, Evidence Demonstrates that Addictive Feeds Drive Engagement in Ways that Contribute to Child Harm, and Experts and Governments Agree

As the California Legislature and the District Court acknowledge, children are experiencing a mental health crisis that experts have linked to excessive social media

[11] Surgeon General 2023, *supra* note 2 at 9.

screen time.[12] As exhaustively discussed in Defendant's Omnibus Opposition,[13] for more than a decade, researchers have documented problematic social network site use, "defined as a disorder that does not involve ingestion of a psychoactive substance and shares qualities related to behavioral addiction."[14] Researchers and experts have connected social media platforms to poor mental health outcomes, tracing increases in mental health indicators to the rising popularity of these platforms. As a result of this research, the U.S. and global consensus is that AI-driven, social media engagement-maximizing techniques are harmful to many children.

These charts show the overlap between the current child mental health crisis and the rise in popularity of social media. The first chart shows an increase in indicators of poor mental health—suicide included—among U.S. girls and young women from 2001–2018 (note: before COVID).[15]

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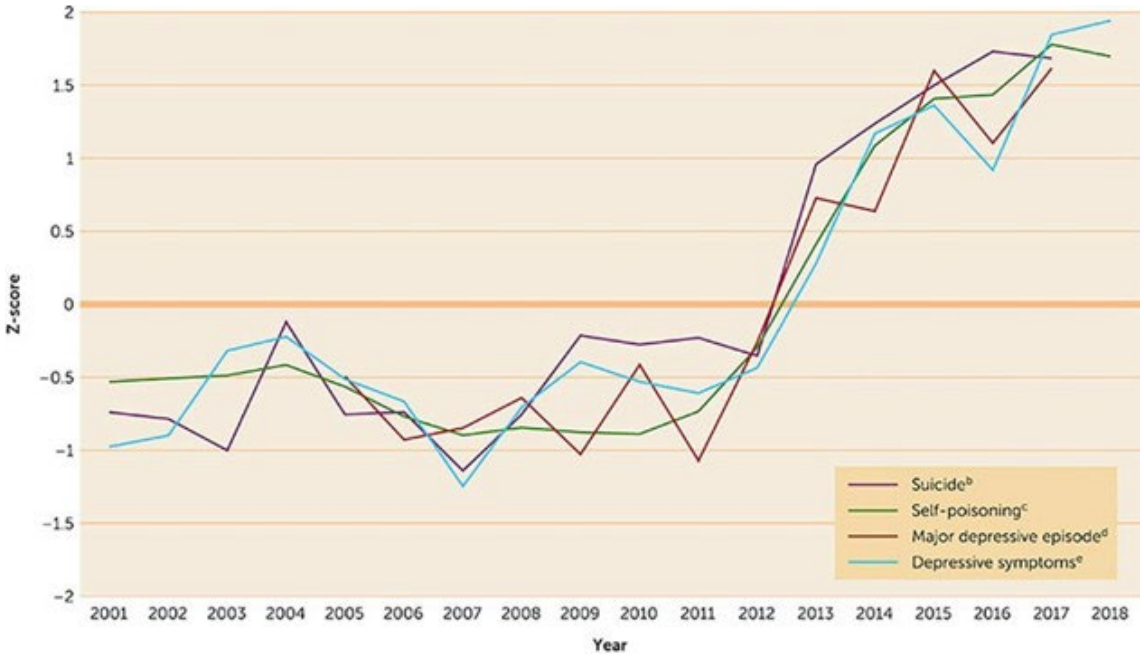
[12] Cal. Civ. Code § 1798.99.28, et seq.; *TikTok Inc. v. Bonta*, No. 5:25-cv-09789-EJD, [Doc. 115] (N.D. Cal. Aug. 21, 2026) (Order Denying Motions for Preliminary Injunction Pending Appeal).

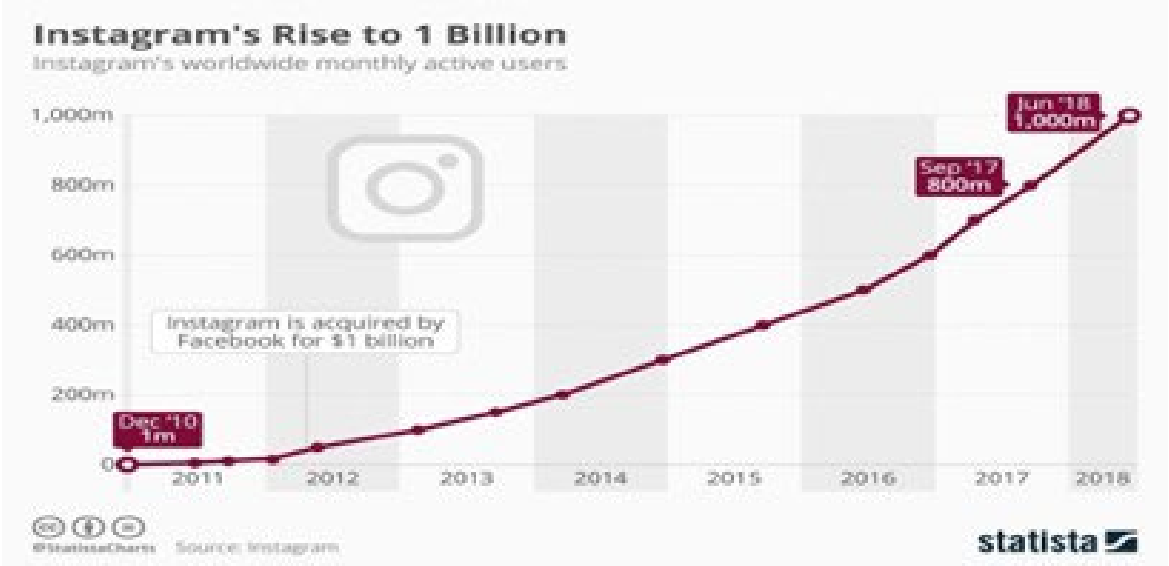
[13] *Defendant's Omnibus Opposition to Plaintiffs' Motions for Preliminary Injunction* at 4–6, 20–22, *TikTok Inc. v. Bonta*, No. 5:25-cv-09789-EJD, [ECF No. 45] (N.D. Cal. Feb. 20, 2026).

[14] Zaheer Hussain & Mark D. Griffiths, *Problematic Social Networking Site Use and Comorbid Psychiatric Disorders: A Systematic Review of Recent Large-Scale Studies*, 9 FRONTIERS PSYCHIATRY 686, 2 (2018), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6302102/pdf/fpsyt-09-00686.pdf.

[15] Jean M. Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2021 and Links to Technology Use: Possible Mechanisms*, 2 PSYCHIATRIC RSCH. & CLINIC PRAC., at 19–25 (Summer 2020), available at https://psychiatryonline.org/doi/full/10.1176/appi.prcp.20190015.



The second shows Instagram's rapid growth during the same period, between 2010 and 2018.[16]



The poor mental health indicators shown in the first chart for girls and young women coincide with the rapidly expanding popularity of Instagram shown in the

[16] Felix Richter, *Instagram's Rise to 1 Billion*, STAISTA (Jun. 21, 2018), available at https://tinyurl.com/2rmms6wd.

second chart. Similarly, the following chart[17] illustrates trends in emergency room admissions for self-harm and suicide for girls. The chart has been annotated to identify the introduction of the personalized, algorithm-based social media feeds by Facebook in 2009:[18]

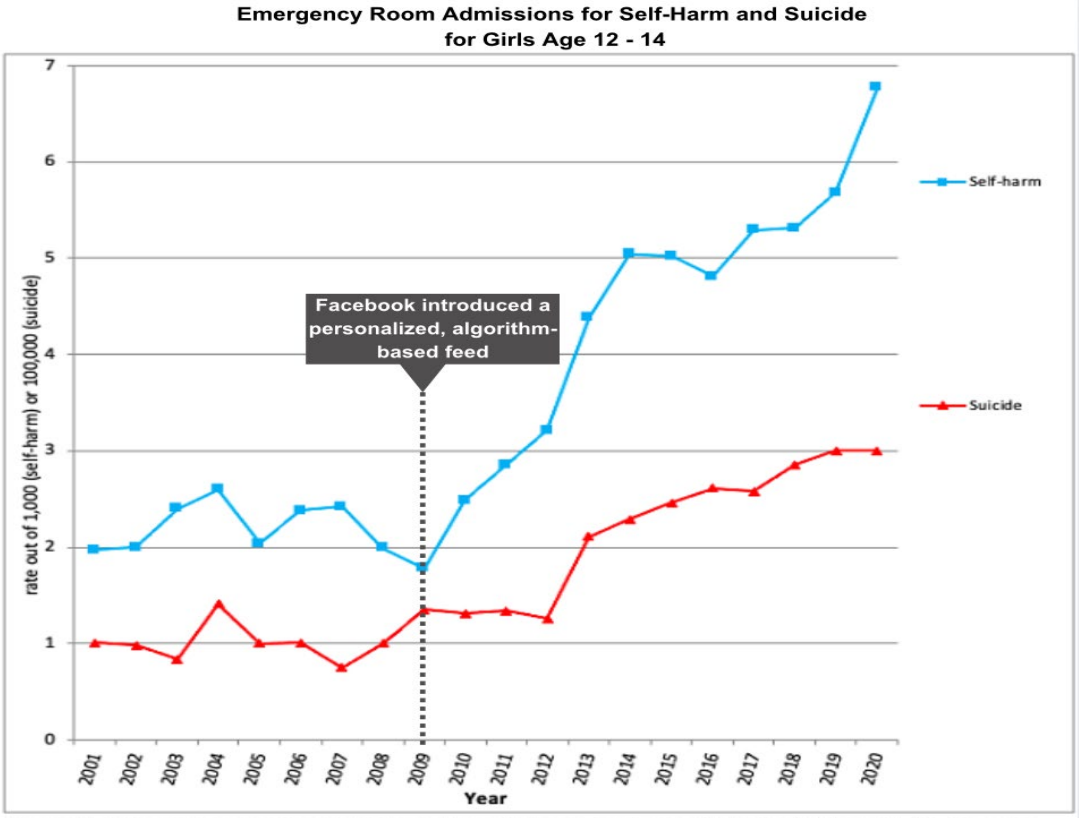


Figure 3: Emergency room admissions for self-harm and completed suicides, 12- to 14-year-old girls, 2001-2020. Source: CDC WISQARS database

In addition, for all children ages 10–14, there was a 146% increase during this same

[17] Jean M. Twenge, *How Much Is Social Media to Blame for Teens' Declining Mental Health?*, INST. FOR FAM. STUD. (Apr. 11, 2022), https://ifstudies.org/blog/how-much-is-social-media-to-blame-for-teens-declining-mental-health.

[18] Surabhi Parida, *Evolution of Social Media Algorithms: The Invisible Hand Guiding Our Online Experience,* Reso (Oct. 6, 2024), https://resoinsights.com/insight/evolution-of-social-media-algorithms/.

period (between 2011 and 2020) in the number of firearm-related deaths by suicide.[19]

The scientific consensus is that overuse of social media by children is a cause of the current unprecedented spike in child suicides, major depression, and mental health damage. Two surveys examining a nationally representative cohort of U.S. adolescents in grades 8–12 found "a clear pattern linking screen activities with higher levels of depressive symptoms/suicide-related outcomes and non-screen activities with lower levels."[20] A California legislative committee's analysis of the Act cites the alarming relationship identified by the Surgeon General:

> "The mental health crisis among young people is an emergency—and social media has emerged as an important contributor. Adolescents who spend more than three hours a day on social media face double the risk of anxiety and depression symptoms, and the average daily use in this age group, as of the summer of 2023, was 4.8 hours. Additionally, nearly half of adolescents say social media makes them feel worse about their bodies."
>
> * * *
>
> The Surgeon General concluded: "The moral test of any society is how well it protects its children. . . . We have the expertise, resources and tools to make social media safe for our kids. Now is the time to summon the will to act."
>
> This bill [SB 976, the Act] answers that call.[21]

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[19] Li Cohen, *Firearm Suicide Among America's Youth Has Hit Its Highest Rate in 20 Years, Report Finds*, CBS NEWS (June 2, 2022, 12:24 PM EDT), available at https://www.cbsnews.com/news/youth-suicide-firearm-highest-rate-in-20-years-everytown-report/.

[20] Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 CLINICAL PSYCHOL. SCI. 3, 9 (2018), https://doi.org/10.1177/2167702617723376; Jane Harness, et al., *Youth Insight About Social Media Effects on Well/Ill-Being and Self-Modulating Efforts*, 71 J. ADOLESC. HEALTH 324 (2022), https://doi.org/10.1016/j.jadohealth.2022.04.011.

[21] Cal. Assem. Comm. on Priv. & Consumer Prot., Bill Analysis of S.B. 976,

Additional studies echo the Surgeon General's warnings and the Legislature's findings of a growing crisis. Consider a recent meta-analysis of the mental health damage done to both children and adults by overexposure to the short-form videos that now dominate social media:

> The resurgence of short-form videos (SFVs) … has transformed social media platforms, with features like Instagram Reels and YouTube Shorts fostering their widespread adoption. … [T]heir design … has raised concerns about addiction and negative health implications. … This systematic review and meta-analytic investigation comprised data from 98,299 participants across 71 studies. Increased SFV use was associated with poorer cognition[.]… Similarly, increased SFV use was associated with poorer mental health [], with stress [] and anxiety [] showing the strongest associations. These findings were consistent across youth and adult samples and across different SFV platforms.[22]

Another recent meta-analysis similarly found that more screen time is associated with lower academic achievement and language development and higher socioemotional and mental health problems.[23]

Evidence of the harm of excessive screen time has led to stark warnings from experts other than the Surgeon General. The American College of Pediatricians warns that "Excessive exposure to screens (television, tablets, smartphones, computers, and video game consoles), especially at young ages, is associated with lower academic performance, sleep disturbances, obesity, attention deficit, increased aggression,

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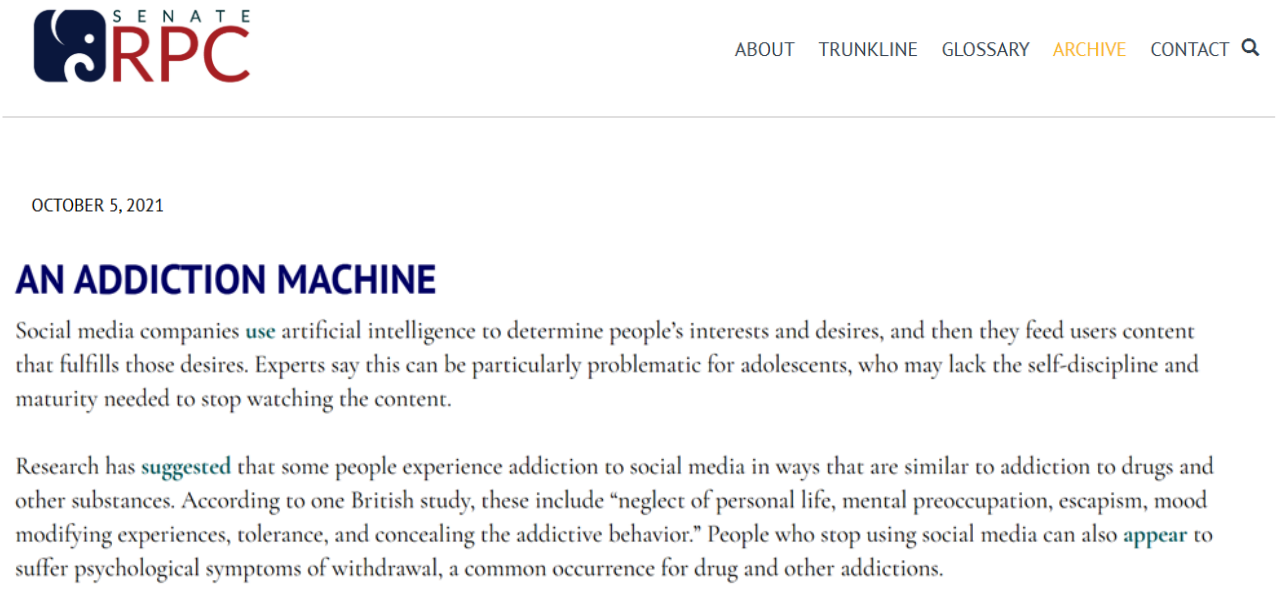
2023–2024 REG. SESS., at 1 (July 2, 2024), https://apcp.assembly.ca.gov/media/849 (quoting Surg. Gen. Murthy, *supra* note 1).

[22] Lan Nguyen, et al., *Feeds, Feelings, and Focus: A Systematic Review and Meta-Analysis Examining the Cognitive and Mental Health Correlates of Short-Form Video Use*, 151 PSYCHOL. BULL. 1125, 1125 (2025), available at https://pubmed.ncbi.nlm.nih.gov/41231585/.

[23] Elizabeth Al-Jbouri, Marissa D. Nivison, et al., *Screen Use and Child and Adolescent Development and Mental Health Outcomes: A Quantitative Umbrella Review*, JAMA PEDIATRICS (Sept. 28, 2026).

lower self-esteem, depression, and increased rates of high-risk behaviors."[24] The American Psychological Association has also highlighted the correlation between frequent social media use and poor mental health among adolescents.[25]

That social media can be addictive, especially to children, is now also the consensus view among policymakers. Consider the conclusions of the U.S. Senate's Republican Policy Committee:[26]



SENATE RPC

ABOUT TRUNKLINE GLOSSARY ARCHIVE CONTACT

OCTOBER 5, 2021

AN ADDICTION MACHINE

Social media companies use artificial intelligence to determine people's interests and desires, and then they feed users content that fulfills those desires. Experts say this can be particularly problematic for adolescents, who may lack the self-discipline and maturity needed to stop watching the content.

Research has suggested that some people experience addiction to social media in ways that are similar to addiction to drugs and other substances. According to one British study, these include "neglect of personal life, mental preoccupation, escapism, mood modifying experiences, tolerance, and concealing the addictive behavior." People who stop using social media can also appear to suffer psychological symptoms of withdrawal, a common occurrence for drug and other addictions.

Policymakers across the globe have reached similar conclusions. The European

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[24] American College of Pediatricians, *Media Use and Screen Time–Its Impact on Children, Adolescents, and Families* (May 2020), https://acpeds.org/media-use-and-screen-time-its-impact-on-children-adolescents-and-families/

[25] Kirsten Weir, *Social Media Brings Benefits and Risks to Teens. Psychology Can Help Identify a Path Forward*, 54 MONITOR ON PSYCH., No. 6, at 46 (Sept. 1, 2023), https://www.apa.org/monitor/2023/09/protecting-teens-on-social-media.

[26] Senate Republican Policy Comm., *Social Media and Mental Health* (Oct. 5, 2021), available at https://www.rpc.senate.gov/policy-papers/social-media-and-mental-health.

Commission recently issued a finding that TikTok's "addictive design," which includes its "highly personalized recommender system," is in breach of the Digital Services Act.[27] The European Parliament warns that Appellants' algorithms are "preying on children's vulnerabilities with the explicit purpose of creating addictions."[28] Citing a 2024 study, the Parliament highlights "the implementation of self-learning, adaptive algorithms (e.g. personalized content feeds)" as addictive.

Governments around the world are therefore increasingly taking action to address the harms associated with social media, particularly for children and teens. Australia implemented a nationwide restriction on social media accounts for children under 16 in December 2025,[29] while at least 13 European countries have advanced or are considering similar age-based restrictions.[30] The European Parliament observes:

> The addictive nature of online platforms can lead users to develop an addiction that severely impacts their wellbeing and social relationships. Internet addiction exhibits similar underlying neurophysiological processes to other addictions (e.g. substance addiction), and young age

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[27] European Commission, *Commission Preliminarily Finds TikTok's Addictive Design in Breach of the Digital Services Act* (Feb. 5, 2026), available at https://ec.europa.eu/commission/presscorner/detail/en/ip_26_312.

[28] *See* European Parliamentary Research Serv., *Youth and Social Media*, (Tarja Laaninen with Joris Bol), EUR. PARL. DOC. PE 779.235 (Dec. 1, 2025), available at https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS_BRI%282025%29779235_EN.pdf.

[29] eSafety Comm'r (Austl.), *Social Media Age Restrictions*, eSafety, https://www.esafety.gov.au/about-us/industry-regulation/social-media-age-restrictions (last visited Oct. 16, 2026).

[30] *Many European Countries Consider Banning Minors from Accessing Social Media*, CULLEN INTERNATIONAL (Oct. 2026), https://www.cullen-international.com/news/2026/10/Many-European-countries-consider-banning-minors-from-accessing-social-media.html.

is a significant risk factor.[31]

In September 2026, the European Commission also introduced the KIDS Act, which if enacted would combine age-based social media restrictions with stronger safety-by-design protections.[32] Brazil[33] and Indonesia[34] have likewise adopted new measures to strengthen children's online safety.

C. Minors Themselves Say They Struggle with Overusing Appellants' Platforms

Research has shown that young children and teens are struggling to set their own boundaries around technologies—including Appellants' platforms—that use a combination of designs and AI-driven content delivery to capture their attention, keep them on the platform, and prevent disengagement.[35] According to the U.S. Surgeon General's advisory, up to 95% of adolescents ages 13–17 report using social media,

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[31] European Parliamentary Research Serv., *supra* note 28 at 7.

[32] European Comm'n, *Proposal for EU KIDS Act—"EU Keeping Internet Digital Spaces Accountable and Trustworthy"* (Sept. 17, 2026), https://digital-strategy.ec.europa.eu/en/library/proposal-eu-kids-act-eu-keeping-internet-digital-spaces-accountable-and-trustworthy.

[33] Ministério da Justiça e Segurança Pública (Braz.), *ECA Digital* [Digital Statute of Children and Adolescents] (Mar. 20, 2026), https://www.gov.br/mj/pt-br/assuntos/sua-protecao/sedigi/eca-digital/eca-digital-1/.

[34] Kementerian Sekretariat Negara (Indon.), *Lindungi Anak di Ranah Digital, Kemkomdigi Terbitkan Aturan Teknis PP TUNAS* [Protecting Children in the Digital Realm: Ministry of Communication and Digital Affairs Issues Technical Regulations for PP TUNAS] (Mar. 6, 2026), https://setneg.go.id/baca/index/lindungi_anak_di_ranah_digital_kemkomdigi_terbitkan_aturan_teknis_pp_tunas.

[35] Yixin Chen, et al., *The Engagement-Prolonging Designs Teens Encounter on Very Large Online Platforms*, 2026 Proceedings of 2026 CHI Conference on Human Factors in Computing Systems (Apr. 13, 2026), https://doi.org/10.1145/3772318.3790393.

with more than a third saying they use social media "almost constantly."[36] In one Common Sense study, teen participants reported they checked their phone on an average of over 100 times per day, with some users reporting checking their phones hundreds of times a day, and scrolling through TikTok, Instagram, and YouTube for hours at a time.[37] Similarly, in a 2025 Pew Research Center survey of U.S. teens ages 13–17, 76% of those surveyed reported using YouTube daily, including 43% who used it several times per day, and 17% who reported using it "almost constantly."[38] The same survey found that 61% of teens used TikTok daily, including 34% who used it several times a day, and 21% reporting near-constant use.[39] Finally, 55% also reported daily Instagram use, including 31% who accessed the platform several times a day and 12% who used it almost constantly.[40]

Addictive feeds that prompt children to return again and again to the platform against their own wishes take away value from young users' lives rather than enrich them. Before these addictive feeds became the dominant mode of social media consumption for teens, their experiences online were more centered on maintaining friendships and engaging with shared culture and information.[41] AI-written

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[36] Surgeon General 2023, *supra* note 2 at 4.

[37] Jenny S. Radesky, et al., *Constant Companion: A Week in the Life of a Young Person's Smartphone Use* (Common Sense Media 2023), https://www.commonsensemedia.org/sites/default/files/research/report/2023-cs-smartphone-research-report_final-for-web.pdf https://www.commonsensemedia.org/sites/default/files/research/report/2023-cs-smartphone-research-report_final-for-web.pdf

[38] Monica Anderson Faverio & Olivia Sidoti, *Teens, Social Media and AI Chatbots* 2025, PEW RESEARCH CENTER (Dec. 9, 2025), https://www.pewresearch .org/internet/2025/12/09/teens-social-media-and-ai-chatbots-2025.

[39] *Id.*

[40] *Id.*

[41] Monica Anderson & Jingjing Jiang, *Teens' Social Media Habits and Experiences*, PEW RESEARCH CENTER (Nov. 28, 2018),

recommendation algorithms, in contrast, make social media usage addictive for children without adding any more community or informational value for them. In an internal document, a senior data scientist at Meta wrote:

> It seems clear from what's presented here that some of our users are addicted to our products. And I worry that driving sessions incentivizes us to make our product more addictive, without providing much more value. How to keep someone returning over and over to the same behavior each day? Intermittent rewards are most effective (think slot machines) reinforcing behaviors that become especially hard to extinguish—even when they provide little reward, or cease providing reward at all.[42]

As Meta's scientist affirms, when a child is addicted, they will keep returning to platforms even when doing so adds little or nothing substantive to their lives; even when they know they shouldn't. That's what addiction is. Common Sense's research confirmed these impacts in a 2024 report, wherein 43% of teens ages 14–17 reported that social media takes time away from meaningful activities.[43]

Addictive feeds not only take away from a child's real-life interaction; they also cause repeated exposure to dangerous ones. Internal documents show that Meta pursued engagement even when it knew its design choices connected minors with adult sexually predatory groomers. These documents revealed that Instagram's

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https://www.pewresearch.org/internet/2018/11/28/teens-social-media-habits-and-experiences.

[42] *See* Plaintiff's Corrected Omnibus Opposition to Defendant's Motions for Summary Judgment, at 28, *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL Case No. 4:22-md-03047-YGR (PHK) (N.D. Cal. Nov. 21, 2025), [Dkt. No. 2480], hereafter "Social Media MDL."

[43] Mary Madden, et al., *A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health* (Common Sense Media & Hopelab 2024), https://www.commonsensemedia.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report_final-release-for-web-v2.pdf.

"Accounts You May Follow" feature recommended nearly two million minors to accounts associated with adult groomers within a mere three-month period, with a substantial percentage of those recommendations resulting in follow requests.[44] Evidence shows that Meta employees raised concerns about such risks internally, but that the Corporation's leadership declined to implement stronger safeguards, maintaining permissive enforcement policies even in cases involving serious misconduct.[45] Likewise,

> TikTok employees repeatedly raised concerns internally about the risks the short-form video app posed to children, including sexual exploitation and exposure to suicide content. Previously unreported court records show that the employees were frustrated with how the company's leadership responded to their concerns…. Employees raised the alarm about minors appearing in sexual content on the app, which viewers could pay to access and the company would profit from—a potential financial crime. They also flagged that users under 18 were using loopholes to bypass age-restricted content and to block parents and guardians from reviewing their activity on the app. TikTok also refrained from conducting surveys to assess the ages of its users because it was concerned that it would have to turn the results over to the Federal Trade Commission, the documents show.[46]

These disclosures underscore that the risks associated with platform design are not hypothetical; they are known within the industry and, in some instances, have been consciously tolerated or ignored in pursuit of engagement metrics.

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[44] Michael Scherer & Kaitlyn Tiffany, *How Meta Executives Talked About Child Safety Behind the Scenes*, THE ATLANTIC (Feb. 27, 2026), https://www.theatlantic.com/technology/2026/02/meta-child-safety-documents-instagram/686163.

[45] *Id.*

[46] Katie McQue, *TikTok Staff Raised Child Safety Alarms. Court Records Show Executives Failed to Act*, NPR (Oct. 20, 2026), https://www.npr.org/2026/10/20/nx-s1-6005809/tiktok-child-safety-money-laundering.

D. Children Are Especially Vulnerable to Addictive Feeds

Child brains are still developing, and that development makes them uniquely vulnerable to neuroscience-informed techniques such as reward loops, persuasive designs, and visible social pressure, all of which can make it particularly difficult for minors to disconnect. The U.S. Surgeon General's 2023 advisory noted that "frequent social media use may be associated with distinct changes in the developing brain in the amygdala (important for emotional learning and behavior) and the prefrontal cortex (important for impulse control, emotional regulation, and moderating social behavior) and could increase sensitivity to social rewards and punishments."[47]

A child's executive functioning skills, which are critical to directing attention and resisting impulsive behavior, are still developing throughout childhood and adolescence.[48] The brain structures of children and teens are very different from those of adults, which causes children and teens to respond to stimuli differently from adults.[49] The limbic system and the prefrontal cortex of our brains grow synchronously, but at different speeds.[50] The limbic system is associated with survival and contains the part of our brains that controls certain emotional responses

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[47] Surgeon General, *supra* note 2, at 5 (citing M.T. Maza et al., *Association of Habitual Checking Behaviors on Social Media with Longitudinal Functional Brain Development*, 177 JAMA PEDIATRICS 160 (2023)).

[48] Heather J. Ferguson, et al., *The Developmental Trajectories of Executive Function from Adolescence to Old Age*, 11 SCI. REPS. 1382 (2021), https://www.nature.com/articles/s41598-020-80866-1.pdf.

[49] *See* Brief for Common Sense Media and Frances Haugen as *Amici Curiae* Supporting Petitioners at 6–9, *Gonzales v. Google*, 598 U.S. 617 (2022) (No. 21-1333) (discussing the structural disparities between the adult and adolescent brain and how they lead adults and adolescents to respond to stimuli differently).

[50] B.J. Casey, et al., *The Adolescent Brain*, 28 DEVELOPMENTAL REV. 62, 63 (2008).

such as our "fight or flight" response.[51] Meanwhile, the prefrontal cortex is associated with higher-level functions such as planning, problem solving, reasoning, and impulse control, and will not mature until closer to adulthood.[52] Before the prefrontal cortex is fully matured and able to counterbalance the limbic system, children and teens are far less equipped than adults to make rational decisions, consider long term consequences, and control impulses.[53] Their critical thinking skills are still developing, making them more vulnerable and largely defenseless against the built-in design features of social media. Children do not have developed impulse control, and they do not understand the consequences of what they are doing and sharing online. Teenagers demonstrate heightened reward-seeking behavior due to increased brain activity related to dopamine.[54] This contributes to teens' tendency to seek out reward stimuli,[55] such as those offered by social media.

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[51] *See* Velayudhan Rajmohan & Eladath Mohandas, *The Limbic System*, 49 INDIAN J. PSYCHIATRY 132–39 (2007) (providing an overview of the components and functions of the limbic system).

[52] Edward E. Smith & John Jonides, *Storage and Executive Processes in the Frontal Lobes*, 283 SCIENCE 1657, 1659–60 (1999).

[53] *See* Angela Griffin, *Adolescent Neurological Development and Implications for Health and Well-Being*, 5 HEALTHCARE 62, 63 (2017) (describing how the prefrontal cortex is late-evolving and enables individuals to learn how to manage long-term planning, monitor what is going on, and adjusting smoothly to surroundings while keeping emotions and behaviors context-appropriate).

[54] Eveline A. Crone, *Executive Functions in Adolescence: Inferences from Brain and Behavior*, 12 DEVELOPMENTAL SCI. 825, 829 (2009); Adriana Galvan, *Adolescent Development of the Reward System*, 4 FRONTIERS HUM. NEUROSCIENCE 1, 1 (2010).

[55] Ashley C. Parr, et al., *Dopamine-Related Striatal Neurophysiology is Associated with Specialization of Frontostriatal Reward Circuitry Through Adolescence*, 201 PROGRESS IN NEUROBIOLOGY 1, 1 (2021); Dustin Albert & Laurence Steinberg, *Judgment & Decision Making in Adolescence*, 21 J. RES. ON ADOLESCENCE 211, 217–19 (2011).

While children in general are more susceptible to social media's technologies and techniques than adults, vulnerable populations among teens are even more susceptible than the average child, and Appellants know it. Ninety percent (90%) of young people with moderate to severe depressive symptoms have tried to see less of what they dislike on social media, versus 67% of those with no symptoms.[56] Eighty-one percent (81%) of youth with moderate to severe depressive symptoms have taken actions to try to curate their social media feed, compared to 55% of those with no symptoms.[57] These patterns are not coincidental; they reflect the predictable consequences of sustained exposure to platform environments designed to maximize engagement and which can cause addiction on children.

E. "We're Basically Pushers": Appellants' Employees and Documents Contradict Their Own Arguments About the Harm of Addictive Feeds

Appellants' efforts to dismiss the addictive nature of their products to children[58] should be given little weight because, as the Appellee painstakingly documents in his Consolidated Answering Brief,[59] Appellants' own employees and internal documents privately, bluntly *and repeatedly*, contradict such dismissals.

Internal documents discussing Appellants' products directly address the issue

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[56] Mary Madden, et al., *supra* note 43.

[57] *Id.*

[58] *See, e.g.*, Complaint for Declaratory and Injunctive Relief, at ¶ 57, [ECF No. 6], *Google LLC and YouTube, LLC v. Bonta*, No. 5:25-cv-09795-EJD (N.D. Cal. Nov. 13, 2025); Complaint for Declaratory and Injunctive Relief, at ¶¶ 21–22, [ECF No. 1.], *Meta Platforms, Inc. v. Bonta*, No. 5:25-cv-09792 (N.D. Cal. Nov. 13, 2025); Def's Omnibus Opp.to Pls' Mots. for Prelim. Inj. at 4–6, 20–22, [ECF No. 45], *TikTok Inc. v. Bonta*, No. 5:25-cv-09789-EJD (N.D. Cal. Feb. 20, 2026).

[59] *See, e.g.*, Def's Consolidated Opp. to Pls' Mots. for Inj. Pending Appeal at 7–12 [Dkt. No. BL-9], *Meta Platforms, Inc. v. Bonta*, Nos. 26-5120, 26-5121 & 26-5132 (9th Cir. Sept. 3, 2026).

of platform design and addictiveness to children. For example, documents from Meta have revealed the company's own researchers discussing Instagram as a "drug," concluding, "We're basically pushers[.]"[60] And as a 2019 secret Meta presentation conceded: "We make body image issues worse for one in three teen girls."[61] Note the phrasing: "we make." It is an acknowledgement of causation. TikTok's Trust and Safety Team admitted that "our users … think the platform is addictive" and that "compulsive usage correlates with a slew of negative mental effects[.]"[62] Similarly, Google's YouTube team said it "aspire[d] to create an app that is…Addictive[:] Our app experience should compel users to come back more and more often" and that the company's goal was "[i]ncrease habitual users."[63]

In sum, respectfully, in deciding whether to permit the *status quo* to endure for years for children, the Court should not favor Appellants' characterization of their platforms in this proceeding over the scientific consensus, the repeated admissions of Appellants' own employees and internal experts, and the consensus of policymakers all over the world concluding that Appellants' products are addictive, especially to children, and that Appellants' AI-written content delivery algorithms are a cause of substantial harm to children.

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[60] Social Media MDL, Pls.' Corrected Omnibus Opp. to Defs. Mots. for Summ. J., *supra* note 42, at 6.

[61] Georgia Wells, Jeff Horwitz & Deepa Seetharaman, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, WALL ST. J. (Sept. 14, 2021), available at https://tinyurl.com/WSJ-Facebook-Knows.

[62] Social Media MDL, Pls.' Corrected Omnibus Opp. to Defs. Mots. for Summ. J., *supra* note 42, at 89.

[63] *Id*. at 162.

II. APPELLANTS TOUT THEIR CHILD PROTECTION TOOLS, BUT THOSE TOOLS DO NOT WORK AND ARE UNDER-UTILIZED, ON PURPOSE AND BY DESIGN

Appellants tout a variety of "built-in protections" that supposedly limit who can contact teens, restrict what they can see, and require parental permission to relax default safety settings.[64] The reality—that these parental and reporting tools are ineffective and infrequently used by parents—is both well-known by Appellants and well-documented by third parties.

Appellants' employees know their tools do not work. A 2019 internal Meta document said, "[c]urrent research shows that the tools we have are hard to find."[65] TikTok employees have previously described their own Family Pairing tools as "kinda useless."[66] An internal Google document said, "the reminders are presented in way that incentivizes dismissal and continued content consumption, rather than choosing to end a session."[67]

Independent evaluations also show Appellants' alleged protections do not function as advertised. "[T]he current measures on TikTok, particularly the screentime management tools and parental control tools, do not seem to effectively

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[64] *Meta Platforms, Inc. v. Bonta*, No. 5:25-cv-09792-EJD (N.D. Cal. Nov. 18, 2025) [ECF No. 19], Meta Platforms, Inc.'s Motion for Preliminary Injunction at 7–8, Declaration of Sayed Otaru ¶¶ 4–12, Declaration of Arcadiy Kantor ¶¶ 3–11; *TikTok Inc. v. Bonta*, No. 5:25-cv-09789 EJD (N.D. Cal. Nov. 18, 2025) [ECF No. 20], Declaration of Khoi Nguyen ¶¶ 3–15; TikTok Inc.'s Motion for Preliminary Injunction at 7–8, 21–22; Declaration of Mikaela Schiller ¶¶ 3–8, 9–12; *Google LLC & YouTube, LLC v. Bonta*, No. 5:25-cv-09795 EJD (N.D. Cal. Nov. 13 & 18, 2025) [ECF Nos. 23 and 6], Google LLC and YouTube, LLC's Motion for Preliminary Injunction 3–7, 18–21; Declarations of Cristos Goodrow ¶¶ 24–31 and Alexandra Veitch ¶¶ 9, 16–19, Corrected Complaint ¶¶ 8–31.

[65] Social Media MDL, Pls.' Corrected Omnibus Opp. to Defs. Mots. for Summ. J., *supra* note 42, at 44.

[66] *Id.* at 97.

[67] *Id*. at 180.

reduce the risks of addictive design."[68] A 2025 report by Fairplay concluded that two-thirds of Meta's safety tools were ineffective.[69] The report found that "Teen Accounts still algorithmically recommended a broad range of harmful content, even when the strictest Sensitive Content Controls were in place."[70] Likewise, "parental accounts were not provided with any indication that potentially harmful and age-inappropriate categories of material had been recommended to the Teen Account, including... violent, graphic, and suicide and self-injury material[.]"[71] A May 2025 *Washington Post* article describing research from Design It for Us observed that Instagram's Teen Accounts can't be relied upon to protect children because the dangers they face "[aren't] just bad people on the internet—it's also the app's recommendation algorithm[s], which decides what your kids see and demonstrates the frightening habit of taking them in dark directions."[72]

Eighty-one percent of parents do not employ parental controls on social media.[73] The reason is simple: Appellants make these tools difficult to find and burdensome to use, and, in any event, "[t]he onus of mitigating the potential harms

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[68] European Commission, *supra* note 27.

[69] *Teen Accounts, Broken Promises: How Instagram Is Failing to Protect Minors*, at 9 (Fairplay; Parents SOS; Molly Rose Found.; Cybersecurity for Democracy 2025), available at https://fairplayforkids.org/wp-content/uploads/2025/09/Teen-Accounts-Broken-Promises-How-Instagram-is-failing-to-protect-minors.pdf.

[70] *Id*. at 37.

[71] *Id*. at 40.

[72] Geoffrey A. Fowler, *Gen Z Users and a Dad Tested Instagram Teen Accounts. Their Feeds Were Shocking*, WASH. POST (May 18, 2025), available at https://www.washingtonpost.com/technology/2025/05/18/instagram-teen-accounts-test/.

[73] Internet Matters, *Protecting Children from Harms Online: Response to Ofcom Consultation*, at 9 (July 2024), available at https://www.internetmatters.org/wp-content/uploads/2024/08/Internet-Matters-Online-Harms-Response-Ofcom-Aug-2024.pdf.

of social media should not be placed solely on the shoulders of parents and caregivers."[74] As the world's experts on enticing and facilitating user engagement, Appellants could make those tools easy to find and use for parents and children. They elect not to.

Appellants' content reporting mechanisms are no better. Platforms routinely make reporting tools difficult to locate, use confusing terminology, and fail to respond to reports in a timely manner, if at all. In its 2025 report, *Child Cruelty by Design*, CAI found that Facebook, TikTok, and Instagram bury child sex abuse reporting opportunities and provide little to no transparency about what happens after a report.[75] Internal evidence reflects the same tolerance for repeat abuse: according to an Instagram executive, repeat predators could rack up to 16 violations of Instagram's prostitution and sexual solicitation prohibitions before their accounts were suspended.[76]

European regulators have documented parallel failures. "When it comes to Meta, neither Facebook nor Instagram appear to provide a user-friendly and easily accessible 'Notice and Action' mechanism for users to flag illegal content, such as child sexual abuse material and terrorist content."[77] In its 2025 findings regarding TikTok's protections, the European Commission stated that "the current measures on

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[74] Surgeon General 2023, *supra* note 2.

[75] Univ. of San Diego Sch. of Law Children's Advocacy Institute, *Child Cruelty by Design: Big Tech's Defiance of California's Child Online Safety Mandates* (Aug. 25, 2025), available at https://catcher.sandiego.edu/items/usdlaw/08112025-Child_Cruelty_By_Design_Report.pdf.

[76] Social Media MDL, Pls.' Corrected Omnibus Opp. to Defs. Mots. for Summ. J., *supra* note 42, at 60–62.

[77] European Commission, Press Release, *Commission Preliminarily Finds TikTok and Meta in Breach of Their Transparency Obligations Under the Digital Services Act* (Oct. 23, 2025), available at https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2503.

TikTok, particularly the screentime management tools and parental control tools, do not seem to effectively reduce the risks stemming from TikTok's addictive design."[78] The Commission further observed that "parental controls may not be effective because they require additional time and skills from parents to introduce the controls."[79]

It can be incredibly difficult for children, and their parents, to navigate Appellants' platforms—a point acknowledged by Appellants' own *amici,* who highlight a digital divide based along racial and class-based lines and that in 2018, 16% of working-age adults were not digitally literate, "meaning these individuals lack a basic understanding of foundational computer skills" with the "highest rates of digital illiteracy among adults who are Black, Hispanic, foreign-born, or who lack a high school degree."[80] Such children, and parents, should not be expected to navigate Appellants' complicated content reporting mechanisms in order to protect themselves and their kids.

III. APPELLANTS' ARGUMENTS ABOUT THE ALLEGED "HARMS" CAUSED BY THE ACT ARE BASED ON MISINTERPRETATIONS OF THE ACT

The alleged "harms" Appellants and their *amici* allege will flow from SB 976 depend upon misinterpretations of the statute. For example, Appellants' *amicus curiae* cite concerns about requiring government ID for age assurance[81]—SB 976 does not require government identification, and the proposed regulations

[78] European Commission, *supra* note 27.

[79] *Id*.

[80] Motion of Chamber of Progress, LGBT Tech, and the Woodhull Freedom Foundation on File Amici Curiae Brief in Support of Plaintiffs-Appellants at 16, *Meta Platforms, Inc., et al. v. Bonta*, Nos. 5:25-cv-09792-EJD, 5:25-cv-09789-EJD, 5:25-cv-09795-EJD (filed Sept. 15, 2026), [ECF 41].

[81] *Id*. at 19.

implementing the age assurance under SB 976 specifically require that an operator cannot require government ID and cannot use it as its sole method of age assurance.[82] They also raise concerns about individuals not being able to curate their feeds,[83] as research shows marginalized youth are significantly more likely to curate their digital feeds. But SB 976 does allow *users* to curate their feeds; it explicitly permits this.[84] What it does not permit—without permission—is provably addictive, AI-driven delivery recommendation mechanisms.

CONCLUSION

As quoted above, the Surgeon General has correctly stated, "[t]he moral test of any society is how well it protects its children." In enacting SB 976, the California Legislature was protecting the state's children by passing a straightforward law to address one of social media's most harmful features. A balancing of equities and the public interest cannot embrace Appellants' effort to suspend indefinitely the operation of narrowly targeted legislation enacted to benefit children when, science tells us, their mental health and their very lives are right now, *en masse*, imperiled by Appellants' products.

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[82] SB 976 Text of Proposed Regulations § 562 Government Identification. "An operator must not require that a user provide government-issued identification and must not use as its sole method of age assurance a method that requires a user to provide government-issued identification."
https://oag.ca.gov/system/files/media/sb976-proposed-regulations.pdf

[83] Motion of Chamber of Progress, et al., *supra* note 80, at 19.

[84] Health & Safety Code, § 27000.5(a)(4) allowing for feeds when: "The user expressly and unambiguously requested the specific media or media by the author, creator, or poster of the media, or the blocking, prioritization, or deprioritization of such media …."

Appellants' Motions should be denied.

October 20, 2026

Respectfully submitted,

s/ Edward P. Howard

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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