

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

KIMBERLY J. SALTER, individually and as)
Executrix of the ESTATE OF AARON W. SALTER,)
JR.; MARGUS D. MORRISON, JR., individually and)
as Administrator of the ESTATE OF MARGUS)
MORRISON, SR.; PAMELA O. PRICHETT)
individually and as Executrix of the ESTATE OF)
PEARL LUCILLE YOUNG; MARK L. TALLEY, JR.,)
individually and as Administrator of the ESTATE OF)
GERALDINE C. TALLEY; GARNELL W.)
WHITFIELD, JR., individually and as Administrator of)
the ESTATE OF RUTH E. WHITFIELD; JENNIFER)
FLANNERY, as Public Administrator of the ESTATE)
OF ROBERTA DRURY; TIRZA PATTERSON,)
individually and as parent and natural guardian of J.P.,)
a minor; ZAIRE GOODMAN; ZENETA EVERHART,)
as parent and caregiver of Zaire Goodman;)
BROOKLYN HOUGH; JO-ANN DANIELS;)
CHRISTOPHER BRADEN; ROBIA GARY,)
individually and as parent and natural guardian of A.S.,)
a minor; and KISHA DOUGLAS,)

Plaintiffs,)

v.)

META PLATFORMS, INC., f/k/a FACEBOOK, INC.;)
INSTAGRAM LLC; REDDIT, INC; AMAZON.COM,)
INC.; TWITCH INTERACTIVE, INC.; ALPHABET,)
INC.; GOOGLE, LLC; YOUTUBE, LLC; DISCORD,)
INC.; SNAP, INC.; 4CHAN, LLC; 4CHAN)
COMMUNITY SUPPORT, LLC; GOOD SMILE)
COMPANY, INC.; GOOD SMILE COMPANY U.S.,)
INC.; GOOD SMILE CONNECT, LLC; RMA)
ARMAMENT, INC. D/B/A RMA; BLAKE)
WALDROP; CORY CLARK; VINTAGE)
FIREARMS, LLC; JIMAY’S FLEA MARKET, INC.;)
JIMAYS LLC; MEAN ARMS LLC D/B/A MEAN)
ARMS; and PAUL GENDRON and PAMELA)
GENDRON,)

Defendants.)

No. _____

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

JURY TRIAL REQUESTED

TABLE OF CONTENTS

I. INTRODUCTION1

II. PARTIES3

 A. The Deceased3

 1. Aaron Salter3

 2. Margus Morrison, Sr.4

 3. Pearl Lucille Young5

 4. Geraldine C. Talley6

 5. Ruth E. Whitfield7

 6. Roberta Drury8

 7. Heyward Patterson9

 B. The Survivors9

 1. Zaire Goodman9

 2. Zeneta Everhart10

 3. Christopher Braden10

 4. Brooklyn Hough10

 5. Robia Gary and Her Minor Child, A.S.11

 6. Kisha Douglas11

 7. Jo-Ann Daniels12

 C. The Defendants12

 1. Meta, f/k/a Facebook, and Instagram12

 2. Reddit13

 3. Amazon and Twitch14

 4. Alphabet, Google, and YouTube15

 5. Discord16

- 6. Snap.....17
- 7. 4Chan, 4Chan Community Support, Good Smile Japan, Good Smile U.S., and Good Smile Connect.....17
- 8. RMA Armament, Blake Waldrop, and Cory Clark19
- 9. Vintage Firearms, LLC22
- 10. Jimay’s Flea Market and Jimays LLC22
- 11. MEAN Arms.....23
- D. The Gendron Defendants23
- III. JURISDICTION AND VENUE24
- IV. FACTS27
 - A. Gendron Drove More than Three Hours to Buffalo, New York, to Murder Innocent Lives in a Black Community27
 - B. Racist Ideologies Inspired Gendron to Commit This Heinous Attack32
 - C. Gendron Was Radicalized by Overexposure to Racist Tropes, Themes, and Content Online40
 - 1. Social Media Applications and Platforms Are Designed to Hold Attention and Become Addictive.....41
 - 2. White Supremacy Groups Use the Social Media Addiction Loop to Recruit Teens and Young Adults48
 - 3. The Addiction Loop Worked; Gendron Admits that He Was Radicalized Through Social Media.....57
 - D. Gendron’s Constant Access to Social Media Prepares Him to Commit Acts of Violence60
 - 1. YouTube Exposed Gendron to Weapons and Body Armor for His Attack After Being Radicalized and Inspired to Act on His Hate61
 - 2. Gendron Also Used Reddit as a Source to Engage About Tactical Gear and Ammunition.....62
 - 3. Gendron Used Discord to Plan His Attack63

- 4. The Ability to Livestream the Attacks Motivated Gendron to Commit Them.....65
 - 5. Without Constant Access to Social Media, Gendron Realized the Severity of His Heinous Act, and Expressed Remorse67
 - E. Once Radicalized, Gendron Prepared for a One-Person War by Selecting Weapons that Would Rip Bodies Apart and Protective Gear to Facilitate a Lengthy Shoot-Out.....69
 - 1. Gendron Shops for Body Armor.....69
 - 2. Gendron Selects a Military-Grade Rifle to Maximize Casualties71
 - 3. Gendron Wanted an Illegal, High-Capacity Magazine to Kill More People. He Purchased a Bushmaster Gun Because It Contained an Easily-Modified Mean Arms Lock75
- V. EACH DEFENDANT’S ACTIONS CONTRIBUTED TO THIS HEINOUS ACT.....83
 - A. Social Media Defendants Radicalized Gendron From an Early Age, Setting Him Up to Be Influenced by White Supremacists, Racism, and Hatred.....83
 - 1. Meta’s Products Were Designed to Be Addictive and It Profited From that Addiction and the Radicalization of Young Men Like Gendron84
 - 2. Alphabet Made Significant Profits off of Its YouTube Product, as Its Algorithm Radicalized Gendron and Exposed Him to Hateful Content.....90
 - 3. But for the Ability to Livestream on Amazon’s Twitch Product, the Shooting Might Not Have Occurred.....101
 - 4. Snapchat Contributed to Gendron’s Addiction and Radicalization107
 - 5. Discord Contributes to Radicalization Through Its Defective Design.....110
 - 6. Gendron Learned About the Great Replacement Conspiracy Theory Through His Radicalization on Reddit116

7. 4chan, LLC, and 4Chan Community Support LLC, and the Good Smile Entities Contributed to the Radicalization of Gendron.....117

8. The Social Media Defendants Caused Severe Emotional Distress by Allowing Gendron’s Twitch Stream to Be Re-Posted on Their Sites120

B. Gendron Was Enticed to Purchase Body Armor from RMA Based on Its Marketing121

1. Defendants Clark and Waldrop, Individually and as Agents of RMA, Further Encouraged and Emboldened Gendron123

2. Vintage Firearms Sold Gendron Dangerous Weapons127

3. Jimays Did Not Exercise Care in Supervising Vendors, Leading to Gendron’s Acquisition of the High-Capacity Magazine.....130

4. Paul and Pamela Gendron Arm Their Son Despite Warning Signs He Is Dangerous.....130

VI. CLAIMS FOR RELIEF132

VII. DEMAND FOR JURY TRIAL169

VIII. PRAYER FOR RELIEF169

The Plaintiffs, by and through their undersigned counsel, for their complaint and claims for damages and injunctive relief, allege as follows:

I. INTRODUCTION

1. On May 14, 2022, a teenager traveled over 200 miles to shoot and kill ten people at a grocery store in the heart of a predominantly Black community. Peyton Gendron pulled the trigger, but he did so only after years of exposure to addictive social media platforms, which led to his radicalization and encouragement—via the Internet—to purchase weapons and body armor to commit this heinous attack.

2. Social media products are intentionally designed to be addictive, taking advantage of the user’s brain’s dopamine reward pathway. Teenagers, whose brains are still developing, are especially susceptible to addiction to social media products. A user’s addiction to these products is an essential component of the monetary success of social media. Addicted users are ensnared into psychological rabbit holes—addictive engagement leads to maximized profits.

3. By his own admission, Gendron, a vulnerable teenager, was not racist until he became addicted to social media apps and was lured, unsuspectingly, into a psychological vortex by defective social media applications designed, marketed, and pushed out by Social Media Defendants,¹ and fed a steady stream of racist and white supremacist propaganda and falsehoods by some of those same Defendants’ products. Addiction to these defective social media products

¹ Meta Platforms, Inc., f/k/a Facebook, Inc. (“Meta”); Instagram, LLC (“Instagram”); Reddit, Inc. (“Reddit”); Amazon.com, Inc. (“Amazon”); Twitch Interactive, Inc. (“Twitch”); Alphabet, Inc. (“Alphabet”); Google, LLC (“Google”); YouTube, LLC (“YouTube”); Discord, Inc. (“Discord”); 4chan, LLC (“4chan”); 4chan Community Support, LLC (“4chan Community Support”); Good Smile Company, Inc. (“Good Smile Japan”); Good Smile Company U.S., Inc. (“Good Smile U.S.”); Good Smile Connect, LLC (“Good Smile Connect”); and Snap, Inc. (“Snap”) are collectively referred to herein as the “Social Media Defendants.” “Social media apps” or “platforms” refer to the social media applications or products developed, created, marketed, advertised, distributed, sold, controlled, and serviced by those defendants.

leads users like Gendron into social isolation. Once isolated, Gendron became radicalized by overexposure to fringe, racist ideologies and was primed for the reckless and wanton conduct of the Weapons and Body Armor Defendants.²

4. Specifically, the Weapons Defendants worked in concert to manufacture, advertise, and/or sell defective and dangerous weapons used to murder ten innocent Americans and wound many others. The Weapons Defendants' reckless and wrongful conduct have created a public nuisance in the state of New York, resulting, in tandem with the Social Media Defendants, the Body Armor Defendants, and the Gendron Defendants,³ in the mass slaughter that occurred on May 14, 2022.

5. The Body Armor Defendants capitalized on the same radicalization and disaffection caused by the Social Media Defendants to recklessly and deceptively market and sell body armor to Gendron that protected him from heroic efforts of others to end the slaughter, so that Gendron could continue his rampage. Once the Social Media Defendants completed their radicalization of Gendron, the Weapons Defendants armed a radicalized Gendron, while the Body Armor Defendants cloaked him in a protective shell so that he could kill and harm as many as possible.

6. Collectively, these Defendants, by their careless, negligent, reckless, and wrongful conduct, created a public nuisance in the state of New York, resulting in the mass slaughter of innocents and serious injuries to others who were in the zone of danger created by the defendants.

² RMA Armament d/b/a RMA ("RMA") Blake Waldrop; and Cory Clark are collectively referred to herein as the "Body Armor Defendants." Vintage Firearms, LLC ("Vintage"); Jimay's Flea Market, Inc. and Jimays LLC (collectively "Jimays"); and Mean Arms LLC ("Mean") are collectively referred to herein as the "Weapons Defendants."

³ Paul Gendron and Pamela Gendron are collectively referred to herein as the "Gendron Defendants."

II. PARTIES

A. The Deceased

1. Aaron Salter⁴



7. Aaron Salter is a hero. A retired lieutenant of the Buffalo Police Department, Lieutenant Salter was working as a security guard at the Tops Market on Jefferson Avenue on May 14, 2022. When the mass shooting began, Lieutenant Salter engaged Gendron and fired multiple shots, striking him, but Gendron's body armor protected him, allowing Gendron to fatally shoot Lieutenant Salter and other victims.

8. Before his life was taken, in his spare time, Lieutenant Salter enjoyed fixing up his 1967 Cadillac Coupe DeVille and taking trips in his camper with his family.

9. Lieutenant Salter leaves behind a widow and three children.

10. Plaintiff Kimberly J. Salter is Lieutenant Salter's wife. On July 7, 2022, the Niagara County Surrogate's Court issued Letters Testamentary to Kimberly, who thereupon qualified as Executrix of the Estate of Aaron W. Salter, Jr., for the purpose of bringing a claim on behalf of the estate. At all times relevant to this action, Kimberly was and is resident and citizen of Niagara County, New York.

11. Kimberly brings this lawsuit on behalf of the estate of her deceased husband, as well as for her individual injuries, including loss of consortium.

⁴ Mihir Zaveri *et al.*, 'All These Innocent Lives': These Were the Victims in the Buffalo Attack, NEW YORK TIMES (updated May 16, 2022), <https://www.nytimes.com/2022/05/14/nyregion/victims-buffalo-shooting.html>.

2. Margus Morrison, Sr.⁵



12. Margus Morrison, Sr. was the star of his family, always hosting, telling jokes, and bringing smiles to those around him. Margus was a loving father of six children and worked as an afternoon school bus aide for Buffalo Public School's Stanley M. Makowski Early Childhood Center No. 99. He enjoyed playing basketball with his family and friends and is remembered as a jovial prankster who smiled easily and was full of life. He frequently gave back to the community by counseling young men, and was known as a "Peacemaker" by the executive director of the Stop Violence Coalition.

13. On May 14, 2022, Margus was out buying groceries to cook for his wife. He was killed in the mass shooting.

14. Plaintiff, Margus D. Morrison, Jr. is Margus' son. On February 8, 2023, the Erie County Surrogate's Court issued Temporary Letters of Limited Administration to Margus, Jr., who thereupon qualified as Administrator of the Estate of Margus Morrison, Sr., for the purpose of bringing a claim on behalf of the Estate. At all times relevant to this action, Margus, Jr. was and is a resident and citizen of Erie County, New York.

⁵ Deidre Williams, *Margus Morrison, a 'jokester' who loved to smile, celebrated at service*, THE BUFFALO NEWS (updated Nov. 30, 2022), https://buffalonews.com/news/local/margus-morrison-a-jokester-who-loved-to-smile-celebrated-at-service/article_91119ef4-de07-11ec-99b7-ffdca1cff0d5.html; Alisha Ebrahimji, *Buffalo shooting victims: 'Hero' guard and a teacher who was a 'pillar of the community' are among 10 killed*, CNN (May 18, 2022, 12:09 PM EDT), <https://www.cnn.com/2022/05/15/us/buffalo-shooting-victims-what-we-know/index.html>; Victoria Hallikaar, *One year later: Remembering Margus Morrison*, SPECTRUM LOCAL NEWS (updated May 7, 2023, 10:00 AM ET), <https://spectrumlocalnews.com/nys/central-ny/news/2023/05/06/family-members-remember-margus-morrison>.

15. Margus, Jr. brings this lawsuit on behalf of the estate of his deceased father, as well as for his individual injuries.

3. Pearl Lucille Young⁶



16. Pearl Lucille Young was a loving mother, grandmother, and great-grandmother. A devout Christian and a churchgoer, she taught Sunday school and was a substitute teacher for Buffalo Public Schools when she was murdered at the age of 77. She graduated from the University at Buffalo in her mid-thirties while raising three children, and that institution's president noted that she "led a productive, meaningful and truly admirable life . . . using her UB degree for its highest purpose—to serve others."

17. Pearl was a missionary and a true pillar of her community who ran a food pantry in the Central Park neighborhood in Buffalo, New York, for 25 years.

18. Pearl rarely shopped at Tops, but on May 14, 2022, her sister-in-law dropped her off at the Tops Market on Jefferson Avenue after a prayer breakfast at her church. Not long after, Pearl was murdered in the mass shooting that day.

19. Plaintiff Pamela O. Prichett is Pearl's daughter. On July 21, 2022, the Erie County Surrogate's Court issued Preliminary Letters Testamentary to Pamela, who thereupon qualified as Executrix of the Estate of Pearl Lucille Young, for the purpose of bringing a claim on behalf of

⁶ Jay Rey, *UB remembers alumna Pearl Young*, UB NOW (May 23, 2022), <https://www.buffalo.edu/ubnow/stories/2022/05/pearl-young.html>; Mark Goshgarian, *'A kind woman of God': Pearl Young, Buffalo mass shooting victim, laid to rest*, SPECTRUM LOCAL NEWS (May 25, 2022, 6:12 PM ET), <https://spectrumlocalnews.com/nys/buffalo/news/2022/05/25/pearl-young-laid-to-rest>.

the Estate. At all times relevant to this action, Pamela was and is a resident and citizen of Erie County, New York.

20. Pamela brings this lawsuit on behalf of the estate of her deceased mother, as well as for her individual injuries.

4. Geraldine C. Talley⁷



21. Geraldine “Gerri” Talley was a devoted mother and loving sister who loved spending time with her family and sitting by the water. She had a heart of gold and helped her brother-in-law after an aneurysm that left him partially blind and an amputee. She was an avid cook and baker, known for her cheesecake and carrot cake.

22. Geraldine was shopping at the Tops supermarket on May 14, 2022, with her fiancé, to get supplies for sandwiches to eat at the waterfront together—their typical Saturday ritual. Rather than enjoy a meal with her fiancé, she was murdered at the age of 62 in the mass shooting that day.

23. Plaintiff Mark L. Talley, Jr. is Geraldine’s son. On June 27, 2022, the Erie County Surrogate’s Court issued Letters of Administration with Limitations to Mark, who thereupon qualified as Administrator of the Estate of Geraldine C. Talley, for the purpose of bringing a claim

⁷ Victoria E. Freile, *Buffalo shooting victim Geraldine Talley, 62, was an excellent cook who helped those in need*, ROCHESTER DEMOCRAT AND CHRONICLE (May 19, 2022), <https://news.yahoo.com/buffalo-shooting-victim-geraldine-talley-162809815.html>; Aidan Joly, *Remembering the victims of the Tops mass shooting, one year later*, WIVB.COM (updated May 14, 2023, 1:35 PM EDT), <https://www.wivb.com/news/buffalo-supermarket-mass-shooting-tops/victims/remembering-the-victims-of-the-tops-mass-shooting-one-year-later>.

on behalf of the Estate. At all times relevant to this action, Mark was and is a resident and citizen of Erie County, New York.

24. Mark brings this lawsuit on behalf of the estate of his deceased mother, as well as for his individual injuries.

5. Ruth E. Whitfield⁸



25. Ruth Whitfield was a loving wife, mother, grandmother, and great-grandmother. A 50-year resident of Buffalo, Ruth was the matriarch of her family. Ruth was active in her church, Durham Memorial A.M.E. Zion Church, where she sang in the choir. Ruth took care of her husband, who was in a nursing home, and enjoyed spending time with her four children and eight grandchildren.

26. On May 14, 2022, Ruth had visited her husband in the nursing home, as she did religiously each day, before she stopped at the Tops Market on Jefferson Avenue. She and her husband had no idea that this would be the last they would ever see each other. She was murdered at Tops shortly after her visit with her husband.

27. Plaintiff Garnell W. Whitfield, Jr. is Ruth's son. On July 21, 2022, the Erie County Surrogate's Court issued Letters of Administration with Limitations to Garnell, who thereupon qualified as Administrator of the Estate of Ruth E. Whitfield, for the purpose of bringing a claim on behalf of the Estate. At all times relevant to this action, Garnell was and is a resident and citizen of Erie County, New York.

⁸ Nicquel Terry Ellis, *Oldest Buffalo massacre victim Ruth Whitfield honored at funeral service*, CNN (May 28, 2022), <https://www.cnn.com/2022/05/28/us/buffalo-victim-ruth-whitfield-funeral/index.html>.

28. Garnell brings this lawsuit on behalf of the estate of his deceased mother, as well as for his individual injuries.

6. Roberta Drury⁹



29. Roberta Drury dedicated her time to helping her brother with his leukemia treatment and assisting her family with running their restaurant. She enjoyed going to events with her family.

30. Roberta often shopped for groceries for her family, and on May 14, 2022, while shopping at the Tops Market on Jefferson Avenue in Buffalo, New York, she was killed in the mass shooting.

31. Plaintiff Jennifer Flannery is the Public Administrator of the estate of the decedent, Roberta Drury. On April 26, 2023, the County of Erie Surrogate's Court issued Limited Letters of Administration to the Erie County Public Administrator, who thereupon qualified as Administrator of the Estate of Roberta Drury, for the purpose of bringing this claim on behalf of the Estate. At all times relevant to this action, Plaintiff Jennifer Flannery was and is a resident of Erie County, New York.

⁹ *The youngest of 10 people killed in the Buffalo shooting was laid to rest*, NPR (May 21, 2022), <https://www.npr.org/2022/05/21/1100560941/the-youngest-of-the-10-buffalo-shooting-victims-was-laid-to-rest>; Joe Hernandez, *Buffalo victim Roberta Drury, 32, is remembered as a great help to her family*, NPR (May 16, 2022), <https://www.npr.org/2022/05/16/1099110058/buffalo-victim-roberta-drury>.

7. Heyward Patterson¹⁰



32. Deacon Heyward "Tenny" Patterson was a pillar of the community, known for his service in the church and for helping others. A devoted father of three and a beloved neighbor, he would often drive community members to the grocery store and frequently helped those in need.

33. On the day of the shooting, he was helping someone load groceries in the trunk of a car when he was shot and killed.

34. Deacon Patterson left behind a son, J.P., a minor. J.P.'s mother and legal guardian, Tirzah Patterson, brings this case for herself and on her son's behalf.

B. The Survivors¹¹

1. Zaire Goodman

35. Zaire Goodman is and has been at all relevant times a resident and citizen of Erie County and the State of New York.

36. Zaire worked at Tops Markets on Jefferson Avenue on May 14, 2022. He was helping a woman with her shopping cart full of groceries when the mass shooting began. As part of a rapid succession of shots, Gendron aimed at, shot, and injured Zaire.

37. Although the bullet pierced his neck, Zaire survived, but with severe injuries and emotional trauma.

¹⁰ Troy Closson, *Buffalo Mourns 'Star in the Midst of Turmoil' Killed in Racist Attack*, NEW YORK TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/nyregion/buffalo-shooting-victim-funeral.html>.

¹¹ *Photos are not included to protect the survivors' privacy and safety, given that the vitriol that led Gendron to perpetrate the attacks continues to proliferate on the Social Media Defendants' platforms.*

2. Zeneta Everhart

38. Plaintiff Zeneta Everhart is the mother and, at the time of the shooting, the caregiver of Zaire Goodman, and is and has been at all relevant times a resident and citizen of the state of New York and County of Erie.

39. Shortly after the shooting, Zaire called Zeneta for help after fleeing the Tops parking lot.

40. At the time of the shooting, Zeneta was responsible for Zaire's medical care. She brings this action to recover medical expenses, as well as the loss of services and companionship from her son while he was in recovery.

3. Christopher Braden

41. Christopher Braden is and has been at all relevant times a resident and citizen of the state of New York.

42. Christopher is a father of two and was the assistant store manager of the Tops Market on May 14, 2022. Christopher raced to the front of the grocery store when Gendron started spraying bullets at shoppers.

43. Christopher was shot in the leg during the mass shooting. Thinking of his children, he tried to crawl between two registers to hide. Gendron took aim, and as Braden prepared to die, Gendron realized Christopher was white, casually said "sorry," and backed away.

44. Chris suffered serious and permanently disabling personal injuries, both physical and mental, as a result of the shooting.

4. Brooklyn Hough

45. Plaintiff Brooklyn Hough is and has been at all relevant times a resident and citizen of Erie County and New York State.

46. Brooklyn was working at the Tops Market on May 14, 2022. She was eating her lunch in the breakroom when she heard shooting outside. Another employee in the breakroom quickly assessed that there was an active shooter, and Brooklyn ran to the women's bathroom and lied down on the floor, fearing for her life.

47. As a result of the mass shooting on May 14, 2022, Brooklyn has suffered serious emotional distress and psychological injuries.

5. Robia Gary and Her Minor Child, A.S.

48. Plaintiff Robia Gary and A.S., a minor, are and have been at all relevant times residents and citizens of Erie County and New York State.

49. Robia was shopping at the Tops Market on Jefferson Avenue with her daughter, A.S., a minor, when the mass shooting occurred. The two hid, and Robia tried to protect her daughter. At some point during the attack, Gendron approached them, put the muzzle of his weapon to Robia's head, and told her she would die. Robia begged for her life and the life of her daughter. As she begged, Gendron proceeded to shoot someone else in an aisle.

50. Robia is the parent and natural guardian of the minor child plaintiff, A.S. Both Robia and A.S. have suffered serious emotional distress and psychological injuries, and Robia suffered physical injuries and burns as a result of the gun muzzle being pressed against her head.

6. Kisha Douglas

51. Plaintiff Kisha Douglas is and has been at all relevant times a resident and citizen of Erie County and New York State.

52. Kisha was shopping for juice at the Tops Market on Jefferson Avenue on May 14, 2022. She was standing by the cashier checking out when the mass shooting began.

53. Kisha suffered serious emotional distress injuries as a result of the mass shooting at Tops Market on May 14, 2022.

7. Jo-Ann Daniels

54. Plaintiff Jo-Ann Daniels is and has been at all relevant times a resident and citizen of Erie County and New York State.

55. Jo-Ann was shopping for strawberry shortcakes with her sister Celestine Chaney at the Tops market on Jefferson Avenue on May 14, 2022.

56. Jo-Ann and her sister were on their way out of the store when the mass shooting began; they could hear the shooter and bullets getting closer as they made their way out of the store. Jo-Ann's sister Celestine fell down as people began running past them. When Jo-Ann went to pick her up, Celestine encouraged her to run to safety. Jo-Ann thought her sister was following behind her, but Celestine did not make it to safety and was killed in the mass shooting.

57. Jo-Ann suffered serious emotional injuries as a result of the mass shooting on May 14, 2022.

C. The Defendants

58. Upon information and belief, each and every business defendant registered to do business within the State of New York, conducted business in New York, and profited off of their activities directed toward the State of New York.

1. Meta, f/k/a Facebook, and Instagram

59. Meta Platforms, Inc., formerly known as Facebook, Inc., is a Delaware corporation with its principal place of business at 1 Hacker Way, Menlo Park, California.

60. Meta has purposefully availed itself of New York law by transacting business in the State of New York and profiting from its activities in the state. Meta knew that individuals from the state of New York used its services, encouraged individuals from the state of New York to use its services, and profited because individuals from the state of New York used its services. Gendron used Meta's services in the state of New York. Plaintiffs' injuries arise out of and relate

to Meta's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

61. Meta profits off of engagement and made a substantial amount of profits off of individuals in the State of New York, including the shooter and the families of the victims who also used Meta's products.

62. Instagram, LLC, a subsidiary of Meta, is a Delaware Corporation with its principal place of business at 1 Hacker Way, Menlo Park, California 94025.

63. Instagram has purposefully availed itself of New York law by transacting business in the State of New York and profiting from its activities in the state. Instagram knew that individuals from the state of New York used its services, encouraged individuals from the state of New York to use its services, and profited because individuals from the state of New York used its services. Gendron used Instagram's services in the state of New York. Plaintiffs' injuries arise out of and relate to Instagram's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

64. Meta and Instagram directed their business activities toward the State of New York because they profited off of engagement of Gendron's posts. Specifically, upon information and belief, Meta profited from re-postings of a video showing Gendron's shooting.

2. Reddit

65. Reddit, Inc. is a Delaware Corporation with its principal place of business at 1455 Market Street, Suite 1600, San Francisco, California.

66. Reddit has purposefully availed itself of New York law by transacting business in the State of New York and profiting from its activities in the state. Reddit knew that individuals from the state of New York were using its services, and Reddit profited because individuals from

New York—like Gendron—used its services. Additionally, other individuals in New York viewed posts by Gendron. Plaintiffs' injuries arise out of and relate to Reddit's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

3. Amazon and Twitch

67. Amazon.com, Inc. is a Washington Corporation with its principal place of business at 410 Terry Avenue North Seattle, Washington.

68. Amazon Logistics, LLC is a Washington Limited Liability Company. Amazon Logistics, LLC may be served through its registered agent Yoseph Haile, located at 5214 1st Ave South Suite B, Seattle, Washington.

69. Amazon has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. Amazon knew that individuals in the state of New York use its services, encouraged residents of the state of New York to use its services, and profited because residents in the state of New York use its services. Specifically, Gendron used Amazon's services. Plaintiffs' injuries arise out of and relate to Amazon's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

70. Twitch Interactive, Inc., a subsidiary of Amazon, is a Delaware Corporation with its principal place of business at 350 Bush Street 2nd Floor San Francisco, California.

71. Twitch has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. Twitch knew that individuals from the state of New York used its services, encouraged individuals from the state of New York to use its services, and profited because individuals from the state of New York used its services. Gendron used Twitch to post a video, which was available to, and watched by, individuals in the

state of New York. Plaintiffs' injuries arise out of and relate to Twitch's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

4. Alphabet, Google, and YouTube

72. Alphabet, Inc. is a Delaware Corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California.

73. Alphabet has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the State. Plaintiffs' injuries arise out of and relate to Alphabet's contacts within the forum. Alphabet knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used Alphabet's services—including watching videos via YouTube—in the state of New York. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

74. Google, LLC, a wholly owned subsidiary of Alphabet, is a Delaware Limited Liability Company. Google, LLC may be served through its registered agent, located at 1600 Amphitheater Parkway, Mountain View, California.

75. Google has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. Google knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used Google's services in the state of New York. Plaintiffs' injuries arise out of and relate to Google's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

76. YouTube, LLC is owned by Google, and is a Delaware Limited Liability Company. YouTube can be served through its registered agent located at 901 Cherry Avenue San Bruno, California.

77. YouTube has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. YouTube knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used YouTube's services in the state of New York. Plaintiffs' injuries arise out of and relate to YouTube's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

5. Discord

78. Discord, Inc. is a Delaware Corporation with its principal place of business at 444 De Haro Street Suite 200 San Francisco, California. Discord is a communication app comprised of topic-based channels that allows users to share voice, video, and text chats. Users interact with one another by joining servers. Users join servers by using the search feature, invitations, or by creating their own servers.

79. Discord has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. Discord knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used Discord's services in the state of New York, and, upon information and belief, his posts were viewed by individuals within the state of New York. Plaintiffs' injuries arise out of and relate to Discord's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

6. Snap

80. Snap, Inc. is a Delaware Corporation, with its principal place of business at 2772 Donald Douglass Loop North, Santa Monica, California 90405.

81. Snap has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. Snap knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Upon information and belief, Gendron used Snap's services in the state of New York. Plaintiffs' injuries arise out of and relate to Snap's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

7. 4Chan, 4Chan Community Support, Good Smile Japan, Good Smile U.S., and Good Smile Connect

82. 4Chan is a Delaware Limited Liability Company. 4Chan can be served through its registered agent located at 504 Wilshire Boulevard, #34441, Los Angeles, California.

83. 4Chan has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. 4Chan knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used 4Chan's services in the state of New York. Plaintiffs' injuries arise out of and relate to 4Chan's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

84. 4Chan Community Support, LLC is a Delaware Limited Liability Company. 4Chan can be served through its registered agent located at 108 Lakeland Avenue, Dover, Delaware.

85. 4chan Community Support has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. 4Chan knew that individuals from the state of New York use its services, encouraged individuals in the state of New York to use its services, and profited because individuals in the state of New York used its services. Gendron used 4Chan's services in the state of New York. Plaintiffs' injuries arise out of and relate to 4chan Community Support's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

86. Good Smile Company, Inc. ("Good Smile Japan") is a Japanese company with its principal place of business in Japan and an office in Los Angeles, California. Good Smile Japan was previously registered to do business in the State of California and had a principal place of business at 360 E 2nd Street, Suite 450, Los Angeles, California. Good Smile Japan filed a surrender statement on October 1, 2019.

87. Good Smile Japan has purposefully availed itself of New York law by transacting business in the state of New York and profiting from its activities in the state. At all times relevant herein, upon information and belief, Good Smile Japan actively managed 4Chan and, through its actions, made 4Chan available to individuals in the state of New York, knew that individuals in the state of New York were using 4Chan, and profited off of New York residents' use of 4Chan. Gendron used 4Chan's services in the state of New York. Plaintiffs' injuries arise out of and relate

to Good Smile Japan's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

88. Good Smile Company U.S., Inc. is a California Corporation and, on information and belief, Good Smile U.S. is wholly owned and/or Managed by Good Smile Japan. Good Smile U.S. can be served through its registered agent at 5589 Ayala Avenue, Irwindale, California.

89. Good Smile Connect LLC is a California Limited Liability Company located at 360 East 2nd Street, Los Angeles, California.

90. Good Smile U.S. and Good Smile Connect have purposefully availed themselves of New York law by transacting business in the state of New York and profiting from activities in the state. At all times relevant herein, upon information and belief, Good Smile U.S. and Good Smile Connect played a role in actively managing 4Chan and, through their actions, made 4Chan available to individuals in the state of New York, knew that individuals in the state of New York were using 4Chan, and profited off of New York residents' use of 4Chan. Gendron used 4Chan's services in the state of New York. Plaintiffs' injuries arise out of and relate to Good Smile U.S.'s contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

8. RMA Armament, Blake Waldrop, and Cory Clark

91. Upon information and belief, at all times material hereto, Defendant RMA Armament, Inc. is an Iowa Corporation with its principal place of business at 22800 Dewey Road, Centerville, Iowa.

92. RMA is a body-armor manufacturer founded in 2013. RMA sells ballistic body armor and tactical gear through its website and third-party dealers to civilians. RMA has purposefully availed itself of New York law by manufacturing and selling products that are sold in the state of New York. RMA knew that it was selling products to individuals in the state of

New York, and purposefully reached into New York to sell its products to Gendron through its agents' communications with Gendron. Plaintiffs' injuries arise out of and relate to RMA's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

93. Defendant Blake Waldrop was, at all times relevant hereto, the Chief Executive Officer and majority owner of RMA. Waldrop is intimately involved in the day-to-day operation and management of RMA. He takes part in the design of RMA's body armor, and Waldrop himself personally tests the body armor RMA makes on an indoor shooting range. Waldrop himself monitors the data about whether RMA body armor will stop bullets, and he is directly involved in making sure that RMA's body armor lives up to the boast on RMA's website that it is the "world's best body armor"—meaning, the world's hardest armor that will best stop bullets. Upon information and belief, Waldrop is directly involved in RMA's marketing and sales and takes an active role in RMA's marketing and sales.

94. Defendant Waldrop has a military and law enforcement background, and he founded RMA to produce and sell the hardest possible body armor that could stop bullets.

95. From his close involvement with RMA's operations, marketing, and sales, Waldrop knew or should have known that his company's body armor was being sold to non-law enforcement consumers who could use it to prevent law enforcement from stopping them from carrying out unlawful shootings.

96. Upon information and belief, Waldrop either chose to allow sales to non-law enforcement or was deliberately indifferent to the danger from body armor sales to non-law enforcement purchasers, choosing profits and company growth over safety. Waldrop's choices created a grave danger to law enforcement and to the general public, and Waldrop knew or should

have known that by profiting from sales of bullet stopping body armor to non-law enforcement purchasers, RMA was increasing the likelihood that persons such as Gendron would be able to increase the number of casualties they could inflict because RMA body armor protected criminal shooters from heroes such as retired Buffalo Police Lieutenant and security guard Aaron Salter, who acted heroically to shoot Gendron, but was himself murdered by Gendron because RMA's body armor protected Gendron from Lieutenant Salter's heroism.

97. Upon information and belief, Waldrop had actual or constructive knowledge that RMA's products were being sold in New York, encouraged their sale to New York residents, and profited off of the sale of RMA products to individuals within the state of New York. Accordingly, Defendant Waldrop reached into the state of New York to sell RMA products. Plaintiffs' injuries arise out of and relate to Defendant Waldrop's contacts within the forum. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

98. Defendant Cory Clark was, upon information and belief, at all times material hereto, a social media spokesperson and customer service representative for RMA.

99. Defendant Clark had actual knowledge that RMA's products were being sold in New York, because of his communications with Gendron to facilitate the sale of RMA products to a New York resident. He encouraged Gendron to purchase RMA products, and he knew or should have known that Gendron did not work in law enforcement and therefore had no need for body armor to engage in any lawful pursuits. Despite this knowledge, Clark encouraged Gendron to purchase RMA body armor, creating a grave risk of injury or death to New Yorkers.

100. Accordingly, Defendant Clark reached into the state of New York to sell RMA products. Plaintiffs' injuries arise out of and relate to Defendant Clark's contacts within the forum.

Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

101. Defendant Clark and Defendant Waldrop's direct participation in, knowledge of, or endorsement of unlawful and reckless marketing and distribution tactics render them personally liable for the torts associated with these practices.

9. Vintage Firearms, LLC

102. Vintage Firearms, LLC is a gun retailer with its principal place of business at 120 Nanticoke Avenue, Endicott, New York. Upon information and belief, at all times material hereto, Vintage Firearms was a New York Limited Liability Company whose members reside in Broome County, New York.

103. Upon information and belief, Gendron purchased the Bushmaster XM15-E2S rifle he used during the mass shooting at Tops Market on May 14, 2022 from Vintage Firearms. Vintage Firearms is located in the state of New York, sells products within the state of New York, and profits off of its sales within the state of New York.

10. Jimay's Flea Market and Jimays LLC

104. Upon information and belief, at all times material hereto, Jimay's Flea Market, Inc. was a New York Corporation with its principal place of business at 1766 Conklin Road, Conklin, New York 13748.

105. Upon information and belief, at all times material hereto, Jimays LLC, was a New York Limited Liability Company with its principal place of business at 1766 Conklin Road, Conklin, New York 13748.

106. Jimay's Flea Market, Inc. and Jimay's LLC are also collectively referred to herein as "Jimay's" or "Jimays."

107. Gendron purchased the high-capacity magazine, which enabled him to murder innocent Black civilians without frequently stopping to re-load his weapon, from a vendor at Jimay's Flea Market. Jimay's Flea Market and Jimays LLC are located in the state of New York, sell products within the state of New York, and profit off of sales within the state of New York.

11. MEAN Arms

108. Mean Arms is a Georgia Limited Liability Company organized under the laws of Georgia with its principal place of business at 7535 Highway 92, Woodstock, Georgia.

109. Mean Arms sells products, including but not limited to the MEAN MA Lock, through its website and third-party dealers to civilians. Mean Arms has purposefully availed itself of New York law by manufacturing and selling products that are sold in the state of New York. Gendron purchased the weapon used to commit the mass shooting because it had the MEAN MA Lock, which could be easily manipulated and removed. Plaintiffs' injuries arise out of and relate to Mean Arms' contacts within the forum, and, specifically, Mean Arms' acknowledgement of New York gun laws, which prohibited removal of the MEAN MA Lock in order to be compliant with New York law. Mean Arms openly advertised to New York residents how the MEAN MA Lock could be removed without damaging the user's rifle. Accordingly, Mean Arms had actual or constructive knowledge that its products would be misused and could likely injure individuals in the state of New York. New York courts have an interest in ensuring that companies which transact business within the state of New York follow New York laws in order to protect its citizens. Accordingly, New York's exercise of personal jurisdiction does not offend traditional notions of due process, fair play, and substantial justice.

D. The Gendron Defendants

110. Paul Gendron and Pamela Gendron are citizens of the State of New York and have, at all times relevant hereto, been residents of the State of New York.

111. Paul and Pamela Gendron are the parents of the shooter, Payton Gendron.

112. In December 2019, when Payton Gendron was only 16 years old, Paul Gendron gave him a Savage Axis XP rifle.

113. Payton Gendron's parents allowed him to own a gun and were aware that he had a speeding ticket from traveling to visit the Tops market not long before the shooting, but did nothing to stop their son.

114. Upon information and belief, Paul and Pamela Gendron did not know their son had been plotting the mass shooting, but they should have known—as Payton Gendron wrote his Rant¹² in their home, spent hours on the Internet in their home, and was able to plan the shooting from their home.

III. JURISDICTION AND VENUE

115. This Court has full and proper personal jurisdiction over the person of all parties domiciled within the state of New York, including Vintage Firearms, Jimays, Jimay's Flea Market, Paul Gendron, and Pamela Gendron.

116. This Court also has full and proper personal jurisdiction over all non-domiciliary defendants, as described above, pursuant to C.P.L.R. §§ 302(a)(1)-(3).

117. Upon information and belief, these non-domiciliary defendants transacted business within the state committed tortious acts within the state of New York, and/or committed tortious acts outside the state of New York, which foreseeably resulted in injury to the Plaintiffs and their loved ones during the shooting; persistently targeted the New York consumer market with knowledge that their products would likely be misused in New York; and regularly do or solicit

¹² This term is defined *infra*.

business or engage in another persistent course of conduct in the state of New York and expect or should reasonably have expected their conduct to have consequences in the state of New York.

118. Upon information and belief, the non-domiciliary Defendants purposefully availed themselves of the privilege of conducting activities within the state of New York through their own purposeful action and intended to serve the New York market, including, but not limited to, ongoing activity within the state of New York; sales to New York customers; initiating business relationships with distributors in New York; making online sales of products including the Body Armor to consumers in New York including Gendron; affirmatively, purposefully, and directly marketing their products and services to New York consumers, including Gendron; corresponding with potential buyers in New York; engaging in promotional or marketing activities via online and/or print media made available in New York; engaging in business research and/or strategy focused on reaching customers in and understanding legal restrictions of New York; shipping large quantities of products, either directly or through intermediary distributors they knew to be serving the New York market, to retailers or consumers located within New York; persistently targeting the New York consumer market with knowledge that their products would likely be misused in New York; advertising or soliciting business in the state of New York; sending representatives or agents to the state of New York; contacting New York customers through representatives or agents; intending that products reach the state of New York; and/or expecting or having reason to expect that their conduct would have direct consequences in the state of New York; and by that conduct and purposeful availment, are subject to personal jurisdiction in the state of New York.

119. Upon information and belief, the non-domiciliary Defendants also all derived substantial revenue from their deliberate course of conduct targeting the state of New York.

120. Upon information and belief, the non-domiciliary Defendants purposefully attempted to evade the laws of the state of New York while nonetheless serving the New York market, and they therefore expected or had reason to expect that their conduct would have direct consequences in New York.

121. Upon information and belief, at all times material to this Complaint, Social Media Defendants, acting alone or in concert with others, have advertised, marketed, and distributed their respective social media platforms to consumers in New York and throughout the United States, and therefore expected or had reason to expect that their conduct would have direct consequences in the state of New York.

122. The Social Media Defendants knew or had actual knowledge that their products and social media apps were impacting the mental health of adolescents in the state of New York, were becoming addictive, and exposed individuals to insidious, violent, and dangerous rhetoric within the state of New York, yet continued advertising, marketing, and distributing their products in order to continue profiting off of the products' use in the state of New York.

123. Defendants' conduct had foreseeable consequences based upon prior mass shootings. Similar mass shootings have occurred elsewhere, with shooters citing the actions of Defendants as motivating factors for their behavior. It was and is entirely foreseeable that the mass shooting would have occurred in the state of New York as a result of Defendants' actions. The exercise of personal jurisdiction over all Defendants comports with due process and notions of fair play and substantial justice, as their affirmative conduct and affirmative choices proximately resulted in substantial contacts with New York and New Yorkers.

124. Further, imagery, videos, and text were posted to the social media apps, where it was viewed by the Plaintiffs, causing them severe emotional distress. Failing to remove the

content after the mass shooting led to the entirely foreseeable injuries, which the Social Media Defendants caused Plaintiffs, because Plaintiffs would foreseeably be exposed to such content.

125. Venue is proper in Erie County under C.P.L.R. § 503 because it is where multiple Plaintiffs reside and where a significant portion of the events underlying this action occurred.

IV. FACTS

A. Gendron Drove More than Three Hours to Buffalo, New York, to Murder Innocent Lives in a Black Community

126. May 14, 2022, at approximately 2:08 p.m., Gendron invited several users into a Discord server chatroom.¹³ He posted a link to a livestream, made public 700 pages of his personal diary detailing his planning, and linked to a Google Doc containing a self-described “manifesto” describing his racist motivations.¹⁴

103. Gendron began streaming through a GoPro camera attached to a tactical-style ballistic helmet.¹⁵ The livestream lasted approximately twenty-four minutes. During the livestream, a Bushmaster XM-15 .223, an AR-15-style rifle (“the Weapon”), was visible in the passenger seat of Gendron’s car and the tactical helmet he wore was visible in the rearview mirror.¹⁶ Also present in the car were a 12-gauge shotgun, a loaded bolt-action weapon, and

¹³ *Investigative Report on the role of online platforms in the tragic mass shooting in Buffalo on May 14, 2022*, OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL LETITIA JAMES at 9 (Oct. 18, 2022), <https://ag.ny.gov/sites/default/files/buffaloshooting-onlineplatformsreport.pdf> (the “NYSAG Investigative Report”).

¹⁴ *Id.* at 20-21. The so-called “manifesto” is a racist rant of cut-and-pasted imagery from memes, racist trolls, and Internet agitators. It contains inaccurate, insensitive, sinister, and derogatory language, symbols, and imagery. It is referred to herein as “Gendron’s Rant” and “Rant.”

¹⁵ *Id.* at 18.

¹⁶ *Id.* at 10.

several loaded magazines of ammunition.¹⁷ Gendron decorated his weapons with words that reflected his indoctrination by the Social Media Defendants. Gendron was dressed in the protective shell of RMA Body Armor that had been marketed and sold to him, and in camouflage fatigues.¹⁸

127. Twenty-two minutes into the livestream, at approximately 2:30 p.m., Gendron arrived at a Tops Friendly Market at 1275 Jefferson Avenue in Buffalo, New York (“Tops”).¹⁹ As he drove into the parking lot, he told himself and the approximately twenty people tuned into the livestream, “I just gotta go for it right? It’s the end, right here, I’m going in.”²⁰

128. Gendron then stopped in front of Tops²¹ and got out of the car wearing his helmet with a mounted GoPro camera (which was actively recording and livestreaming the attack to a live audience), body armor, fatigues, and carrying the loaded weapon.²²

129. Gendron began his rampage, aiming at, shooting, and killing Roberta Drury, 32, who was walking in the parking lot.²³ Gendron shot Roberta in the head twice. Gendron, believing the information he was radicalized by online, was motivated to murder Roberta Drury because she was Black.

¹⁷ Criminal Complaint ¶ 14, *United States v. Gendron*, No. 22-mj-124 (W.D.N.Y. May 14, 2022), <https://www.justice.gov/opa/press-release/file/1513131/download> (the “WDNY Criminal Complaint”).

¹⁸ NYSAG Investigative Report, *supra* note 13 at 9.

¹⁹ WDNY Criminal Complaint, *supra* note 17 ¶ 16.

²⁰ NYSAG Investigative Report, *supra* note 13 at 10.

²¹ WDNY Criminal Complaint, *supra* note 17 ¶ 8.

²² *Id.*

²³ *Id.*; Indictment, *United States v. Gendron*, No. 22-CR-0109-V ¶ 3 (W.D.N.Y. July 14, 2022), <https://www.justice.gov/file/1519896/download> (the “Indictment”).

130. Gendron then immediately began shooting at other Black customers in the parking lot and near the Tops.²⁴ As part of this rapid succession of shots, Gendron aimed at, shot, and injured Zaire Goodman. The bullet struck Zaire in the neck while he was collecting shopping carts near the entrance of Tops. Gendron intended to kill Zaire Goodman because he was Black.

131. Before entering the store, Gendron shot and killed Pearl Young, 77.²⁵ Gendron shot Pearl Young multiple times because she was Black.

132. Gendron then shot and killed Heyward Patterson, 67.²⁶ Heyward was helping someone load groceries into the trunk of a car when he was killed. As part of his involvement as a Deacon at his church, he drove people to Tops daily to provide an affordable and safe form of transportation. Gendron shot Heyward Patterson multiple times because he was Black.

133. Upon entering Tops, Gendron continued shooting, killing Ruth Whitfield, 86, before entering.²⁷ Gendron shot Ruth Whitfield multiple times because she was Black.

134. Gendron shot and killed Celestine Chaney, 65, who was lying on the ground.²⁸ Celestine lay on the ground after being knocked over while trying to run out of the store with her sister, Jo-Ann Douglas. Gendron killed Celestine Chaney because she was Black.

²⁴ WDNy Criminal Complaint, *supra* note 17 ¶ 8.

²⁵ Indictment, *supra* note 23 ¶ 3.

²⁶ *Id.* ¶ 3.

²⁷ *Id.* ¶ 4.

²⁸ *Id.* ¶ 4.

135. Gendron then aimed at and shot Andre Mackniel, 53, who was lying on the ground.²⁹ Andre was attempting to hide from Gendron when he was shot. Gendron murdered Andre Mackniel because he was Black.

136. Gendron then turned to Christopher Braden, 55, a white Tops employee, who had been shot and injured at some point during the attack, surviving.³⁰ Not intending to injure any white individuals, Gendron apologized to Christopher before continuing deeper into the store.³¹

137. Gendron then moved through the store's checkout lane.³² Aaron Salter, Jr., the security guard, attempted to stop Gendron by firing at him multiple times. He hit Gendron at least once on his chest, but the RMA Body Armor blocked the bullet.³³

138. Because he was protected by the Body Armor, Gendron was not injured, and was able to continue his rampage. Gendron then shot and killed Lieutenant Salter.³⁴ Gendron killed Lieutenant Salter because he was Black.

139. Gendron continued moving through the rest of the store.³⁵

140. Gendron shot and killed Margus Morrison, 52.³⁶ Gendron shot Mr. Morrison multiple times because he was Black.

²⁹ *Id.* ¶ 4.

³⁰ *Id.* ¶ 4.

³¹ WDNY Criminal Complaint, *supra* note 17 ¶ 10.

³² *Id.* ¶ 11.

³³ Maki Becker, *Tops security guard hailed as a hero: 'Aaron died saving lives'*, BUFFALO NEWS (updated Nov. 30, 2022), https://buffalonews.com/news/local/tops-security-guard-hailed-as-a-hero-aaron-died-saving-lives/article_6f0cdce4-db8a-11ec-929d-cbfc89e928b1.html.

³⁴ *Id.*

³⁵ WDNY Criminal Complaint, *supra* note 17 ¶ 11.

³⁶ Indictment, *supra* note 23 ¶ 4.

141. Gendron shot and killed Katherine Massey, 72.³⁷ Katherine, known to her family as Aunt Kat, was a civil rights advocate, at one point writing a letter to *The Buffalo News* calling for stricter federal gun laws. Gendron murdered Katherine Massey because she was Black.

142. Gendron shot and killed Geraldine Talley, 62.³⁸ Gendron murdered Geraldine Talley because she was Black.

143. Gendron returned to the front of the store, where the Buffalo Police Department took him into custody.³⁹ Law enforcement recovered the Weapon at the point of his arrest and noted that Gendron had written on the firearm the names of those who had committed mass shootings before him, as well as racial slurs, and statements such as “Here’s your reparations!” and “The Great Replacement.”⁴⁰ The Social Media Defendants ensured that he was pulled into a psychological rabbit hole where these concepts became part of his belief system.

³⁷ *Id.* ¶ 4.

³⁸ *Id.*

³⁹ WDNY Criminal Complaint, *supra* note 17 ¶ 13.

⁴⁰ *Id.*



144. Ballistics evidence indicates that Gendron fired approximately 60 shots during the attack, enabled because he was able to easily disengage the Mean Arms' lock on his gun to illegally install and utilize a high-capacity magazine.⁴¹

B. Racist Ideologies Inspired Gendron to Commit This Heinous Attack

“Before I begin I will say that I was not born racist nor grew up to be racist. I simply became racist after I learned the truth . . . I learned through infographics, shitposts, and memes . . .”

—Payton Gendron⁴²

145. “The Great Replacement” Gendron referred to on his Weapon is a white nationalist and far-right conspiracy theory that posits that there is a deliberate effort by “elites” to replace the

⁴¹ *Id.*

⁴² Payton Gendron, *What you need to know* at 13 (referred to herein as “Gendron’s Rant” and cited as “Rant”).

white population of Europe and North America with non-white immigrants (the “Great Replacement Conspiracy Theory”). The so-called “theory,” debunked by experts, continues to proliferate on social media apps and platforms, spreading fear and hatred among susceptible individuals.⁴³

146. The term “Great Replacement” was coined by French writer Renaud Camus in his 2011 book *Le Grand Remplacement*.⁴⁴ Camus claimed that the French population was being replaced by Muslim immigrants, leading to the destruction of French culture and identity.⁴⁵

147. The Great Replacement Conspiracy Theory draws upon far-right ideologies that emphasize white supremacy, anti-immigration sentiments, and anti-globalism. It also exploits fears of demographic change and cultural displacement.

148. Social media algorithms have played a significant role in amplifying the spread and reach of the Great Replacement Conspiracy Theory. Platforms often recommend videos, pages, and groups that promote extremist content to users, creating echo chambers that reinforce the theory’s perceived legitimacy.⁴⁶

149. The use of memes and visual content has been crucial in popularizing the Great Replacement Conspiracy Theory—as Gendron noted in his Rant. Memes and graphics are easily

⁴³ Dustin Jones, *What is the ‘great replacement’ and how is it tied to the Buffalo shooting suspect?*, NPR (May 16, 2022, 12:35 AM ET), <https://www.npr.org/2022/05/16/1099034094/what-is-the-great-replacement-theory>.

⁴⁴ *Id.*

⁴⁵ “*The Great Replacement: An explainer*,” ANTI-DEFAMATION LEAGUE (Apr. 19, 2021), <https://www.adl.org/resources/backgrounder/great-replacement-explainer>.

⁴⁶ Jacob Davey and Juila Ebner, *We Analyzed How the “Great Replacement” and Far Right Ideas Spread Online. The Trends Reveal Deep Concerns*, TIME (July 18, 2019, 7:00 AM EDT), <https://time.com/5627494/we-analyzed-how-the-great-replacement-and-far-right-ideas-spread-online-the-trends-reveal-deep-concerns/>.

shareable and can be used to disseminate complex or wordy ideas in a simple and digestible format.⁴⁷

150. These themes were prevalent on the weapon Gendron used to murder innocent lives. In addition to referencing the “Great Replacement” on the AR-15 used to carry out the murders, Gendron also painted the names of white supremacist killers such as “Jon [sic] Earnest,” who in April 2019, opened fire on a synagogue; “Robert Bowers,” who killed eleven worshipers at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in October 2018; “Anders Breivik,” who murdered 77 people in Norway in July 2011; and “Dylann Roof,” who composed a white supremacist screed before killing nine parishioners at the Emanuel AME in Charleston, South Carolina, in June 2015.⁴⁸ Some of the symbols used by Gendron also mimicked phrases and symbols used by Brenton Tarrant (“Tarrant”), who murdered 51 people in a March 2019 attack on mosques in Christchurch, New Zealand.⁴⁹

151. Many of the more recent mass shooters have pointed to social media apps as their source of information, as well as the memes that are shared and popularized through the social media apps’ use of algorithms to display content to “engage” users. Prioritizing “engagement” means that these racist memes are spread further than they otherwise would have been and are displayed to susceptible individuals.

⁴⁷ Ben Collins, *The Buffalo supermarket shooting suspect allegedly posted an apparent manifesto repeatedly citing ‘great replacement’ theory*, NBC NEWS (May 14, 2022, 10:41 PM CDT), <https://www.nbcnews.com/news/us-news/buffalo-supermarket-shooting-suspect-posted-apparent-manifesto-repeate-rcna28889>.

⁴⁸ *Buffalo Shooter’s Weapons Covered in White Supremacist Messaging*, ANTI-DEFAMATION LEAGUE (May 26, 2022), <https://www.adl.org/resources/blog/buffalo-shooters-weapons-covered-white-supremacist-messaging>.

⁴⁹ *Id.*

152. As with Gendron, the Social Media Defendants ensured that these mass shooters were pulled into a psychological rabbit hole where these concepts became part of their belief system. This happened to Gendron.

153. Gendron scrawled “buck status: broken” on the AR-15 used to murder the victims, which likely refers to “buck breaking,” or the use of brutal sexual violence by slave owners as punishment against enslaved Black men.⁵⁰ He also wrote “#BLM mogged,” using an Internet slang term meaning to assert dominance.⁵¹ Writing above the trigger of the AR-15 stock reads “James Watson,” the name of the Nobel Prize-winning scientist who was stripped of his honorary titles in 2019 for linking race and IQ.⁵²

154. Writing on the stock of the Weapon includes the phrase “here’s your reparations!,” referring to calls for reparations for descendants of slaves in America.⁵³ Also written on the Weapon is the phrase “black bros . . . I don’t feel so good,” likely a common Internet slang phrase used on image and message boards to degradingly refer to Black people.⁵⁴

155. The Weapon also includes white supremacist symbols and imagery, including the Celtic Cross, Othala Rune, and St. Michael’s Cross, all symbols which have been used by neo-

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

Nazis, skinheads, and members of the Ku Klux Klan.⁵⁵ Additionally, the number 14 is scrawled on the barrel of the Weapon, referring to “14 words,” a popular white supremacist slogan.⁵⁶

156. Gendron also carried with him a bolt-action rifle and a shotgun, which also contained white supremacist messages written on them. The phrase “you wait for a signal, whilst your people wait for you,” appeared on Gendron’s bolt-action rifle, referring to a section in a manifesto written by Tarrant before carrying out the March 2019 Christchurch attack, serving as a call to action to defend the white race.⁵⁷

157. The bolt-action rifle additionally includes references such as “stand up and be counted,”⁵⁸ “white lives matter—give them hell”⁵⁹ and “we waz kangz n shiet”—all slogans, memes, and references used by white supremacists.⁶⁰

158. Calligraphy on Gendron’s shotgun also includes the names “Travis McMichael” and “Gregory McMichael,” the convicted murderers of Ahmaud Arbery in a 2020 hate crime.⁶¹

⁵⁵ *Id.*

⁵⁶ *Id.* The slogan is, “we must secure the existence of our people and a future for white children.”

⁵⁷ *Id.*

⁵⁸ This likely refers to a Johnny Rebel Song titled “Birth of a Nation.” In the song, Johnny sings, “stand up and be counted and join the Ku Klux Klan! We are a sacred brotherhood, who loves our country too.” The song has been referenced by a number of white supremacists. *Id.*

⁵⁹ “White Lives Matter” (written on the bolt-action rifle) is a white supremacist phrase that originated in early 2015. It became popular in white supremacist spaces as a racist response to the Black Lives Matter movement and advocates for raising “white racial consciousness.” *Id.*

⁶⁰ “We wuz kangz” is a common slogan used on 4chan’s /pol/ “politically incorrect” board to mock and denigrate those who theorize that Ancient Egypt was a Black civilization. The phrase has also been adopted by a variety of white supremacists as a racist catchphrase directed at African Americans and other people of sub-Saharan African descent. *Id.*

⁶¹ *Id.*

159. Thanks to the indoctrination he received through the Social Media Defendants, as a teenager, Gendron began to consider himself a partisan and a soldier in a political struggle to preserve the supremacy of white people in the United States and to combat a conspiracy by Jews to replace whites with inferior races.

160. In the months before the shooting, in addition to his personal diary, Gendron wrote a 47,000-word Rant, which contained a detailed plan for a mass shooting. It also describes in detail his hateful, conspiracy theory-driven, political agenda to secure white supremacy in the United States. Gendron kept the personal diary on a Discord server, which he made publicly available shortly before the shooting along with a link to the Rant.⁶²

161. In his Rant, Gendron described how he was inspired by other white supremacist mass murderers. He repeatedly espoused conspiratorial, racist, and antisemitic theories of white ethnic “replacement” by other, supposedly inferior races. He posted memes drawn from social media apps and manifestos of other mass shooting terrorists as well as white supremacist and antisemitic texts.

162. The Rant described Gendron’s goal “[t]o incite violence,” “influence others into defending themselves from the replacers,” and to provoke copycat mass anti-Black terrorists.⁶³ Specifically, in answering the rhetorical question, “why did you decide to carry out the attack?” Gendron provides the following justification:

To show to the replacers that as long as the White man lives our land will never be theirs and they will never be safe from us.

To directly reduce immigration rates to European lands by intimidating and physically removing the replacers themselves.

⁶² NYSAG Investigative Report, *supra* note 13 at 8.

⁶³ Gendron’s Rant, *supra* note 42 at 4-5.

To intimidate the replacers already living in our lands to emigrate back to their home countries.

To agitate the political enemies of my people into action, to cause them to overextend their own hand and experience the eventual and inevitable backlash as a result.

To incite violence, retaliation and further divide between the European people and the replacers currently occupying European soil.⁶⁴

163. Gendron's Rant not only contained white supremacist ideologies; it also contained anti-semitic sentiments, tropes, and themes. He uses the word "Jew" many dozens of times in his Rant, always in a hateful way. For example, he responds to the rhetorical question of whether he is an antisemite saying, "YES!! I wish all JEWS to HELL! Go back to hell where you came from DEMON!" (emphasis in original).⁶⁵ His answers to the following two rhetorical questions are also indicative:

Why attack immigrants when the Jews are the issue?

Because they can be dealt with in time, but the high fertility replacers will destroy us now, it is a matter of survival we destroy them first.

Why attack blacks if all high fertility immigrants are the issue?

I will admit non-white hispanics [sic] are also replacers in the United States, and is also a problem White's will have to deal with. I can't possibly attack all groups at once so might as well target one.⁶⁶

164. Gendron's Rant also evinces the desire to prove his masculinity through gun violence. For example, Gendron wrote that "[s]trong men do not get ethnically replaced, strong

⁶⁴ *Id.*

⁶⁵ *Id.* at 7.

⁶⁶ *Id.* at 12.

men do not allow their culture to degrade, strong men do not allow their people to die.”⁶⁷ He similarly wrote that “[m]en of the West must be men once more.”⁶⁸ These views echo and reflect the marketing tactics of the defendants which manufacture the weapons and body armor Gendron used for the shooting.

165. Gendron specifically chose Tops as the location for the shooting because East Buffalo, where the store is located, is a predominantly Black community.⁶⁹

166. In the months leading up to the attack, Gendron continued his attempts to justify his actions, explaining on his Discord account that he wished he did not have to go through with the attack, but that he was motivated and driven by the racist ideologies fed to him over the past several years:

I dislike that I will be giving all this up and I wish I could keep it. But I know the replacement of Whites will result in the end of this life for all people. I will have to show courage I don't have to combat this replacement. It would be incredibly selfish if I decide that I would rather continue my life as normal and ignore the cries of help from my race. I have to commit this attack, if I don't who will? We have to fight The Great Replacement or it will end us all.⁷⁰

167. Gendron visited Tops several times prior to the attack. During those trips, he created sketches of the store's layout. The day before the attack, he spent time in front of and

⁶⁷ *Id.* at 158.

⁶⁸ *Id.* at 10.

⁶⁹ NYSAG Investigative Report, *supra* note 13 at 9.

⁷⁰ Payton Gendron (Jimboii), DISCORD (Mar. 6, 2022) (the “Discord Diary”).

inside the store.⁷¹ The day of the attack, he visited the store, observed where the security guards stood, and noted their weapons.⁷²

168. His Rant shows that Gendron was obsessed with employing the most effective killing armament to use in his terrorist attack. Nearly 100 pages of the Rant describe in detail firearms, firearm modifications, and body armor, serving as a compilation of advice to future terrorists Gendron hoped to inspire, just as he had been inspired and radicalized by what was fed to him by the deliberate design of the Social Media Defendants' platforms and algorithms.⁷³

C. Gendron Was Radicalized by Overexposure to Racist Tropes, Themes, and Content Online

“The disturbing reality is that this attack is part of an epidemic of mass shootings often perpetuated by young men radicalized online by an ideology of hate.”

—New York State Attorney General Letitia James⁷⁴

169. Gendron was not born a racist or a monster, nor did his parents teach him to be this way. Gendron acted out of hatred from learned behavior online via algorithmic overexposure to racist content.

170. Social media has been integral to the rise of white supremacy, the Great Replacement Conspiracy Theory cited by Gendron, and the proliferation of the racist violence by extremists to further these ideological goals.⁷⁵

⁷¹ *Id.*

⁷² Gendron's Rant, *supra* note 42 at 81.

⁷³ *See generally, id.*

⁷⁴ NYSAG Investigative Report, *supra* note 13 at 1.

⁷⁵ Janice Gassam Asare, *Social Media Continues to Amplify White Supremacy and Suppress Anti-Racism*, FORBES (Jan. 8, 2021, 8:43 PM EST), <https://www.forbes.com/sites/janicegassam/2021/01/08/social-media-continues-to-amplify-white-supremacy-and-suppress-anti-racism/?sh=76ca96184170>.

171. Social media companies and online forums, themselves, do not create violence or white supremacy. What *does* encourage, enable, and facilitate extreme-right communities, ideologies, and violence are the way in which newer social media platforms are designed—to prioritize engagement of younger individuals (and, thus, profits) via the use of algorithms and the use of targeting to ensure engagement and addiction to the platforms.

172. To be clear, Social Media Defendants designed and operated their platforms with a common goal: to keep a user’s attention as long as possible to maximize profits. Addiction by design is unnecessary for the operation of social media apps, but addiction fuels usage and profits.

173. Social media apps have contributed to a new category of terrorists who are radicalized in isolation through overexposure to extremist and racist content online. Through these social media apps, users like Gendron are pulled into communities of hate that distort their “worldview with racist conspiracy theories, pseudoscience, and a cult of worshipping past mass murders.”⁷⁶

174. Gendron’s radicalization began in May 2020, when he started to become overexposed to extremist and racist views due to harmful design features designed and built into social media apps.

1. Social Media Applications and Platforms Are Designed to Hold Attention and Become Addictive

175. Social media apps are products. They are designed, coded, engineered, manufactured, produced, assembled, and placed into the stream of commerce. They were designed to be used or consumed by the public as part of the regular business of social media companies, including the Social Media Defendants. They are mass-marketed, designed to be used by billions

⁷⁶ *Id.*

of consumers, and designed and advertised in such a way to appeal to the general public and, in particular, adolescents.

176. Social media apps are akin to tangible products. When installed or used on devices, they have a definite appearance and location and are operated by a series of gestures, clicks, swipes, and user-interface actions. They are both personal, moveable, and downloadable.

177. According to Tristen Harris, a former Google Design Ethicist, social media product designers maximize capitalizing on user attention by “play[ing] your psychological vulnerabilities (consciously and unconsciously) against you in the race to grab your attention.”⁷⁷

178. Algorithms play a vital role in the race for attention-using machine learning and data science to generate content based on the likelihood that the user will want to see the suggested content.⁷⁸

179. Social media apps are designed to be addictive. Based upon their design, interactions with the apps can release large amounts of dopamine into a user’s brain’s reward pathway—much like highly-addictive substances.⁷⁹

⁷⁷ Tristan Harris, *How Technology is Hijacking Your Mind – from a Magician and Google Design Ethicist*, MEDIUM (May 18, 2016) <https://medium.com/thrive-global/how-technology-hijacks-peoples-minds-from-a-magician-and-google-s-design-ethicist-56d62ef5edf3>), <https://medium.com/thrive-global/how-technology-hijacks-peoples-minds-from-a-magician-and-google-s-design-ethicist-56d62ef5edf3>.

⁷⁸ Brent Barnhart, *Everything you need to know about social media algorithms*, SPROUT SOCIAL (Mar. 26, 2021), <https://sproutsocial.com/insights/social-media-algorithms/>.

⁷⁹ Jim Zhao, *et al.*, *Risk Factors Associated with Social Media Addiction: An Exploratory Study*, FRONTIERS IN PSYCHOLOGY (Apr. 14, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9046602/>; Bruce Goldman, *Addictive potential of social media, explained*, STANFORD MEDICINE SCOPE (Oct. 29, 2021), <https://scopeblog.stanford.edu/2021/10/29/addictive-potential-of-social-media-explained/>; Jena Hilliard, *New Study Suggests Excessive Social Media Use Is Comparable to Drug Addiction*, ADDICTION CENTER (Sept. 4, 2019), <https://www.addictioncenter.com/news/2019/09/excessive-social-media-use/>; Sherri Gordon,

180. Perhaps most tellingly about the negative effects that social media has on children, tech moguls do not let their children use social media.⁸⁰

181. Addiction to social media is by design: the more an individual interacts with an app, the more money the social media company makes. This is because each interaction with a user allows more opportunities to monetize that user's interactions to sell advertising access.⁸¹

182. The addictive quality of social media usage is further increased when users engage in mental rituals like following certain accounts or posting frequently to stay in touch with friends.⁸² Social media increasingly replaces physical human interactions, leading to feelings of isolation, loneliness, and fear.⁸³

183. Young people are particularly susceptible to social media addiction than older adults, and young people aged 16 to 25 have the highest rates of social media-related mental illness.⁸⁴

Excessive Social Media Use Comparable to Drug Addiction, VERYWELLMIND (updated July 17, 2019), <https://www.verywellmind.com/excessive-social-media-use-4690882>.

⁸⁰ Kristin Conrad, *The Real Reason Tech Moguls Don't Let Their Kids on Social Media*, THE LIST (Dec. 6, 2021, 9:07 AM EST), <https://www.thelist.com/677684/the-real-reason-tech-moguls-dont-let-their-kids-on-social-media/>.

⁸¹ Catherine Price, *Trapped—the secret ways social media is built to be addictive (and what you can do to fight back)*, BBC SCIENCE FOCUS MAGAZINE (Oct. 29, 2018), <https://www.sciencefocus.com/future-technology/trapped-the-secret-ways-social-media-is-built-to-be-addictive-and-what-you-can-do-to-fight-back/>.

⁸² Werner Geysler, *The Real Social Media Addiction Stats for 2023*, INFLUENCER MARKETING HUB (updated Dec. 14, 2022), <https://influencermarketinghub.com/social-media-addiction-stats/>.

⁸³ Alice G. Walton, *Social Media May Make You Feel Socially Isolated: Study*, FORBES (Mar. 6, 2017, 2:06 PM EST), <https://www.forbes.com/sites/alicegwalton/2017/03/06/social-media-and-social-isolation-go-hand-in-hand-but-which-comes-first/?sh=23dcc79d1785>.

⁸⁴ Michael Simon, *The Alarming Reality of Social Media Addiction Statistics in 2023*, TECHREPORT (May 16, 2023, 3:02 AM), <https://techreport.com/statistics/social-media-addiction-statistics/>.

184. Chris Said, who has a Ph.D. in psychology from Princeton University and who has worked at both Facebook and Twitter, noted that “[s]ocial media was like a nuclear bomb on teen social life I don’t think there’s anything in recent memory, or even distant history, that has changed the way teens socialize as much as social media.”⁸⁵

185. Adolescents spend between five to seven hours per day on social media, and roughly half of them believe that they spend “too much time” on social media.⁸⁶

186. Social media companies, including the Social Media Defendants, know all of this.

187. In a Harvard Business Review article discussing social media addiction, for example,

[P]sychologist Nicholas Kardaras explains that the people behind Facebook and Instagram not only designed their platforms to be wildly addictive but have kept them that way even amid mounting evidence that social media overuse has a horrible effect on people’s mental and physical well-being. (The same is true for Twitter, YouTube, TikTok, and most other social media.)⁸⁷

188. Social media companies, including the Social media Defendants, specifically designed the platforms to be addictive.

189. In fact, Facebook’s founding president, Sean Parker, “said publicly that the company set out to consume as much user time as possible. He claimed it was ‘exploiting a

⁸⁵ Michaeleen Doucleff, *The truth about teens, social media and the mental health crisis*, NPR (Apr. 25, 2023, 9:28 AM ET), <https://www.npr.org/sections/health-shots/2023/04/25/1171773181/social-media-teens-mental-health>.

⁸⁶ Tonya Mosley and Serena McMahon, *Social Media Use Linked to Anxiety, Depression Among Teens, New Study Finds*, WBUR (Jan. 9, 2020), <https://www.wbur.org/hereandnow/2020/01/09/social-media-anxiety-depression-teens>.

⁸⁷ Kelsey Gripenstraw, *Our Social Media Addiction*, HARVARD BUSINESS REVIEW (Nov.-Dec. 2022), <https://hbr.org/2022/11/our-social-media-addiction>.

vulnerability in human psychology.’ ‘The inventors,’ he said, ‘understood this consciously and we did it anyway.’”⁸⁸

190. And social media apps like Snapchat are known as “ranked among the worst social media for mental health.”⁸⁹

191. Social Media Defendants have known for a long time that their products—not only designed to be addictive—*are* addictive.

192. Former Facebook employee Sandy Parakilas, for example, described social media as “very similar to a slot machine,” after he tried to stop using the service following leaving the company in 2012.⁹⁰ Notably, he said “[i]t literally felt like I was quitting cigarettes.”⁹¹ Furthermore,

[D]uring his year and five months at Facebook, he said, others had also recognized this risk.

“There was definitely an awareness of the fact that the product was habit-forming and addictive,” he said.

“You have a business model designed to engage you and get you to basically suck as much time out of your life as possible and then selling that attention to advertisers.”⁹²

⁸⁸ Hilary Andersson, *Social media apps are ‘deliberately’ addictive to users*, BBC NEWS (July 4, 2018), [HTTPS://WWW.BBC.COM/NEWS/TECHNOLOGY-44640959](https://www.bbc.com/news/technology-44640959).

⁸⁹ *Snapchat Addiction: The Darkside of a Popular Worldwide App*, SOLSTICE (Oct. 26, 2017), <https://solsticerc.com/snapchat-addiction-darkside-popular-worldwide-app/> (stating that “Snapchat ranked among the worst social media for mental health”). *See also* Julie Kelly, *Confronting my daughter’s addiction. To Snapchat.*, HUFFINGTON POST (updated Feb. 2, 2017), https://www.huffpost.com/entry/confronting-my-daughters_b_9138986.

⁹⁰ Andersson, *supra* note 88.

⁹¹ *Id.*

⁹² *Id.*

193. The addictive nature of the applications and platforms is especially damaging for teens and young people. MRI brain studies show that students who use social media more frequently had increased activation points of their brain, “possibly making them more prone to peer feedback and hypersensitivity and possibly leading to changes in impulse control and regulation, according to ABC News chief medical correspondence Dr. Jennifer Ashton.”⁹³

194. *Social media usage’s dopamine rush impacts the ventral striatum.* Between the ages of ten and twelve, changes in the brain make social rewards—compliments on clothing or positive feedback—start to feel more satisfying. Specifically, receptors for oxytocin and dopamine multiply in a part of the brain called the ventral striatum, making preteens extra sensitive to attention and admiration from others.⁹⁴

195. Social media provides a mechanism to experience these “social rewards,” giving the ventral striatum “a dopamine and oxytocin rush whenever we experience social rewards.”⁹⁵ And, “[r]ight next door to the ventral striatum lies the ventral pallidum, a region of the brain key for motivating action. These structures, which lie beneath the more recently evolved cortex, are older parts of the brain that drive instinctual behaviors.”⁹⁶

⁹³ Haley Yamada and Katie Kindelan, *Social media use linked to brain changes in teens, study finds*, ABC NEWS (Jan. 5, 2023, 10:55 AM), <https://digital.abcaudio.com/news/social-media-use-linked-brain-changes-teens-study-finds>.

⁹⁴ Zara Abrams, *Why young brains are especially vulnerable to social media*, AMERICAN PSYCHOLOGICAL ASSOCIATION (updated Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

⁹⁵ *Id.*

⁹⁶ *Id.*

196. Teens continue to seek out approval and acceptance via these “social rewards” on social media and, if they do not receive them, become isolated and feel lonelier.⁹⁷

197. *Social media usage creates pressure and negative emotions and can hinder healthy development of the prefrontal cortex.* Social media platforms often promote a culture of comparison, where teenagers constantly compare themselves to their peers in terms of appearance, achievements, and social status. This continuous exposure to idealized and curated representations of others’ lives can lead to feelings of inadequacy, low self-esteem, and increased social anxiety. The prefrontal cortex, involved in self-reflection and emotional regulation, can be impacted by the constant pressure and negative emotions resulting from social comparison, potentially hindering healthy brain development.⁹⁸

198. *Social media usage leads to impulsive decision-making and risk-taking behavior.* The prefrontal cortex is responsible for regulating impulsive behaviors and assessing risks. Social media platforms often encourage instant gratification, impulsive reactions, and seeking novelty. This can contribute to a greater inclination towards impulsive decision-making and risk-taking behavior, as teenagers may engage in potentially harmful activities driven by the desire for social validation or the need to conform to online trends. Such behavior can negatively impact the

⁹⁷ Cory Turner, *10 things to know about how social media affects teens’ brains*, NPR (Feb. 16, 2023, 12:01 PM ET), <https://www.npr.org/2023/02/16/1157180971/10-things-to-know-about-how-social-media-affects-teens-brains>; *Written Testimony of Mitch Prinstein, Ph.D., ABPP, Chief Science Officer, American Psychological Association, Protective Our Children Online*, U.S. SENATE COMMITTEE ON JUDICIARY (Feb. 14, 2023), <https://www.judiciary.senate.gov/imo/media/doc/2023-02-14%20-%20Testimony%20-%20Prinstein.pdf>.

⁹⁸ Michelle Achterberg, *et al.*, *Longitudinal associations between social media use, mental well-being and structural brain development across adolescence*, DEVELOPMENTAL COGNITIVE NEUROSCIENCE (Apr. 2022), <https://www.sciencedirect.com/science/article/pii/S1878929322000329?via%3Dihub>; Eveline A. Crone and Emily A. Konijn, *Media use and brain development during adolescence*, NATURE COMMUNICATIONS (Feb. 21, 2018), <https://www.nature.com/articles/s41467-018-03126-x>.

development of the frontal cortex, which is responsible for evaluating consequences and exercising self-control.⁹⁹

199. *Social media usage reduces face-to-face interactions, retarding the development of social skills.* Excessive reliance on social media for social interactions can reduce face-to-face interactions, which are crucial for the development of social skills and emotional intelligence. The prefrontal cortex is involved in understanding and navigating social dynamics, including interpreting facial expressions, body language, and non-verbal cues. Reduced face-to-face interactions may limit opportunities for teenagers to develop and refine these social skills, potentially affecting the maturation of the frontal cortex, and possibly leading to the development of narcissistic tendencies.¹⁰⁰

2. White Supremacy Groups Use the Social Media Addiction Loop to Recruit Teens and Young Adults

“The more and more I clicked, the more I started to see memes about white supremacy . . . and that’s what’s really scary.”

—Joanna Schroeder, mother of two adolescent boys¹⁰¹

200. Because social media companies push their defective products on developing brains, the effects can be catastrophic. Studies have shown that teens who spend more than three

⁹⁹ *Screen Addiction Affects Physical and Mental Health*, PREMIER HEALTH (May 11, 2023), <https://www.premierhealth.com/your-health/articles/health-topics/screen-addiction-affects-physical-and-mental-health>.

¹⁰⁰ Anthony Silard, Ph.D., *The Role of Social Media in Our Empathy Crisis*, PSYCHOLOGY TODAY (July 11, 2022), <https://www.psychologytoday.com/us/blog/the-art-living-free/202207/the-role-social-media-in-our-empathy-crisis>; Yamila Lezcano LHMC, *How Social Media Affects Mental Health in Adolescents*, PSYCHOLOGY TODAY (Aug. 25, 2021), <https://www.psychologytoday.com/us/blog/becoming-resilient/202108/how-social-media-affects-mental-health-in-adolescents>.

¹⁰¹ Caitlin Gibson, *‘Do you have white teenage sons? Listen up.’ How white supremacists are recruiting boys online*, THE WASHINGTON POST (Sept. 17, 2019, (9:00 AM EDT),

hours per day using social media are at a heightened risk for mental health problems, poor mental health, or poor well-being.¹⁰² Extensive research on the quantity and quality of social media use has shown an association between social media use and depression in adolescents.¹⁰³ Heavy use of social media platforms is also associated with feelings of social isolation. People who report spending the most time on social media—more than two hours per day—had twice the odds of perceived social isolation than those who said they spent a half hour per day or less on those sites.¹⁰⁴

201. The well-known effects of heavy social media app usage is entirely foreseeable by the Social Media Defendants. Isolation is one of the first ways in which heavy social media app use manifests itself, and it is well known that white supremacist groups can exploit that type of isolation to recruit new members who otherwise would not be susceptible to their messaging.

202. Indeed, not all white supremacists come from racist families; many young men are recruited online because they are lonely. For example,

https://www.washingtonpost.com/lifestyle/on-parenting/do-you-have-white-teenage-sons-listen-up-how-white-supremacists-are-recruiting-boys-online/2019/09/17/f081e806-d3d5-11e9-9343-40db57cf6abd_story.html.

¹⁰² *Teens and social media use: What's the impact*, MAYO CLINIC HEALTHY LIFESTYLE, TWEEN AND TEEN HEALTH, <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teens-and-social-media-use/art-20474437> (last visited May 20, 2023).

¹⁰³ Carol Vidal, *et al.*, *Social media use and depression in adolescents: a scoping review*, INT'L REV. OF PSYCHIATRY (Feb. 17, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7392374/#>.

¹⁰⁴ Katherine Hobson, *Feeling Lonely? Too Much Time on Social Media May Be Why*, NPR (Mar. 6, 2017, 6:21 AM ET), <https://www.npr.org/sections/health-shots/2017/03/06/518362255/feeling-lonely-too-much-time-on-social-media-may-be-why>; Brian A. Primack, M.D., Ph.D., *et al.*, *Social Media Use and Perceived Social Isolation Among Young Adults in the U.S.*, AM. J. OF PREVENTATIVE MED. (Mar. 6, 2017), [https://www.ajpmonline.org/article/S0749-3797\(17\)30016-8/fulltext](https://www.ajpmonline.org/article/S0749-3797(17)30016-8/fulltext). See also *Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community* (2023), <https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>.

[r]esearch indicates several reasons why people join white supremacy groups. People who were abused, bullied, or find themselves to be socially awkward, for example, often find white supremacy groups attractive.

But more so, extremist groups attract people when “it feels that something is missing for them, whether it is a place to belong and a place to be accepted or a place to feel like they are doing something of great importance,” said Angela King, co-founder and deputy director of Life after Hate.¹⁰⁵

203. When the design of social media algorithms isolates young men, in particular, they further seek out support and validation from online communities, which are often additional ways in which young men are introduced to far-right ideology. Social media companies are aware of this and did nothing to stop it for Gendron. These discussions often devolve into ways in which young men compete to demonstrate who is more manly, macho, or misogynistic.¹⁰⁶ Misogyny, white supremacy, and racism frequently go hand-in-hand.¹⁰⁷ The algorithms are designed to expose young men to this content, leading to extremism.

204. With an increase in social media usage and addiction, there has also been an increase in the spread of white supremacist and white nationalist group imagery, content, and memes. These domestic terrorists understand that they can easily exploit individuals who are both addicted to social media and feel isolated by it.¹⁰⁸

¹⁰⁵ Meghan Holohan, *White supremacists recruit teens by making them feel someone cares*, TODAY (Aug. 21, 2017, 8:26 AM CDT), <https://www.today.com/parents/white-supremacists-prey-vulnerable-kids-exploit-weakness-t115276>.

¹⁰⁶ A.J. Willingham, *Misogynistic influencers are trending right now. Defusing their message is a complex task*, CNN (Sept. 8, 2022, 11:57 AM EDT), <https://www.cnn.com/2022/09/08/us/andrew-tate-manosphere-misogyny-solutions-cec/index.html>.

¹⁰⁷ *Misogyny, Extremism, and Gun Violence*, EVERYTOWN RESEARCH & POLICY (Jan. 13, 2022), <https://everytownresearch.org/report/misogyny-extremism-and-gun-violence/>.

¹⁰⁸ Jenny Jarvie and Molly Hennessy-Fiske, *A new generation of white supremacist killer: shedding blood with internet winks, memes and livestreams*, LOS ANGELES TIMES (updated May

205. Mass shootings are not isolated incidents; they have occurred before. And so-called manifestos published by mass shooters demonstrate that heavy social media app use goes hand-in-hand with mass shootings. “Data from manifestos posted online by white nationalist groups shows that many mass shooters share a few common characteristics—they are young, white, male and they spend significant time online at the same websites.”¹⁰⁹

206. While white supremacy movements are “nothing new,” “[t]hanks to social media, white supremacist rhetoric and the violence it causes is spreading faster than ever.”¹¹⁰ According to a professor of psychology at The University of Toledo in Ohio, “Were the thoughts there? Yes Was this technology there? No.”¹¹¹

207. Prior to the proliferation of social media, disaffected young white males were mostly left to themselves, and without any contact with others who could push them toward violence and hatred, they were not compelled to act on their disaffection in ways that would harm others. The social media platforms changed all that by connecting these disaffected individuals with those who could persuade them to believe that they should carry out violent action and that their racist and hate-filled thoughts are not only normal but should be encouraged and acted upon.

15, 2022, 11:38 PM PT), <https://www.latimes.com/world-nation/story/2022-05-15/buffalo-shooter-new-generation-white-supremacists>.

¹⁰⁹ Sophie Bjork-James, *Fueled by virtually unrestricted social media access, white nationalism is on the rise and attracting violent young white men*, THE CONVERSATION, <https://theconversation.com/fueled-by-virtually-unrestricted-social-media-access-white-nationalism-is-on-the-rise-and-attracting-violent-young-white-men-186896> (last visited July 10, 2023).

¹¹⁰ Isobel Whitcomb and Tyler Santora, *How White Supremacists Recruit Kids*, FATHERLY (May 16, 2023), <https://www.fatherly.com/health/how-white-supremacists-recruit-kids-through-social-media-gaming>.

¹¹¹ *Id.*

208. The rise of social media platforms has enabled the spread of isolation, fear, and hate, especially among America's youth. The more time that young users spend on social media, the more likely it is that they will be exposed to hate.

209. Hate speech, characterized by derogatory language, discriminatory remarks, and inflammatory content, has emerged as a prevalent issue that affects children and teenagers.

210. The widespread use of smartphones and the ease of access to social media platforms have contributed to the exposure of children and teenagers to hate speech. Unlike traditional forms of communication, social media allows for instantaneous sharing of content, making hate speech readily available and difficult to escape. Young individuals often encounter hate speech in the form of comments, posts, and messages, which can be overwhelming and emotionally distressing. The "always available" nature of social media means that hate speech can infiltrate their lives at any time, compromising their mental well-being and sense of security.

211. Children and teenagers are particularly susceptible to the influence of their peers and online communities. In an attempt to gain acceptance or conform to group norms, young individuals may engage in hate speech.¹¹² Online communities, ranging from fan clubs to interest groups, can sometimes foster an environment where hate speech is normalized or even encouraged. This exposure can have detrimental effects on their perception of social norms, leading to the perpetuation of hate speech both online and offline.

212. The exposure to hate speech on social media platforms can have severe consequences for the mental health and well-being of children and teenagers. Constant exposure to derogatory language and discriminatory remarks can erode self-esteem, causing feelings of

¹¹² Dan Milmo, *Risky online behaviour 'almost normalised' among young people, says study*, THE GUARDIAN (Dec. 5, 2022, 1:00 EST), <https://www.theguardian.com/technology/2022/dec/05/risky-online-behaviour-almost-normalised-among-young-people-says-study>.

worthlessness and isolation. The anonymity provided by social media can embolden individuals to engage in cyberbullying, which further amplifies the negative impact on young individuals' mental health. The psychological distress resulting from hate speech can manifest in various ways, including anxiety, depression, suicidal ideation, and even engagement in hateful acts, themselves.¹¹³

213. Children and teenagers are in a critical phase of development, and the exposure to hate speech can shape their perceptions and attitudes. When hate speech becomes normalized or goes unchallenged on social media, young individuals may internalize these harmful ideas, affecting their beliefs and behaviors offline. Moreover, the proliferation of hate speech can lead to desensitization, wherein the gravity and harm caused by such language are diminished, perpetuating a cycle of intolerance and discrimination.

214. Social media algorithms are designed to personalize content based on users' preferences and behaviors. This personalized experience created by the design features of the platforms often creates echo chambers that reinforce and amplify hate speech. Algorithms analyze teenagers' online activities, including the content they engage with, share, and interact with, to curate their feeds. If a teenager demonstrates an interest in hate speech-related content, the algorithm responds by presenting more of the same (and more extreme versions, at that), ultimately trapping users in a cycle of exposure to hateful narratives.¹¹⁴ As a result, teenagers become

¹¹³ Monica Anderson, *A Majority of Teens Have Experienced Some Form of Cyberbullying*, PEW RESEARCH CENTER (Sept. 27, 2018), <https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>.

¹¹⁴ Steven L. Johnson, Brent Kitchens, and Peter Gray, *Facebook serves as an echo chamber, especially for conservatives. Blame its algorithm.*, THE WASHINGTON POST (Oct. 26, 2020, 7:00 AM EDT), <https://www.washingtonpost.com/opinions/2020/10/26/facebook-algorithm-conservative-liberal-extremes/>; Christopher Seneca, *How to Break Out of Your Social Media Echo Chamber*, WIRED (Sept. 17, 2020, 9:00 AM), <https://www.wired.com/story/facebook-twitter->

susceptible to echo chambers, where their beliefs are reaffirmed, and alternative perspectives are marginalized.¹¹⁵

Extremists, of course, use mainstream social media to communicate with true believers and potential recruits. They use algorithms to make it more likely that searches will direct users to their web sites and link individuals interested in, say abortion or gun control, to broader far-right content. They have developed alternative platforms that serve as their “echo chambers.” They insert racial slurs, swastikas, and misogyny into video games. By posting manifestos and live-streaming attacks, far-right groups inspire “disciples” (like Dylan Roof) to commit acts of violence.¹¹⁶

215. Hate speech often elicits strong emotional responses, which can inadvertently drive engagement and virality. Social media algorithms are designed to prioritize content that generates high levels of user engagement, such as reactions (not just “likes”), comments, and shares. When hate speech content evokes intense emotions, it garners more attention and triggers heightened engagement, which, in turn, prompts algorithms to promote it further.¹¹⁷ This feedback loop amplifies the visibility of hate speech, enabling it to spread rapidly among teenagers and gain a larger audience.

[echo-chamber-confirmation-bias/](https://www.technologyreview.com/2020/01/29/276000/a-study-of-youtube-comments-shows-how-its-turning-people-onto-the-alt-right/); Tanya Basu, *YouTube’s algorithm seems to be funneling people to alt-right videos*, MIT TECHNOLOGY REVIEW (Jan. 29, 2020), <https://www.technologyreview.com/2020/01/29/276000/a-study-of-youtube-comments-shows-how-its-turning-people-onto-the-alt-right/>.

¹¹⁵ Joanne Orlando, *Young people are exposed to more hate online during COVID. And it risks their health.*, THE CONVERSATION (Nov. 9, 2020, 2:07 PM EST), <https://theconversation.com/young-people-are-exposed-to-more-hate-online-during-covid-and-it-risks-their-health-148107>.

¹¹⁶ Glenn C. Altschuler, Ph.D., *How Young Americans Become White Supremacists*, PSYCHOLOGY TODAY (Oct. 18, 2020), <https://www.psychologytoday.com/us/blog/is-america/202010/how-young-americans-become-white-supremacists>.

¹¹⁷ Talia Lavin, *How YouTube facilitates right-wing radicalization*, MEDIA MATTERS (Sept. 25, 2018, 1:37 PM EDT), <https://www.mediamatters.org/ben-shapiro/how-youtube-facilitates-right-wing-radicalization>.

216. The algorithms are designed to perpetuate this feedback loop, leading the users to more and more extreme content:

In a way, it's common sense—videos that make inflammatory claims or show explosive images tend to grab viewers' attention. And attention-grabbing videos—those that cause viewers to watch more and longer—rise up in the recommendation algorithm, leading more new viewers to see them in their list of recommended videos.

. . . . [V]iewers who began by viewing content from mainstream news sources were frequently directed to conspiracy theory-oriented content that expressed politically extreme views

Because YouTube's algorithm is heavily guided by what has already been watched, "once you see extremist content, the algorithm will recommend it to you again," [Guillaume] Chaslot [a former Google engineer and creator of the YouTube algorithm analysis tool Algo Transparency] said.

The result is a tailor-made tool for radicalization. After all, once users have started exploring the "truth" about vaccines—or 9/11, or Jews—the site will continue feeding them similar content.¹¹⁸

217. The targeted advertising model employed by social media platforms contributes to the propagation of hate speech among teenagers. Advertisers can leverage the algorithms to identify and target vulnerable individuals who may be more susceptible to hateful messaging.¹¹⁹ By tailoring ads to teenagers' online behaviors and interests, white supremacists are able to exploit the algorithmic mechanisms to deliver hate speech content directly to susceptible audiences. This targeted manipulation exacerbates the dissemination of hate speech, fueling its influence on impressionable teenagers.¹²⁰

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Naomi Nix, *Facebook bans hate speech but still makes money from white supremacists*, THE WASHINGTON POST (Aug. 10, 2022, 6:30 AM EDT), <https://www.washingtonpost.com/technology/2022/08/10/facebook-white-supremacy-ads/>; Kari Paul, *'It let white supremacists organize': the toxic legacy of Facebook's Groups*, THE GUARDIAN (Feb. 4, 2021, 6:00 EST),

218. Teenagers are particularly susceptible to the influence of their peers and seek social validation within their online networks. Social media algorithms take advantage of this innate desire for acceptance and reinforcement. When teenagers encounter hate speech content that aligns with the beliefs of their peer group, they may be more likely to engage with and share it. Algorithms, in turn, recognize this engagement as a sign of popularity and social validation, further promoting similar content to them and their peer networks. Consequently, hate speech becomes normalized and accepted within their online communities, perpetuating its influence and spread among teenagers.

219. White supremacist and domestic terrorists know that the echo chambers and feedback loops created by social media platforms can be used to recruit teens and young individuals to engage in hate speech and—worse—violent, hateful acts.

220. Social Media Defendants are aware and capitalize on the knowledge that white supremacist groups take advantage of these echo chambers to spread their hateful rhetoric using the defective design of the social media apps. It is a source of great revenue—selling access and advertising space in exchange for engagement—for the Social Media Defendants.

<https://www.theguardian.com/technology/2021/feb/04/facebook-groups-misinformation>; Kaitlyn Tiffany, *Reddit Is Finally Facing Its Legacy of Racism*, THE ATLANTIC (June 12, 2020), <https://www.theatlantic.com/technology/archive/2020/06/reddit-racism-open-letter/612958/>; April Glaser, *White Supremacists Still Have a Safe Space Online*, SLATE (Oct. 9, 2018, 5:55 AM), <https://slate.com/technology/2018/10/discord-safe-space-white-supremacists.html>; Jack Nicas, *How YouTube Drives People to the Internet's Darkest Corners*, THE WALL STREET JOURNAL (Feb. 7, 2018, 1:04 PM ET), <https://www.wsj.com/articles/how-youtube-drives-viewers-to-the-internets-darkest-corners-1518020478>.

3. The Addiction Loop Worked; Gendron Admits that He Was Radicalized Through Social Media

221. By Gendron's own admission, he was radicalized and inspired through social media platforms to commit the violent, murderous acts that resulted in the deaths of ten innocent Americans at Tops on May 14, 2022.

222. At his February 15, 2023 sentencing hearing, Gendron said in his remarks, "I believed what I read on-line and acted out of hate."¹²¹

223. Each Social Media Defendant contributed to Gendron's isolation and his overexposure to extremism, connecting him to communities of hate that not only inspired his murderous actions, but provided him with the tools and playbook to act on his hate.

224. The New York State Attorney General's investigation into Gendron's social media use found that his "indoctrination into internet hate culture" was strongly linked to his "engagement with virulent racist and antisemitic content posted by users."¹²²

225. More specifically, Gendron began using Instagram, YouTube, and Snapchat in his early teens before turning to Reddit, Discord, and 4chan.

226. Upon information and belief, including Gendron's own admission, Gendron's prolific use of social media not only isolated him but exposed him to algorithms, which quickly resulted in addictive behaviors to these products.

227. Upon information and belief, Gendron attempted to reduce his usage of social media products and was unable to do so, leading to more addictive behaviors, anxiety, and withdrawal.

¹²¹ Sentencing Hearing Transcript (the "Sentencing Hr'g Tr.") at 48, lines 8-9, *The People of the State of New York v. Payton Gendron*, 71645-22/001 (N.Y. Sup. Ct. Feb. 15, 2023)

¹²² NYSAG Investigative Report, *supra* note 13 at 3, 7.

228. Upon information and belief, Gendron used social media products to the point where it negatively impacted his life and relationships.

229. Upon information and belief, while using social media products in his early teens, Gendron was isolated, while at the same time exposed to more and more extreme content due to the Social Media Defendants' defective and dangerous algorithms. Those algorithms maximized user engagement and profit over user wellness, and promoted and showed content that was more and more extreme to prompt engagement.

230. As a young teen, Gendron was especially susceptible to Instagram, YouTube, and Snapchat's algorithms, which were designed to engage and addict him to their products.

231. Instagram and YouTube also engaged Gendron with more and more extreme posts. His young age, combined with the physiology of the brain at his age, made him—and, indeed, other teens who use social media products—susceptible to addiction of the products. Instagram, YouTube, and Snapchat were designed to be addictive, which led him to seek out more and more content from Social Media Defendants' apps.

232. He was exploited by the Social Media Defendants' products, and led down a psychological rabbit hole, exposing him to more and more extreme views. Upon information and belief, Gendron was targeted with more and more extreme posts the longer he used Instagram and YouTube, exposing him to hate speech and gun violence.

233. Upon information and belief, the algorithms employed by Instagram and YouTube directed Gendron to extremist views, white supremacy, racism, gun violence, and third-party websites with additional, extremist views.

234. Upon information and belief, the Social Media Defendants' algorithms were operating as intended when Gendron was using them.

235. One of the websites frequented by Gendron was YouTube, where he regularly watched YouTube videos. Upon information and belief, Gendron did not begin by watching racist videos or white supremacist content. Rather, Gendron was pushed by YouTube's defective and unsafe algorithm to view more and more extreme videos—many of which remained on YouTube for many months after the mass shooting.¹²³

236. The YouTube algorithm does not direct users immediately toward racist, white supremacist, or hateful content; rather, it does so over time. Videos pushed to susceptible users such as Gendron become more and more extreme. Upon information and belief, the YouTube algorithm gradually directed Gendron toward more and more extreme content to insidiously increase user engagement and create addictive behaviors.

237. Upon information and belief, Gendron began to make connections with content creators on YouTube, Instagram, and Snapchat, which he was led to by the Social Media Defendants' algorithms.

238. Defendants' algorithms led him to make connections, ultimately leading him to 4chan, where Gendron was further radicalized through exposure to hate groups, neo-Nazis, and white supremacists.

239. Gendron's use of social media products while his brain was still developing as a teenager caused a number of significant problems with his brain's development. As he continued to engage with the social media products, the defective and dangerous algorithms directed him to more and more extreme content, as they were designed to continue to maintain his engagement,

¹²³ Caitlin Dewey, *6 months after Buffalo mass shooting, videos used by accused gunman remain on YouTube*, BUFFALO NEWS (updated May 11, 2023), https://buffalonews.com/news/local/crime-and-courts/6-months-after-buffalo-mass-shooting-videos-used-by-accused-gunman-remain-on-youtube/article_d82319e2-5622-11ed-bae1-7b451f12fa3c.html.

and needed to direct him to more and more extreme content to satiate his developing brain with an adequate dopamine response.

240. Gendron began to view more and more extreme materials—including videos of violent shootings and hate speech—because his brain became desensitized to violent content. Gendron’s desensitization to, and search for violent content was a foreseeable result of the Social Media Defendants’ dangerous and defective algorithms and promotion of violence and white supremacy.

D. Gendron’s Constant Access to Social Media Prepares Him to Commit Acts of Violence

“It’s a sad fact of the world that these kind of attacks are going to keep on happening, and the way that it works now is there’s a social media aspect as well It’s totally inevitable and foreseeable these days. It’s just a matter of when.”

*—Evelyn Douek, Senior Research Fellow,
Columbia University’s Knight First Amendment Institute¹²⁴*

241. As Gendron became further desensitized to acts of violence and hatred by the social media algorithms, he was eventually inspired to act, stating:

[E]ventually I couldn’t take it anymore, I told myself that eventually I was going to kill myself to escape this fate. My race was doomed and there was nothing I could do about it. But then after browsing /pol/ one day I saw a short gif of a man walking into a building and shooting a shotgun through a dark hallway. I didn’t think anything of it, but then I saw it again, and I looked up who this person was. I thought to myself, “Why did this person do it?” That person was Brenton Tarrant, and after some searches I found the 17minute livestream of him attacking the Al-Noor mosque. I eventually found his manifesto and I read it, and I found that I mostly agreed with him. Finally I thought to myself, perhaps there is a chance that we can combat this. Maybe there is a chance that we can take control and prevent our genocide. Maybe we can combat the hedonistic, nihilistic, and individualist insanity that has taken control western

¹²⁴ Kellen Browning and Ryan Mac, *After Buffalo Shooting Video Spreads, Social Platforms Face Questions*, THE NEW YORK TIMES (May 15, 2022), <https://www.nytimes.com/2022/05/15/business/buffalo-shooting-social-media.html>.

thought. I then found other fighters, like Patrick Crucius, Anders Breivek, Dylann Roof, and John Earnest. These men fought for me and had the same goals I did. It was there I asked myself: Why don't I do something. Finally I felt awakened. It was there I started to think about committing to an attack. To commit to violence. I would follow Tarrant's lead and the attacks of so many others like him.¹²⁵

1. YouTube Exposed Gendron to Weapons and Body Armor for His Attack After Being Radicalized and Inspired to Act on His Hate

242. Gendron's overexposure to racist ideals continued on YouTube, where he viewed several videos which contributed to and supported his further radicalization. Gendron posted links to this content in his Discord diary. On May 7, 2022, for example, Gendron wrote under his username "Jimboboiiii":

Add taurus to shit tier

<https://youtu.be/Hg2WnSz2l9o>

Its ok to kill niggers. You can usually tell if they are a nigger by the smell first, then you will see them.

If you see a nigger walking on the sidewalk while driving, I recommend running them over, backing up over them, then running then over again

They are only test subjects afterall."¹²⁶

243. Gendron used YouTube to conduct extensive research on armor, clothing, and ammunition.¹²⁷

244. Many of the YouTube videos Gendron references in his Rant covered content, including but not limited to, body armor testing.

¹²⁵ Gendron's Rant, *supra* note 42 at 13.

¹²⁶ Discord Diary, *supra* note 70 on May 7, 2022.

¹²⁷ Gendron's Rant, *supra* note 42 at 106, 108, 128, and 145.

245. Gendron explains that in some instances YouTube content provided the only testing information for body armor plates: “No amount of independent testing will ever amount to the credibility NIJ certified armor has. Many private companies refuse to do this, instead of relying on people from YouTube or another website to test their plate for them.”¹²⁸

246. By browsing YouTube, Gendron was able to determine what ammunition was best to injure human beings: “M193 type ammunition is better suited for use against people. If you want a better explanation, go here and look in the comments.”¹²⁹

247. Gendron used YouTube to pick attire and clothing for his attack. For example, “Attire/Clothing: Many good option for this kind of stuff, check YouTube for other recommendations. I sourced Garand Thumb for many of these.”¹³⁰

2. Gendron Also Used Reddit as a Source to Engage About Tactical Gear and Ammunition

248. Gendron was active on Reddit in subreddits discussing tactical gear and ammunition, while he was planning his attack on Tops Market.¹³¹

249. Gendron mostly engaged with posts “largely exchanging information about the pros and cons of certain brands and types of body armor and ammunition.”¹³²

¹²⁸ *Id.* at 160.

¹²⁹ *Id.* at 76.

¹³⁰ *Id.* at 145.

¹³¹ NYSAG Investigative Report, *supra* note 13 at 30.

¹³² *Id.*

250. For example, Gendron asked for advice regarding tactical gear, “in low light situations such as before dusk after dawn and at nighttime it would provide good camouflage, also maybe it would be good for blending in in a city?”¹³³

251. In addition to helping educate Gendron how best to carry out his massacre, Reddit then helped spread the graphic content of the horrific tragedy at Tops Market.¹³⁴

3. Gendron Used Discord to Plan His Attack

252. Gendron, under the username “jimboboi,” communicated with users about guns and armor while planning his attack on his personal Discord server.

253. Between August 1, 2020, and January 1, 2021, Jimboboi posted a minimum of 83 messages in the “#bag-general” room on the “Plate Land” server. Users in this room engage in conversation about guns and armor.

254. Gendron’s personal diary detailed “his ideological beliefs, daily activities, relationships and psyche.”¹³⁵

255. Gendron, following the playbook from previous mass murderers that Social Media Defendants helped him acquire, planned to circulate his diary and Rant after the attack “as a means of perpetuating his legacy and provoking future violence.”¹³⁶

256. Gendron’s diary, much like the Rant, gives insight into his radicalization as well as the deliberation and planning that went into realizing his terror plot.

¹³³ *Id.*

¹³⁴ *Id.* at 8.

¹³⁵ *Id.* at 20.

¹³⁶ *Id.*

257. On March 5, 2022, at 10:01 a.m., Gendron created a “to-do list” of objectives to complete before his planned attack.

258. On information and belief, Gendron was planning the attack as early as 2020 according to his Rant:

Over what timespan did you plan the attack?

I’ve been passively preparing for this attack like every American does; by buying ammo, surplus military gear and shooting irregularly for a few years. It wasn’t until the beginning of January 2022 that I actually got serious.¹³⁷

259. When Gendron’s Discord invitation titled, “Happening: This is not a drill” went out, fifteen users accepted the invite to his server where they gained access to his racist extremist writings and links to his writings saved to file-sharing websites. Invitees were also given a link to Twitch to watch a live broadcast of the murderous rampage.¹³⁸

260. Gendron’s use of Discord to plan his attack is not unforeseeable; Discord being used to plan racist attacks is entirely predictable. Discord has been used by other extremists to plan terroristic hate-driven plots. For example, Discord was used to organize the 2017 “Unite the Right” white supremacist rally in Charlottesville, Virginia.¹³⁹

¹³⁷ Gendron’s Rant, *supra* note 42 at 5.

¹³⁸ Jon Swaine and Reed Albergotti, *Just before Buffalo shooting, 15 users signed into suspect’s chatroom, says person familiar with review*, THE WASHINGTON POST (May 19, 2022, 4:25 PM EDT), <https://www.washingtonpost.com/investigations/2022/05/19/payton-gendron-discord-buffalo-shootings/>.

¹³⁹ *Id.*

4. The Ability to Livestream the Attacks Motivated Gendron to Commit Them

261. Livestreaming his violent act was the final psychological lynchpin that encouraged and inspired Gendron to commit these heinous crimes. Gendron wanted to “follow Tarrant’s lead” and livestream murders of Black people.

262. After his exposure to previous mass murders on social media platforms and considering his livestream options, Gendron chose to use Twitch to broadcast his attack for several reasons:

a. “It was compatible with live streaming for free and all people with the internet could watch and record. On FaceBook it seems like you have to have an account to watch live videos.”¹⁴⁰

b. “A previous attack was recorded on Twitch (Halle Synagogue Shooting) that lasted about 35 minutes, which for me shows that there is enough time to capture everything important. This may not work as intended if it’s reported and taken down early.”¹⁴¹

c. “I could also live stream the twitch livestream on Discord, where many people could also watch and hopefully record the live stream. They would be able to read and download these writings as well.”¹⁴²

263. Gendron distinguished violent shootings of white supremacists, noting that white supremacists who livestream their murders made a lot greater impact, and that he would “likely

¹⁴⁰ Gendron’s Rant, *supra* note 42 at 142.

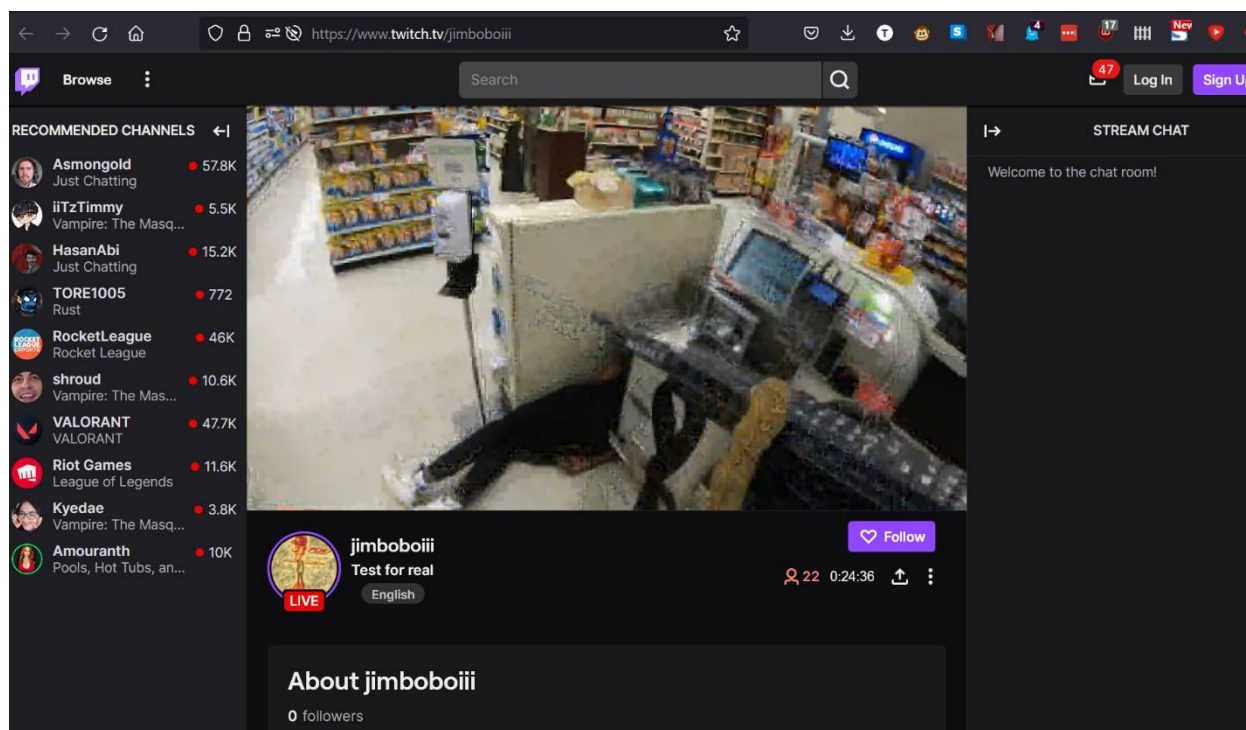
¹⁴¹ *Id.*

¹⁴² *Id.*

have no idea about the real problems the West is facing” (that is, his racist ideologies) if Tarrant did not livestream his attack.¹⁴³

264. Livestreaming the attack gave Gendron the “confidence” and “motivation” that he needed to carry it out; “I think that live streaming this attack gives me some motivation in the way that I know that some people will be cheering for me.”¹⁴⁴

265. Twenty-two users watched the violence in real-time on Gendron’s Twitch URL, which was simultaneously broadcasted on his Discord account.



266. Viewers had the ability to record and save copies of the violence. These videos were quickly disseminated across several online platforms, where family and friends of the victims were exposed to the video, causing them severe mental anguish and emotional distress.

¹⁴³ *Id.* at 8.

¹⁴⁴ *Id.* at 61.

267. In her report following the mass shooting, Attorney General Letitia James noted that “the Buffalo shooter considered the instantaneous transmission of video available through livestreaming to be a centrally motivating factor in his shooting, both because of the intangible support he felt he would receive through it and because he hoped it would inspire others, just as he had been inspired by a video of the Christchurch shooter.”¹⁴⁵

268. Livestreaming mass shootings is not new, and the platform that Gendron used, Twitch, has hosted violent videos before.¹⁴⁶

269. The mass availability of Gendron’s livestreamed video of the attack via Twitch led to its proliferation online—where it has been viewed by thousands, including (unfortunately) family and friends of those killed.¹⁴⁷

5. Without Constant Access to Social Media, Gendron Realized the Severity of His Heinous Act, and Expressed Remorse

270. Gendron’s desensitization to violence and radicalization via social media had a foreseeable and predictable result, which had already happened several times over: he committed a heinous and violent act, driven by hate, and innocent people are now dead.¹⁴⁸

¹⁴⁵ NYSAG Investigative Report, *supra* note 13 at 45.

¹⁴⁶ Catherine Thorbecke, *Twitch, a live-streaming giant, comes under scrutiny after Buffalo shooting*, CNN BUSINESS (May 17, 2022, 7:29 AM EDT), <https://www.cnn.com/2022/05/17/tech/twitch-buffalo-shooting/index.html>.

¹⁴⁷ Browning and Mac, *supra* note 124.

¹⁴⁸ Jillian Peterson, *et al.*, *How Mass Public Shooters Use Social Media: Exploring Themes and Future Directions*, SOCIAL MEDIA + SOCIETY (Jan. 2023), <https://journals.sagepub.com/doi/epub/10.1177/20563051231155101>; Peter Suci, *Social Media Increasingly Linked With Mass Shootings*, FORBES (May 25, 2022, 12:11 PM EDT), <https://www.forbes.com/sites/petersuci/2022/05/25/social-media-increasingly-linked-with-mass-shootings/?sh=6469f1b13c73>; Larry Alton, *We’re underestimating the role of social media in mass shootings, and it’s time to change*, THE NEXT WEB (Aug. 8, 2019, 12:23 PM UTC), <https://thenextweb.com/news/were-underestimating-the-role-of-social-media-in-mass-shootings-and-its-time-to-change>.

271. In the aftermath of his attacks, in a sobering world without access to social media, Gendron realized that, not only had he caused families of the victims a great deal of pain, but that he was wrong: “I’m very sorry for all the pain I caused the victims and their families to suffer through. I’m very sorry for stealing the lives of your loved ones.”¹⁴⁹

272. Gendron, again, without constant access to social media, also realized that he regretted his actions: “I cannot express how much I regret all the decisions I made leading up to my actions on May 14. I did a terrible thing that day. I shot and killed people because they were black.”¹⁵⁰

273. Gendron was also shocked, in the sobering aftermath of the shooting without social media, that he carried out the shooting. “Looking back now, I can’t believe I actually did it. I believed what I read on-line and acted out of hate. I know I can’t take it back but I wish I could, and I don’t want anyone to be inspired by me and what I did.”¹⁵¹

274. Withdrawing from regular use of social media apps allowed Gendron to realize that what he did was wrong. It was only through his addiction to the defective social media apps that Gendron was convinced and motivated to commit the heinous killings.

275. Social media apps drew Gendron down the rabbit hole, and the Social Media Defendants took advantage of Gendron’s developing brain to addict him to their products. Without the ability to access those products, Gendron’s addictive cycle eased, and he was able to see reality: that he should not have murdered those innocent people.

¹⁴⁹ Sentencing Hr’g Tr., *supra* note 121 at 48:1-3.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

E. Once Radicalized, Gendron Prepared for a One-Person War by Selecting Weapons that Would Rip Bodies Apart and Protective Gear to Facilitate a Lengthy Shoot-Out

276. Radicalization by social media is only one-half of the equation that led to Gendron's murderous rampage. Once radicalized by social media, weapons companies actively solicited Gendron's business, just as they had done with other mass shooters, with predictably tragic consequences: the death of innocent people.

1. Gendron Shops for Body Armor

277. Body armor is purchased by people who expect to be exposed to gun violence. Those such as Gendron preparing to engage in white supremacist violence purchase body armor to survive that violence. Accordingly, due care must be taken not to sell body armor to people who will use it to enhance their ability to engage in terroristic violence. Indeed, if a purchaser has no plausible *professional* need for body armor, the risk that it is being bought for improper purposes is obviously very high.¹⁵² In recognition of that risk, since July 6, 2022—after the shooting—the sale in New York of body armor to someone not engaged in an eligible profession is illegal.¹⁵³

278. Because Gendron intended to survive his mission to kill as many Black people as possible, he understood that body armor was essential to his mission's success. He wrote in his Rant that one of his "[s]trategies for success" was to use the Body Armor to "minimize the chance

¹⁵² Hannah Getahun, *More mass shooters are using body armor, but attempts to regulate its purchase have failed*, INSIDER (May 29, 2022, 11:14 PM CDT), <https://www.insider.com/body-armor-used-more-in-mass-shootings-research-says-2022-5>.

¹⁵³ N.Y. Gen. Bus. L. §396-EEE; N.Y. Penal Law §270.22. It is also a criminal offense to wear body armor in furtherance of committing a violent felony offense defined in section 70.02 while in possession of a firearm, rifle, or shotgun. *See* N.Y. Penal Law §270.20.

of instant death from a CCW holder, police, or general armed citizen.”¹⁵⁴ From his Rant it is clear that Gendron was not engaged in a suicide mission, and that he intended to use body armor to maximize the carnage.

279. In the Rant, Gendron described having reviewed in-depth information about body armor options.¹⁵⁵ As described herein, those in-depth discussions occurred with Defendant Clark.

280. Gendron chose to use RMA body armor to carry out the attack. He wrote in his Rant that RMA is a reliable company and their product would “protect [him] from [his] expected threats.”¹⁵⁶ He stated that he chose 2x RMA 1093 III+ Large Sapi-Cut Uncertified Plates because “they would stop all pistol threats and [his] unlikely but plausible threat of M855 from a police officer or SWAT team’s AR.”¹⁵⁷ He bought two plates, one front and one back, and a vest to hold them. He paid RMA approximately \$600.¹⁵⁸

281. As a guide for others to engage in white supremacist violence, Gendron included in his Rant the RMAdefense.com website as a recommended source for armor.¹⁵⁹ Gendron listed

¹⁵⁴ Gendron’s Rant, *supra* note 42 at 58.

¹⁵⁵ *Id.* At 105.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Caitlin Dewey, *Company that sold Tops gunman body armor left controversial digital trail*, THE BUFFALO NEWS (Nov. 30, 2022), https://buffalonews.com/news/local/crime-and-courts/company-that-sold-tops-gunman-body-armor-left-controversial-digital-trail/article_72cf1846-02d7-11ed-a47e-2b25c4e67f57.html.

¹⁵⁹ Gendron’s Rant, *supra* note 42 at 110-11.

a discount code to RMAdefense.com in his Rant.¹⁶⁰ He recommended multiple varieties of RMA body armor at a range of price points, noting where the discount code resulted in savings.¹⁶¹

2. Gendron Selects a Military-Grade Rifle to Maximize Casualties

282. Like many other mass shooters, Gendron selected an AR-15-style rifle to carry out his killings.¹⁶²

283. The AR-15-style rifle was originally developed in the 1950s and then adopted by the United States Military as its standard-issue weapon (designated as the “M16”) in 1967.¹⁶³

284. The features of the AR-15 were chosen to maximize casualties on the battlefield over a short period of time.¹⁶⁴

285. An AR-15 can fire approximately 60 rounds per minute.

¹⁶⁰ *Id.* at 111.

¹⁶¹ *Id.* at 105.

¹⁶² Jonathan Franklin, *How AR-15-style rifles write the tragic history of America’s mass shootings*, NPR (May 10, 2023, 4:01 AM CDT), <https://www.wuwm.com/arts-culture/arts-culture/2023-05-10/how-ar-15-style-rifles-write-the-tragic-history-of-americas-mass-shootings>.

¹⁶³ *M16-rifle*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/technology/M16-rifle> (last visited Feb. 13, 2023).

¹⁶⁴ Revised Second Amended Complaint, *Soto v. Bushmaster Firearms Int’l, LLC*, No. UWY-CV-15-6050025-S (Conn. Super. May 19, 2020) ¶ 25.

286. Due to its high muzzle velocity, an AR-15 can fire bullets at “three times the speed of sound,”¹⁶⁵ resulting in catastrophic damage to the human body. Bullets rip open cavities that then collapse.¹⁶⁶

287. AR-15 ammunition is also more likely to break apart inside a body, causing even further damage.

288. The manufacturer of the M16—Colt Manufacturing Company—subsequently marketed a semi-automatic version of the rifle to civilians and law-enforcement personnel.

289. Other gun manufacturers followed suit upon the expiration of certain Colt patents in the late 1970s.

290. The only critical difference between the military M16 and AR-15-style weapons marketed to civilians is the selector switch, which enables fully automatic fire in the M16.¹⁶⁷

291. The weapon otherwise remained a weapon that features maximized casualties over short periods of time.

292. The weapon was designed to be easily modified to accept a high-capacity magazine (“HCM”), allowing the rifle to hold many rounds of ammunition without the need to reload.

¹⁶⁵ Tim Dickinson, *All-American Killer: How the AR-15 Became Mass Shooters’ Weapon of Choice*, ROLLING STONE (Feb. 22, 2018), <https://www.rollingstone.com/politics/politics-features/all-american-killer-how-the-ar-15-became-mass-shooters-weapon-of-choice-107819/>.

¹⁶⁶ Chairwoman Carolyn B. Maloney, *Memorandum to House of Representatives, Committee on Oversight and Reform regarding The Committee’s Investigation into Gun Industry Practices and Profits* at 3 (July 27, 2022), <https://int.nyt.com/data/documenttools/house-committee-on-oversight-and-reform-report-on-gun-industry-practices-and-profits/aa5fa3b29295610e/full.pdf> (the “July 2022 House Committee Report”).

¹⁶⁷ *What Is the Difference Between a M16 and an AR-15*, MILITARY NETWORK, <https://military-network.com/what-is-the-difference-between-a-m16-and-an-ar-15/> (last visited May 19, 2023).

293. Mean Arms developed a lock to prevent using an HCM with Gendron's AR-15, but this lock is designed to be easily removable. Mean Arms knows its "lock" is easily disabled.

294. The use of AR-15-style weapons with HCMs limits the number of times an attacker must reload, thereby maximizing kill rate and minimizing opportunities for victims to escape or fight back.

295. AR-15-style weapons are connected with several other highly-publicized mass shootings¹⁶⁸ that predated the Tops Market attack (and many mass killings occurring since).

296. The Bushmaster AR-15 became nationally-known as an instrument of mass murder following its use both in the sniper attacks that for a time terrified the Washington D.C. metro population and the massacre at Sandy Hook Elementary School.

297. The Bushmaster AR-15 is a weapon highly suited to political terrorists' mission to instill fear as a means of furthering their objectives.

298. Gendron stated in his Rant that he had specifically chosen to bring a Bushmaster XM-15, a Mossberg 500, and Savage Axis XP as firearms for the attack.¹⁶⁹

299. Gendron also emphasized the unique power and effectiveness of AR-15 style firearms in neutralizing victims, writing that the "AR-15 and its variants are very deadly when used properly. Which is the reason why I picked one."¹⁷⁰

300. Gendron praised Bushmaster's quality and stated that all parts on the firearm he would use were "mil-spec," besides it being an AR-15 instead of M16.

¹⁶⁸ Of these mass shootings, three involved a racial, religious, or political motive and two involved mass casualties of school-age children.

¹⁶⁹ Gendron's Rant, *supra* note 42 at 61.

¹⁷⁰ *Id.* at 58.

301. Gendron stated that “the reason why [he] picked” the Bushmaster was because it was especially effective as a weapon of mass murder—namely, the ability to insert an illegal 30 round magazine into the AR-15, which allows a shooter to fire more rounds without reloading.¹⁷¹

302. Gendron described in detail the process of modifying the rifle to accept HCMs—something that was against New York law—and make it even more deadly. Gendron complained that the existing New York gun laws meant he “had to buy a cucked version of this [firearm] before illegally modifying.”¹⁷²

303. The Bushmaster XM-15 was a product designed and manufactured to accept an HCM.

304. The Bushmaster XM-15 was designed and manufactured so that a device such as the Mean Arms MA Lock could be installed to prevent the weapon from accepting an HCM.

305. The Bushmaster XM-15 was designed and manufactured so that an HCM-limiting device such as the Mean Arms MA Lock that, when installed, prevented the weapon from accepting HCMs could be easily removed.

306. Gendron replaced the magazine lock with an Anderson Manufacturing magazine release and spring, which enabled Gendron to reload the gun at a higher rate of speed.¹⁷³

307. Gendron chose the Bushmaster AR-15 for his racist massacre because the marketing by the Bushmaster Defendants persuaded him that he could send a message to his fellow Great Replacement Conspiracy Theory adherents by using the weapon that had been used by the previous racist murderers and Great Replacement Conspiracy Theory adherents he admired. The

¹⁷¹ *Id.*

¹⁷² *Id.* at 61.

¹⁷³ *Id.* at 62.

Bushmaster AR-15 aesthetics, design, and tactical look appealed to him. Indeed, in crafting the messages he wanted to send to future racist mass murderers, he chose to write the words and messages he wanted to broadcast most forcefully directly on the Bushmaster AR-15 itself, then made a point of broadcasting images of the gun with his messages boldly scrawled across it because he had accepted and adopted what he had learned about selecting a gun to get “the job,” a military mission, done. Here, that “mission” was to violently fight against “replacement.” Gendron’s use of the Bushmaster AR-15 itself to amplify what he had learned about the Great Replacement Conspiracy Theory reflects the radicalization that resulted from the design features of the Social Media Defendants’ platforms, and he chose to amplify that messaging by writing on the Bushmaster AR-15 itself the messages that were meant to inspire a wave of militaristic killers to follow him.

3. Gendron Wanted an Illegal, High-Capacity Magazine to Kill More People. He Purchased a Bushmaster Gun Because It Contained an Easily-Modified Mean Arms Lock

308. Terrorists such as Gendron have selected and continue to select AR-15-style firearms equipped with HCMs as the best combination of tools to engage in mass murder because the AR-15-style firearms are especially effective at inflicting massive damage on the human body and the use of such firearms with HCMs limits the number of times an attacker must stop shooting to reload, which gives victims an opportunity to fight back and/or escape.

309. Mean Arms states on its website that it is a manufacturer that specializes in custom firearm development and product innovation.

310. Mean Arms also states on its website that it develops in-house engineering solutions that range from complete firearms to custom-designed parts.

311. Since 2017, Mean Arms has repeatedly and persistently sold and/or distributed the MA Lock to purchasers in New York via its website and/or third-party sellers.

312. Despite manufacturing locks that are advertised to render firearms compliant for sale in states like New York, Mean Arms openly opposes the gun safety laws that create the market for its product.

313. On its website product page, Mean Arms criticizes states with gun safety laws, proclaiming the accessory to be “[d]eveloped for states with intrusive laws.”¹⁷⁴

314. In its patent application for a firearms lock, Mean Arms refers to states with “antifirearm laws.”

315. The price to purchase an MA Lock from Mean Arms is \$19.99.

316. Mean Arms describes the MA Lock as “a shear bolt mechanism designed to lock MIL-SPEC AR-15 and AR-10 magazines in place.”¹⁷⁵

317. The AR-15 and AR-10 are military specification semiautomatic rifles that generally have the ability to accept a detachable magazine.

318. According to Mean Arms, the MA Lock is “[d]eveloped for states with intrusive laws requiring fixed magazines” and “installing the MA Lock makes AR firearms legal and compliant.”¹⁷⁶

319. Mean Arms states that installation of the MA Lock “eliminat[es] the requirement to register your rifle with your local government.”¹⁷⁷

320. Customers of Mean Arms have picked up on the impermanent nature of the lock. As one Reddit user noted, they “hold a pretty good argument for it being a permanent lock,” but

¹⁷⁴ *MA Lock*, MEAN ARMS, <https://www.meanarms.com/products/detail/ma-lock> (last visited July 10, 2023).

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

“[t]he recommended removal method is to get a specific drill bit designed to drill into stripped screws that will drill in and pull the screw/lock out.”¹⁷⁸

321. Mean Arms further states in an online tutorial posted on YouTube, dated March 29, 2017, that with the installation of the MA Lock, your firearm is now “compliant with fixed magazine legislation requirements.”¹⁷⁹

322. Mean Arms further specifies that “[o]nce installed, the [MA Lock] cannot be removed with a tool, which satisfies CA and NY state law” and that Mean Arms has “no issue shipping to customers in . . . NY.”¹⁸⁰

323. New York has enacted legislation targeted to prevent mass shootings.

324. New York Penal Laws §§ 265.02(7) and 265.10 make it a felony to possess, manufacture, transport, or dispose of an “assault weapon.”

325. Under New York law, an assault weapon is defined to include certain semiautomatic firearms, including “a semiautomatic rifle that has an ability to accept a detachable magazine” and has at least one of the military-style features listed in New York Penal Law § 265.00(22)(a).

326. Semiautomatic weapons are disproportionately used in crime, and particularly in criminal mass shootings.

327. A detachable magazine is generally considered an ammunition feeding device that can be removed from a firearm.

¹⁷⁸ *Best Fixed Mag Kit for AR-15?*, Reddit, https://www.reddit.com/r/NYguns/comments/a985q9/best_fixed_mag_kit_for_ar15/ (last visited July 11, 2023).

¹⁷⁹ *MEAN MA Lock Installation Video*, YOUTUBE, <https://www.youtube.com/watch?v=EjJdMfuH9q4> (last visited July 10, 2023).

¹⁸⁰ *FAQS*, MEAN ARMS, <https://www.meanarms.com/faqs> (last visited July 10, 2023).

328. Detachable magazines enable a shooter to quickly switch out a magazine to keep shooting without having to stop and reload a magazine affixed to a firearm.

329. New York Penal Law § 256.02(8) makes it a felony to possess a “large capacity ammunition feeding device.”

330. A large capacity ammunition feeding device is defined, in relevant part, as a “magazine . . . or similar device . . . that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition.” New York Penal Law § 265.00(23).

331. Large capacity ammunition feeding devices allow a shooter to keep firing many rounds before stopping to reload, increasing casualties, and preventing victims from being able to escape or intervene.

332. Since 1980, large capacity ammunition feeding devices have played a role in at least 99 mass shootings nationwide, during which approximately 907 people were killed and 1,276 were injured.

333. In order to make a rifle that otherwise may be an illegal assault weapon under New York law legal, the MA Lock must eliminate the semiautomatic rifle’s ability to accept a detachable magazine.

334. The installation of an MA Lock does not, however, eliminate a semiautomatic rifle’s ability to accept a detachable magazine.

335. Mean Arms is well aware that the MA Lock is simple to remove.

336. In fact, the MA Lock is designed to be removed quickly, easily, and without damaging the semiautomatic rifle.

337. Mean Arms even provides removal instructions on the label for the MA Lock.

338. Mean Arms has repeatedly and persistently sold MA Locks to purchasers within New York since at least 2017.

339. Since 2017, Mean Arms has sold the MA Lock into New York knowing, intending, or being willfully indifferent to the fact that the installation or removal of the MA Lock on a semiautomatic rifle does not remove a rifle's ability to accept a detachable magazine, or otherwise alter the rifle in any meaningful way.

340. In fact, Mean Arms designed the MA Lock to be easily removable.

341. According to Mean Arms, a selling point of the MA Lock is that the MA Lock is "removable" and that removal of the MA Lock "will in no way harm your rifle."¹⁸¹

342. Mean Arms also provides specific instructions on how to readily remove an MA Lock on the back of its product packaging. Those instructions state as follows:

Removal Instructions

Make sure the firearm chamber is CLEAR, UNLOADED and POINTED IN A SAFE DIRECTION!

Use any brand of screw extractor from your local hardware store (some brands may work better than others. We prefer a #2 Speed out).

To remove the threaded portion of the shear nut left in the MA LOCK sleeve, place the screw nut and remove counter clockwise (Please refer to the screw extractor's instructions for best use).

Now you may remove the MA LOCK SLEEVE.

343. Mean Arms has been well-aware from the time it began selling the MA Lock in 2017 that the MA Lock is "[a]bsolutely" removable.

¹⁸¹ *Id.*

344. Other instructions on how to simply remove the MA Lock are also readily available online.

345. Gendron similarly documented the ease with which he removed the Mean Arms device in his Rant and in his diary on Discord.

346. On January 11, 2022, Gendron pasted a YouTube video link on Discord, noting, “[s]ame fixed mag release at vintage firearms, says you have to drill it out to get it.” Gendron added, “[s]peedout drill bit on hole and it will come right out.”¹⁸²

347. That same day, Gendron also included in his Discord a photo of the back of a Mean Arms MA Lock package.

348. Similarly, on January 11, 2022, Gendron wrote on Discord, “I investigated the AR at vintage firearms more and learned that I can take the fixed mag out if I get a screw extraction kit. Then I will have to replace it with a regular mag button and spring.”¹⁸³

349. In an interview with the New York Times after the Tops shooting, the proprietor of Vintage Firearms who sold Gendron the rifle said, “[e]ven with all of those safety features on it – which is the only way I sell it – any gun can be easily modified if you really want to do it.”¹⁸⁴

350. In his Rant, Gendron summarized, “[t]he person who had this before me installed a Mean Arms magazine lock, which fixed a 10 round magazine (higher capacity magazines are also

¹⁸² Discord Diary, *supra* note 70 at January 11, 2022.

¹⁸³ *Id.*

¹⁸⁴ Ashley Southall, Chelsie Rose Marcius, and Andy Newman, *Before the Massacre, Erratic Behavior and a Chilling Threat*, THE NEW YORK TIMES (Mar. 15, 2022), <https://www.nytimes.com/2022/05/15/nyregion/gunman-buffalo-shooting-suspect.html>.

illegal) to the gun I used a Cobalt Speedout #2 drillbit and my dad’s power drill to take out the magazine lock, which I then replaced . . .”¹⁸⁵

351. Gendron followed Mean Arms’ explicit lock removal instructions, doing just as the company recommended. He used a #2 Speed out screw extractor, and was as a result easily able to remove the lock and use removable magazines in the Bushmaster XM15-E2S that he purchased at Vintage Firearms. Just as the proprietor of Vintage Firearms stated, the Mean Arms lock was “easily modified.” Mean Arms provided instructions in connection with advertising its product that enabled Gendron to simply and confidently remove the lock so that the Bushmaster XM15-E2S could accept removable magazines.

352. As recently as May 1, 2023, Mean Arms was still shipping its MA Lock to New York.

353. Mean Arms’ conduct has resulted in people in New York possessing semiautomatic rifles with removable MA Locks.

354. Even with the installation of an MA Lock, a semiautomatic rifle retains the ability to accept a detachable magazine once the MA Lock is removed per Mean Arms’ or other readily available instructions.

355. Thus, Mean Arms is deceptively and falsely advertising to purchasers within New York, including via its website, YouTube, and third-party sellers, that installing an MA Lock on a semiautomatic rifle, that otherwise may be an illegal assault weapon under New York law, makes the weapon legal.

356. Gendron planned to use a firearm in the attack that could hold many rounds of ammunition without reloading, and that could be reloaded quickly.

¹⁸⁵ Gendron’s Rant, *supra* note 42 at 61-62.

357. In January 2022, Gendron purchased a Bushmaster XM-15, which is an AR-15-style “semiautomatic rifle that has an ability to accept a detachable magazine,” New York Penal Law § 265.02(7), and a type of rifle that has been used in other mass shootings.

358. Gendron observed that there are very few weapons that are easier to use and more effective at killing than the Bushmaster XM-15.

359. Although the Bushmaster XM-15 Gendron purchased had an MA Lock installed and a 10-round magazine, the rifle itself retained the ability to accept a detachable magazine.

360. Gendron easily removed the MA Lock from the Bushmaster XM-15 within a few minutes using a #2 speed out drill bit, as recommended by Mean Arms, and a power drill readily available in his family home.

361. During the mass shooting on May 14, 2022, Gendron inserted multiple 30-round detachable magazines to the Bushmaster XM-15 that also had a pistol grip, so that he did not have to reload frequently and when he did reload, he could do so quickly, adding to the deadliness of the attack.

362. Aided by Mean Arms’ public statements, videos, and explanations, Gendron predictably removed the magazine limiting device that had been installed on his Bushmaster XM-15, a Mean Arms MA Lock, by utilizing a readily available power tool. As Gendron stated in his Rant:

I used a Cobalt Speedout #2 drillbit and my dad’s power drill to take out the magazine lock, which I then replaced with an Anderson Manufacturing magazine release and spring, the same one I used can be found in the parts kit here (embedded link omitted).¹⁸⁶

¹⁸⁶ *Id.* at 62.

363. The ability of the weapon to accept HCMs was important to Gendron. Gendron wrote that he would need a firearm that “can fire ammunition as quickly as needed, can hold many rounds of ammunition without reloading” to succeed in his operational goals.¹⁸⁷

364. Consistent with the behavior of other mass murderers, Gendron intended to use HCMs because he wanted to maintain a near continuous barrage of fire to limit opportunities for victims to escape or fight back.

365. Mean Arms had actual knowledge that its so-called “lock” could be removed from AR-15 rifles, allowing them to shoot many rounds of ammunition. And it was entirely foreseeable that the modification of AR-15 rifles to hold HCMs would lead to mass shootings, *as it is publicly-known that other mass shooters have used HCMs to increase the number of individuals they were able to murder.*

366. Mean Arms’ reckless disregard for human life, and its blatant advertisements to evade gun safety laws, led to Gendron’s purchase of a rifle with its easily-removable lock.

V. EACH DEFENDANT’S ACTIONS CONTRIBUTED TO THIS HEINOUS ACT

A. Social Media Defendants Radicalized Gendron From an Early Age, Setting Him Up to Be Influenced by White Supremacists, Racism, and Hatred

367. Each of the Social Media Defendants contributed to interrupting the development of Gendron’s brain with algorithms that radicalized and isolated him.

¹⁸⁷ *Id.* at 58.

1. Meta's Products Were Designed to Be Addictive and It Profited From that Addiction and the Radicalization of Young Men Like Gendron

368. Meta operates and designs two social media platforms: Facebook and Instagram. The products are broadly popular and are among the most-used social media applications in the world. Facebook has 2.9 billion monthly active users, and Instagram has 1.07 billion monthly active users.¹⁸⁸

369. Meta's platforms are mass-marketed products,¹⁸⁹ which are consumed by the general public, including minors.

370. Instagram's evolution has focused on increasing user engagement in order to drive profits. The introduction of video sharing in 2013 allowed users to share dynamic content,¹⁹⁰ while the introduction of Instagram Stories in 2016 facilitated real-time sharing that disappeared after 24 hours, challenging the dominance of Snapchat in ephemeral content.¹⁹¹

¹⁸⁸ Brian Dean, *Facebook Demographic Statistics: How Many People Use Facebook in 2023?*, BACKLINKO (updated Mar. 27, 2023), <https://backlinko.com/facebook-users>.

¹⁸⁹ See *Meta Platforms Annual Report 2022* at 3 (Feb. 3, 2022), <https://annualreport.stocklight.com/nasdaq/meta/22586105.pdf> (“The term ‘Family’ refers to our Facebook, Instagram, Messenger, and WhatsApp products. For references to accessing Meta's products on the ‘web’ or via a ‘website,’ such terms refer to accessing such products on personal computers. For references to accessing Meta's products on ‘mobile,’ such term refers to accessing such products via a mobile application or via a mobile-optimized version of our websites such as m.facebook.com, whether on a mobile phone or tablet.”)

¹⁹⁰ Colleen Taylor, *Instagram Launches 15-Second Video Sharing Feature, With 13 Filters and Editing*, TECH CRUNCH (June 20, 2013, 12:17 PM CDT), <https://techcrunch.com/2013/06/20/facebook-instagram-video/>.

¹⁹¹ *Introducing Instagram Stories*, INSTAGRAM (Aug. 2, 2016), <https://business.instagram.com/blog/introducing-instagram-stories>.

371. Instagram is intentionally addictive, and was designed and manufactured to addict its users to drive profits.¹⁹²

372. Meta, the company behind Facebook and Instagram, has deliberately incorporated detrimental elements into their platforms that encourage addictive behavior among adolescents. These defects include, but are not limited to:

- a. recommendation algorithms, powered by extensive data collection, which Meta intentionally designs and programs to promote excessive and frequent usage among adolescents;
- b. features that exploit young users' desire for validation and their tendency to engage in social comparisons;
- c. product features intentionally designed by Meta to create harmful cycles of repetitive and excessive usage;
- d. the absence of effective mechanisms, despite having the capability to implement them, to restrict minors from using the products;
- e. inadequate parental controls and the facilitation of unsupervised usage of the platforms; and
- f. deliberate placement of obstacles to discourage users from ceasing their usage of the products.

¹⁹² Bruce Goldman, *Addictive potential of social media, explained*, STANFORD MEDICINE SCOPE (Oct. 29, 2021), <https://scopeblog.stanford.edu/2021/10/29/addictive-potential-of-social-media-explained/>; Hannah Schwär, *How Instagram and Facebook are intentionally designed to mimic addictive painkillers*, INSIDER (updated Aug. 11, 2021, 5:38 PM CDT), <https://www.businessinsider.com/facebook-has-been-deliberately-designed-to-mimic-addictive-painkillers-2018-12>; Ashley Mateo, *Instagram Addiction Is Real: Step Away from the Smartphones*, SELF (Nov. 29, 2014), <https://www.self.com/story/instagram-addiction-real>; Drake Baer, *The Psychology Behind Why Instagram Is So Addictive*, INSIDER (Nov. 18, 2014, 11:23 AM CST), <https://www.businessinsider.com/psychology-of-why-instagram-is-addictive-2014-11>.

373. One of the biggest addictive features of Instagram is its “infinite scroll” feature. “The convenience of the flick of a finger combined with our desire to solve the uncertainty of what the next post is about, results in a powerfully addictive force which users often do not realize as they subconsciously scroll.”¹⁹³

374. Additionally, Meta builds user-engagement algorithms into its products, which delivers content to users which will elicit the largest reactions, favors posts that generate engagement that are more extreme in nature, and leads isolated teens down dangerous paths to extremism.

375. One of these user-engagement tools is the “Explore” screen on Meta’s Instagram product, which recommends content to users based upon their user habits. Parents have warned for the past several years that white supremacist groups have been “recruiting” teenage boys through social media. Even if teenage boys are not looking for white supremacist content, it is recommended to them through Instagram’s “Explore” function, which can—and does—recommend dangerous, racist, hateful, and white supremacist content to adolescent boys.

Kids are naturally curious about the complicated world around them, so Joanna Schroeder wasn’t surprised when her 11- and 14-year-old boys recently started asking questions about timely topics such as cultural appropriation and transgender rights.

But she sensed something off about the way they framed their questions, she says — tinged with a bias that didn’t reflect their family’s progressive values. She heard one of her sons use the word “triggered” in a sarcastic, mocking tone. And there was the time Schroeder watched as her son scrolled through the “Explore” screen

¹⁹³ Grant Collins, *Why the infinite scroll is so addictive*, MEDIUM (Dec. 10, 2020), <https://uxdesign.cc/why-the-infinite-scroll-is-so-addictive-9928367019c5>; Anish Bhanot, *Infinite Scroll Addiction: How Instagram just showed us they may be seeking to solve this trap*, MEDIUM (Jan. 9, 2019), https://medium.com/@anish_b/infinite-scroll-addiction-how-instagram-just-showed-us-they-may-be-seeking-to-solve-this-trap.

on his Instagram account and she caught a glimpse of a meme depicting Adolf Hitler.¹⁹⁴

376. Meta knows that Instagram hosts extremist, white supremacist content. The Anti-Defamation League was able to locate Instagram posts by white supremacists that, upon information and belief, Instagram’s algorithm then expanded to “a gateway into the larger extremist community on Instagram and beyond.”¹⁹⁵

Schroeder insists that even if children aren’t searching for the content, it doesn’t take much for a racist post or message to appear on their timelines, especially if they use Instagram’s “Explore” page, which shows users a collection of pictures from people they aren’t following.

Once exposed to racist content, the once-shocking social media posts can become normalized, she says.

“They’ve studied the way that our young men interact online, and they have looked at what these boys need,” she said. “And they have learned how to fill those needs in order to entice them into propaganda.”¹⁹⁶

377. Instagram’s code leads children down dangerous paths—from recommending seemingly harmless jokes and memes to more and more extremist content.

Schroeder saw this firsthand when she sat down with her kids to look at their Instagram accounts together.

¹⁹⁴ Caitlin Gibson, ‘Do you have white teenage sons? Listen up.’ *How white supremacists are recruiting boys online*, THE WASHINGTON POST (Sept. 17, 2019, 9:00 AM EDT), https://www.washingtonpost.com/lifestyle/on-parenting/do-you-have-white-teenage-sons-listen-up-how-white-supremacists-are-recruiting-boys-online/2019/09/17/f081e806-d3d5-11e9-9343-40db57cf6abd_story.html.

¹⁹⁵ *Instagram Hosting White Supremacist, Accelerationist Content*, GTSC HOMELAND SECURITY (Dec. 13, 2021), <https://www.hstoday.us/subject-matter-areas/counterterrorism/instagram-hosting-white-supremacist-accelerationist-content/>.

¹⁹⁶ Jason Hahn, *Mom Warns Parents of White Supremacists Recruiting Teenage Boys Through Social Media*, PEOPLE (Oct. 22, 2019, 5:12 PM EDT), <https://people.com/human-interest/joanna-schroeder-twitter-white-supremacist-warning/>.

“I saw the memes that came across my kids’ timelines, and once I started clicking on those and seeking this material out, then it became clear what was really happening,” she says. With each tap of a finger, the memes grew darker: Sexist and racist jokes (for instance, a looping video clip of a white boy demonstrating how to “get away with saying the n-word,” or memes referring to teen girls as “thots,” an acronym for “that ho over there”) led to more racist and dehumanizing propaganda, such as infographics falsely asserting that black people are inherently violent.

“The more I clicked, the more I started to see memes about white supremacy,” Schroeder says, “and that’s what was really scary.”¹⁹⁷

378. Meta is aware that its recommendations pushed dangerous content to adolescents, and leaked internal documents from the company show that it was aware of the harmful effects that its products were having.¹⁹⁸

379. While Meta is increasing user engagement through its algorithms, infinite scroll feature, and “Explore” page, it is also profiting heavily from that addictive engagement¹⁹⁹ by collecting user data. Instagram, like many social media platforms, collects data from its users to offer personalized experiences, deliver targeted advertisements, and generate revenue.

380. Meta uses the data it collects, such as users’ interests, demographics, and behavior, to offer targeted advertising to its users. Advertisers can select specific criteria, such as age range or interests, to reach their desired audience. By leveraging user data, including that of minors, Instagram can provide advertisers with valuable targeting options and charge them accordingly.

¹⁹⁷ Gibson, *supra* note 194.

¹⁹⁸ Kishalaya Kundu, *Documents Confirm Facebook Knew Exactly How It Was Harming Teen Girls*, SCREENRANT (Dec. 13, 2022), <https://screenrant.com/meta-instagram-document-leak/>; Max A. Cherny and Anita Hamilton, *Meta may still face SEC probe over Instagram complaints*, BARRON’S, <https://www.barrons.com/visual-stories/meta-may-face-sec-investigation-over-instagram-complaints-01639067729> (last visited July 10, 2023).

¹⁹⁹ Ankit Sherke, *Addiction by Design | Dark UX Patterns*, ANKIT SHERKE DESIGN, <https://www.ankitsherke.design/blog/addiction-by-design-dark-ux-patterns> (last visited May 20, 2023).

To monetize this data, Instagram collects and shares 62% of user data with third parties for use in marketing materials to users.²⁰⁰

381. By gathering and analyzing user data, Meta compiles comprehensive profiles on its users, encompassing numerous specific data categories. This enables advertisers to finely target their marketing efforts and allocate advertising funds to precise user segments, facilitated by Meta's data segmentation. Only a fraction of this data stems from user-generated content intended for publication or explicitly provided in user profiles. Instead, Meta covertly collects many of these data segments through undisclosed surveillance of user activity, both while using and even when not logged into the platform. This surveillance includes monitoring user behavior, such as tracking navigation paths, watch time, and hover time, unbeknownst to the users. Essentially, as Meta's user database expands, users spend more time on the platform, and Meta extracts increasingly detailed user information, resulting in greater profits for the company.

382. Meta also makes money via sponsored content through influencer marketing. Influencer marketing is prevalent on Instagram, where popular users (including minors) collaborate with brands to promote products or services. These collaborations can generate revenue for both Instagram and the influencers involved. Instagram facilitates these partnerships and may take a share of the revenue generated from sponsored content. White supremacist influencers have appeared on Instagram, directing users to other white supremacist content, or promoting their YouTube channels or clothing lines.²⁰¹

²⁰⁰ Chris Stokel-Walker, *Instagram is sharing 79% of your personal data with third parties*, CYBERNEWS (updated Feb. 9, 2022), <https://cybernews.com/privacy/instagram-is-sharing-79-of-your-personal-data-with-third-parties/>.

²⁰¹ *Extremist Content Online: Instagram Accounts Used to Advertise White Supremacist Merchandise*, COUNTER EXTREMISM PROJECT (May 1, 2023), <https://www.counterextremism.com/press/extremist-content-online-instagram-accounts-used-advertise-white-supremacist->

383. Meta has long known that adolescents who used Instagram felt higher rates of anxiety and depression.²⁰²

384. Rather than address those serious issues, Meta chose to put profits before America's youth, and made billions of dollars advancing defective products, making money from data collected from adolescents, and serving as a safe haven for white supremacists to sell their racist bigotry and clothing lines.

385. At the same time, Instagram has been actively removing anti-racist content "with no warning, no methods for filing for appeal of any kind . . . your content is just taken down."²⁰³

386. In this way, Meta has promoted white supremacist content, while suppressing and censoring anti-racist content.

2. Alphabet Made Significant Profits off of Its YouTube Product, as Its Algorithm Radicalized Gendron and Exposed Him to Hateful Content

387. YouTube, an Alphabet product,²⁰⁴ allows users to watch videos online and through applications. YouTube incorporates targeted and meticulously designed functionalities that are

[merchandise](#); Natalie Martinez, *The white nationalist influencers of Instagram*, MEDIAMATTERS (Apr. 8, 2019, 4:27 PM EDT), <https://www.mediamatters.org/white-nationalism/white-nationalist-influencers-instagram>; Nick Robins-Early, *Instagram Let A Violent White Supremacist Group Promote Their Clothing Brand*, HUFFINGTON POST (Aug. 14, 2018, 4:25 PM EDT), <https://www.huffpost.com/entry/instagram-white-supremacy-clothing>.

²⁰² Mehul Reuben Das, *Leaked documents reveal Meta knew Instagram was pushing girls toward content that harmed mental health*, TECH2 (Dec. 12, 2022, 16:02:33 IST), <https://www.firstpost.com/tech/news-analysis/leaked-documents-reveal-meta-knew-instagram-was-pushing-girls-towards-harmful-content-that-harmed-mental-health-11793621.html>.

²⁰³ Janice Gassam Asare, *Social Media Continues to Amplify White Supremacy And Suppress Anti-Racism*, FORBES (Jan. 8, 2021, 8:43 PM EST), <https://www.forbes.com/sites/janicegassam/2021/01/08/social-media-continues-to-amplify-white-supremacy-and-suppress-anti-racism/?sh=1ebbe0054170>.

²⁰⁴ *Alphabet, Inc. 2022 Annual Report*, https://abc.xyz/investor/static/pdf/2022_alphabet_annual_report.pdf (last visited July 10, 2023) ("We have always been committed to building

purposely aimed at leveraging the psychological mechanisms of user behavior and gratification, with the goal of maximizing their engagement in terms of duration, frequency, and intensity.

388. YouTube was designed to be addictive. It is the number one social platform in the United States, and over half of Internet users use it every day (with 36% using it several times per day).²⁰⁵ Many users have documented their experiences with YouTube addiction online, many comparing the product to a “drug”:

A system of recommendations based on previously viewed videos appears as if by magic at the top of your screen, which means the table is always laid. If you’ve been watching videos on the Anunnaki and ancient alien space-traveling civilizations, YouTube will show you more of where you last left off when you next click on.²⁰⁶

I’m 20 years old and currently going to college in [G]ermany. My relationship to You[T]ube is pretty unhealt[h]y. I watch 5 to 6 hours a day according to my statistics. Actually I sometimes even skip school for YT. I don’t really feel joy watching videos anymore.

I will try out the 3 videos a day strategy, which some people here already suggested, but I don’t think I can control myself. Do you have any tips to how I can cut back on my YT usage?²⁰⁷

I feel like I’ve tried so much putting limits on and just completely ignoring it to deleting the app and then just going on safari instead. I genuinely think YouTube is killing me and my productivity slowly

helpful products that can improve the lives of millions of people worldwide. Our product innovations are what make our services widely used, and our brand one of the most recognized in the world. Google Services’ core products and platforms include ads, Android, Chrome, hardware, Gmail, Google Drive, Google Maps, Google Photos, Google Play, Search, and YouTube, with broad and growing adoption by users around the world.”).

²⁰⁵ Josh Howarth, *25 Starting Social Media Addiction Statistics (2023)*, EXPLODING TOPICS (Dec. 19, 2022), <https://explodingtopics.com/blog/social-media-addiction>.

²⁰⁶ Domingo Cullen, *YouTube addiction: binge watching videos became my ‘drug of choice,’* GUARDIAN (May 3, 2019, 2:00 EDT), <https://www.theguardian.com/us-news/2019/may/03/youtube-addiction-mental-health>;

²⁰⁷ @astro_banana, *6 hours per day*, REDDIT, https://www.reddit.com/r/youtubeaddiction/comments/en8kx5/6_hours_per_day/ (last visited July 10, 2023).

I keep saying to myself one more video then next thing you know one hours gone by then two hours, then I think to myself why the fuck am I doing this to myself and I eventually forget about all the shit I've just watched and it's a complete waste of time. I don't know man I feel like I'm even replacing person to person communication with watching videos as in a weird way it still feels like I'm interacting with someone when I'm clearly not. I'm guessing I'm semi addicted to it but has anyone got any advice, cheers.²⁰⁸

I thought quitting weed would help but it hasn't. My addiction started with adderall. I would take it and just go hour on end because every video seemed more interesting than the last. It's like I get stuck in this dopamine loop that I can't get out of. I've quit all drugs for a while now but I can't seem to stop. I deleted the app on my phone but eventually I just go to the website. Fuck my life y'all.²⁰⁹

389. Adolescent YouTube users are especially vulnerable to the addictive and defective nature of YouTube²¹⁰ given the effect the product's algorithm has on their still-developing brains.

In a recent survey, 95% of teens said that they use YouTube, with three-quarters of them visiting

²⁰⁸ @DanGulyballs, *Semi ruining my life not gonna lie*, REDDIT, https://www.reddit.com/r/youtubeaddiction/comments/edpuaq/semi_ruining_me_life_not_gonna_lie/ (last visited July 10, 2023).

²⁰⁹ *I can't look for work because of my YouTube addiction*, REDDIT https://www.reddit.com/r/youtubeaddiction/comments/dwe9ks/i_cant_look_for_work_because_of_my_youtu_be/ (last visited July 10, 2023).

²¹⁰ Sean Seddon, *Terrifying reality of YouTube addiction for children as young as four exposed*, MIRROR (May 11, 2019, 17:29), <https://www.mirror.co.uk/news/terrifying-reality-youtube-addiction-children-15243607>; Miah Duncan, *Why is YouTube so Addictive?*, MAINSTREAM: THE STUDENT NEWSPAPER OF PAINT BRANCH HIGH SCHOOL (Feb. 19, 2020), <https://pbmainstream.com/7836/features/why-is-youtube-so-addictive/> (notably, teens are writing in high school newspapers about YouTube addiction); James Bridle, *The nightmare videos of children's YouTube—and what's wrong with the Internet today*, TED (July 13, 2018), <https://www.youtube.com/watch?v=v9EKV2nSU8w&t=855s>.

it at least daily, and 19% of them using it “almost constantly.”²¹¹ And YouTube remains the top social media product that teens would not want to “live without.”²¹²

390. YouTube’s recommendation algorithm, which is built on Google’s code, takes into account user watch history and video features to recommend highly-engaging videos for individual users. The end-result, however, is a highly-addictive product:

YouTube as a platform fulfills those requirements for addiction. The videos provide us with relevant information that stimulate a dopamine response. This process is constantly reinforced by consistently supplying us with more appropriately recommended videos. YouTube can also modify our behavior by carefully selecting certain videos by the means of our own perceived autonomy.²¹³

391. YouTube was purposefully designed to be addictive through its autoplay and recommendation features. Recommended videos appear on a user’s home page and next to videos in an “Up Next” display. The “Up Next” display shows limitless videos that YouTube algorithms recommend to users, designed to be addictive. As a former engineer of YouTube’s recommendation stated:

“It isn’t inherently awful that YouTube uses AI to recommend video for you, because if the AI is well tuned it can help you get what you want. This would be amazing,” [Guillaume] Chaslot told TNW. “But the problem is that the AI isn’t built to help you get what you

²¹¹ Emily A. Vogels, *et al.*, *Teens, Social Media and Technology 2022*, PEW RESEARCH CENTER (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

²¹² *The Common Sense Census: Media Use by Tweens and Teens*, COMMON SENSE (2021), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf

²¹³ *How YouTube is Addictive—Recommendation Systems & its Impacts*, MEDIUM (Sept. 2, 2019), <https://medium.com/dataseries/how-youtube-is-addictive-259d5c575883>.

want — it’s built to get you addicted to YouTube. Recommendations were designed to waste your time.”²¹⁴

392. A recent study found confirmed that, while these features can increase ease of use, they are fundamentally defective because they result in over-watching and compulsive behaviors:

Through our online diary study, we performed an in-depth analysis of UI features, specifically Autoplay and Recommendations, on popular online streaming platforms in India. We studied their impact on the user's state of mind measuring their level of awareness and feeling of satisfaction while selecting and completing a video for watching. We also included contextual effects of individual characteristics and viewing preference as additional factors that also have a tendency to influence user behaviors. We have centered our analysis on the relation of UI interactions’ ease of use and autonomy affordability and their temporal effect on the user’s feelings, mostly over-watching and regret. We observed that although these features enable ease of use, they enforce compulsive behaviors on long term usage.²¹⁵

393. YouTube’s autoplay feature is a “dark pattern” that was designed to keep users scrolling for as long as possible in order to increase interaction with the product,²¹⁶ and—thus— increase profits.

394. The result, however, is addiction by design:

But why are these tactics being used?:

The simple answer is to keep you hooked. To the decision-makers behind this, it doesn’t matter if it’s ethical or not. For most of them,

²¹⁴ Már Másson Maack, ‘*YouTube recommendations are toxic, says dev who worked on the algorithm*, NEXT WEB (June 14, 2019, 10:58 AM), <https://thenextweb.com/news/youtube-recommendations-toxic-algorithm-google-ai>.

²¹⁵ Akash Chaudhary, *et al.*, “*Are You Still Watching?*”: *Exploring Unintended User Behaviors and Dark Patterns on Video Streaming Platforms*, ACM DIGITAL LIBRARY (June 2022), <https://dl.acm.org/doi/fullHtml/10.1145/3532106.3533562>.

²¹⁶ Kate Raynes-Goldie, Ph.D., *Dark Patterns: The Secret Sauce Behind Addictive Tech*, PARTICLE (Jan. 30, 2020), <https://particle.scitech.org.au/tech/dark-patterns-the-secret-behind-addictive-tech/>.

you are just a statistic and they want you to stay on their platform, no matter what it takes.

Some of them aren't even aware of how much damage these tactics are doing. And those who are aware of this care only about the results.²¹⁷

395. The autoplay feature is so damaging and creates such an addictive effect in children that YouTube eventually disabled it for children.

“Autoplay is a manipulative tool used by YouTube to addict users and keeps them on the platform, and kids are especially vulnerable to this,” [Justin] Ruben [co-Director of ParentsTogether, a family advocacy non-profit] said in a press release. “Turning off autoplay is an important step in the fight to keep kids safe on the Internet, and YouTube should extend it to all children’s videos, even if they’re watched on a parent’s account on YouTube.”

But the “autoplay” feature continues to run if a user is not logged into her account—even if that user is a child.²¹⁸

396. YouTube’s decisionmakers knew that its defective design choices would hook users and made those choices specifically to make its product addictive. More than 70 percent of the time people spend watching videos on YouTube are driven, explicitly, by YouTube’s algorithmic recommendations.²¹⁹ And mobile device users watch YouTube for more than 60 minutes on average because, as YouTube Chief Product Officer Neal Mohan stated, “of what our recommendations engines are putting in front of” the users.²²⁰

²¹⁷ Sherke, *supra* note 199.

²¹⁸ Devan McGuinness, *YouTube Finally Turns off Autoplay for Kids. Here’s the Catch*, FATHERLY (Aug. 16, 2021), <https://www.fatherly.com/news/youtube-autoplay-kids>.

²¹⁹ Casey Newton, *How YouTube perfected the feed*, VERGE (Aug. 30, 2017, 10:11 AM CDT), <https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed>.

²²⁰ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 10, 2018, 10:05 AM PT), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

397. YouTube’s addictive nature is one part of its problematic design; the other is that its algorithm frequently recommends extreme and violent videos—to adults *and* adolescents, alike.²²¹

398. “Engaging content” is recommended by YouTube based upon watch time—which means that the videos YouTube recommends are those which can be monetized. “This might be great for a company trying to sell ads, but it doesn’t necessarily reflect what the user wants—and has grave side-effects.”²²²

During his talk at the DisinfoLab Conference last month, Chaslot noted that divisive and sensational content is often recommended widely: conspiracy theories, fake news, flat-Earther videos, for example. Basically, the closer it stays the edge of what’s allowed under YouTube’s policy, the more engagement it gets. Google completely disagrees with Chaslot, but we’ll get to that later.

The basic structure of YouTube’s recommendation algorithm might’ve worked fine for its core types of content—like cat videos, gaming, and music. But as YouTube becomes more central in people’s information and news consumption, Chaslot worries recommendations will push people further to extremes—whether they want it or not—just because it’s in YouTube’s interest to keep us watching for as long as possible.²²³

399. “Engaging content” often means that content peddles extreme viewpoints, racism, white supremacy, and violence. YouTube’s algorithm is “tailor made” to peddle extremism and

²²¹ Grayson Quay, *How YouTube AutoPlay Becomes Your Child’s Worst Nightmare*, FEE STORIES (Apr. 4, 2019), <https://fee.org/articles/how-youtube-autoplay-becomes-your-child-s-worst-nightmare/>; Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for ‘digital addiction,’* PBS (May 16, 2017, 1:26 PM EDT), <https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction>.

²²² ‘*YouTube recommendations are toxic,*’ says dev who worked on the algorithm, Next Web (June 14, 2019), <https://thenextweb.com/news/youtube-recommendations-toxic-algorithm-google-ai>.

²²³ *Id.*

radicalize users because, once users are exposed to white supremacy or violence, those videos continue to be recommended.²²⁴

400. Even if children and adolescents are not looking for violent content, being exposed to it on YouTube creates an addictive response. “Watching ‘fear-inducing videos cause the brain to receive a small amount of dopamine,’ said Dr. [Donna] Volpitta [founder of The Center for Resilient Leadership]. Dopamine is produced in the body to promote reinforcement—it acts as a reward and creates a desire to do something over and over.”²²⁵

401. With adolescents becoming addicted to YouTube, they also became exposed to violence through “engaging content.” YouTube knew that its algorithm was exposing individuals to extremism, but opted to do nothing, putting profits before people.

Wojcicki and her deputies know this. In recent years, scores of people inside YouTube and Google, its owner, raised concerns about the mass of false, incendiary and toxic content that the world’s largest video site surfaced and spread. One employee wanted to flag troubling videos, which fell just short of the hate speech rules, and stop recommending them to viewers. Another wanted to track these videos in a spreadsheet to chart their popularity. A third, fretful of the spread of “alt-right” video bloggers, created an internal vertical that showed just how popular they were. Each time they got the same basic response: Don’t rock the boat.

The company spent years chasing one business goal above others: “Engagement,” a measure of the views, time spent and interactions with online videos. Conversations with over twenty people who work at, or recently left, YouTube reveal a corporate leadership

²²⁴ Lavin, *supra* note 117.

²²⁵ Josephine Bila, *YouTube’s dark side could be affecting your child’s mental health*, MODERN MEDICINE (Feb. 13, 2018, 9:26 AM EST), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

unable or unwilling to act on these internal alarms for fear of throttling engagement.²²⁶

402. With the algorithm prioritizing engagement over anything else, adolescents and children became more and more exposed to dangerous and harmful content, which YouTube monetized for profit.²²⁷

403. What's worse is that YouTube shared the profits of its advertising dollars with the white supremacists who could get the most watches on their videos:

Google's automated system placed ads for some of the world's biggest brands—including Coca-Cola Co., Procter & Gamble, Amazon.com Inc. and Microsoft Corp.—on five YouTube videos peddling racist and anti-Semitic content, according to a review by The Wall Street Journal When companies' ads appear on questionable sites or videos, it doesn't only potentially muddy their brands, it also funds the purveyors of such hate speech, misinformation or other unsavory content. Each time a user watches the entirety of an ad Google has placed before a YouTube video, the advertisers pay a small fee that is split between the video's creator and Google.²²⁸

404. A number of "influencers" had also been paid by YouTube to produce content, which YouTube recommended to its users. But some of those influencers peddled extremism and white supremacy. Although the influencers were "fired," the damage was already done: YouTube made these individuals stars by recommending their videos, allowing them to remain popular.

As part of this familiar ritual of corporate self-absolution, Google also symbolically "fired" some of the best-known YouTubers it had

²²⁶ Mark Bergen, *YouTube Executives Ignored Warnings, Let Toxic Videos Run Rampant*, YAHOO! FINANCE (Apr. 2, 2019), <https://finance.yahoo.com/news/youtube-executives-ignored-warnings-letting-090026613.html>.

²²⁷ Guillaume Chaslot, *The Toxic Potential of YouTube's Feedback Loop*, WIRED (July 13, 2019, 9:00 AM), <https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

²²⁸ Jack Nicas, *Google's YouTube Has Continued Showing Brands' Ads with Racist and Other Objectionable Videos*, THE WALL STREET JOURNAL (Mar. 24, 2017, 5:17 PM ET), <https://www.wsj.com/articles/googles-youtube-has-continued-showing-brands-ads-with-racist-and-other-objectionable-videos-1490380551>.

paid to produce videos. The first big name to go, as a result of the initial Journal expose in February, was its most popular star, with 53 million subscribers, the model-handsome Swedish Gamer PewDiePie (real name: Felix Kjellberg). His offenses were, in the realm of YouTube extremism, minor: Some cheeky Nazi references, some “gratuitous” sex and violence, and one particularly rank stunt in which he paid “fivvers”—people who say they’ll do anything on video for \$5—to unfurl a sign reading “Death to the Jews.”

What “firing” meant, in this case, was “demonitizing”—shunting PewDiePie off the preferred channel and pulling ads from his videos. This, in turn, gave one of Google’s big clients, Nissan—which had paid PewDiePie for an ad of its own—a chance to serve up some self-righteous PR as well. “We strongly condemn this highly offensive content and will not work with him again,” said a mortally offended Nissan spokesperson. Google, too, could claim to have “dealt with” the PewDiePie threat. But YouTube had already made him an international star. And his content remains wildly popular on YouTube, even without that “preferred” status, and thus indirectly lucrative (with all the clicks he gets) for Google and all its advertisers; in July, one of his videos garnered almost 10 million views; none of the 23 he posted during the month had an audience of less than 3 million. And what about “Death to the Jews,” which brought the weight of Google down on him? Just two of the many re-uploads on YouTube have 600,000 views between them, on top of the millions who’ve seen the original. Take *that*, PewDiePie!²²⁹

405. More legitimate, conservative-leaning “influencers” and content creators also created “radicalization pathways” to other YouTube channels and websites with extremist viewpoints.²³⁰

²²⁹ Bob Moser, *How YouTube Became the Worldwide Leader in White Supremacy*, THE NEW REPUBLIC (Aug. 21, 2017), <https://newrepublic.com/article/144141/youtube-became-worldwide-leader-white-supremacy>.

²³⁰ Lavin, *supra* note 117.

406. Just like Instagram's light policing of right-wing content, YouTube hosted and promoted white supremacist content, while censoring anti-racist videos.²³¹

407. The combination of YouTube's addictive algorithm, along with the suggestions to watch extreme, "engaging" content, was a recipe to radicalize users.²³²

408. Neither YouTube, Alphabet, nor Google disclosed the defects in its algorithm before hundreds of individuals were radicalized by its sites. None of these companies adequately warned the public about the risks of radicalization, depression, and exposure to extremist content its products posed.

409. Gendron, himself, was radicalized by watching YouTube, and—as a result—sought more and more extremist content in accounts linked to the YouTube channels which he watched.

410. In the weeks leading up to the terrorist attack, Gendron continued searching out content on YouTube, further exposing him to the feedback loop which led to his originate hatred.

I've just been sitting around watching [Y]ou[T]ube and shit for the last few days. I think this is the closest I'll ever be to being ready. I literally can't wait another week to do this. I'm not sure if I'm expecting any real change in the world after I do the attack[.] It is certain my life will be changed. It all comes back to the saying that inaction is sure to end in defeat.²³³

²³¹ Elizabeth Nolan-Brown, *YouTube Says No to Sexual Humor, Profanity, Partial Nudity, Political Conflict, and 'Sensitive Subjects' in Partner Content*, REASON (Sept. 1, 2016, 1:15 PM), <https://reason.com/2016/09/01/youtube-bans-sex-drugs-and-politics/>.

²³² Muhammad Haroon, *et al.*, *You Tube, The Great Radicalizer? Auditing and Mitigating Ideological Biases in YouTube Recommendations*, U.C. DAVIS (Mar 25, 2022), <https://arxiv.org/pdf/2203.10666v2.pdf>.

²³³ Discord Diary, *supra* note 70.

3. But for the Ability to Livestream on Amazon's Twitch Product, the Shooting Might Not Have Occurred

411. Twitch is a streaming platform which allows its users to stream live videos to larger audiences on the Internet.

412. Gendron used Twitch to live stream the murders in Buffalo—including twenty-two minutes of him discussing the shootings and planning them, along with an additional two minutes of violence after the shooting began.

413. Amazon acquired Twitch in 2014 for \$1 billion, in an acquisition that analysts noted would boost Prime program memberships, drive advertising sales revenue, and increase sales of the Amazon Fire TV set-top box.²³⁴

414. As of 2020, Twitch controlled 91.1% of the streaming market share for hours of videos streamed, and 70% of its users were aged 16 to 34.²³⁵ In 2020, Twitch users spent over one trillion minutes watching videos on the platform.²³⁶

²³⁴ Puneet Sikka, *Why Amazon's excited to have acquired Twitch for \$1 billion*, YAHOO! FINANCE (Jan. 1, 2015), <https://finance.yahoo.com/news/why-amazon-excited-acquired-twitch-165255152.html>.

²³⁵ Nicola Bleu, *47 Latest Live Streaming Statistics for 2023: The Definitive List*, BLOGGING WIZARD (updated Jan. 1, 2023), <https://bloggingwizard.com/live-streaming-statistics/>.

²³⁶ Casey Murphy, *How Twitch.tv and Its Business Model Work*, INVESTOPEDIA (updated July 20, 2022), <https://www.investopedia.com/articles/investing/082115/how-twitchtv-works-and-its-business-model.asp>.

415. Twitch livestreaming allows anyone to stream their activity and allow others to watch online in real time. Streams can last anywhere from a minute to more than eight hours.²³⁷

Subscribers to Twitch can find users' channels by browsing topic areas.²³⁸

416. Users who watch livestreams can comment on the videos alongside other viewers, and, depending on the channel, can make suggestions or ask questions in real-time.²³⁹

417. Twitch content is accessible through multiple devices and mediums including PCs, gaming consoles, and mobile devices. Twitch offers access through a web browser and dedicated Twitch apps, as well as dedicated software for improved streaming of videos.²⁴⁰

418. Twitch makes money by advertising and by collecting a portion of funds used to purchase digital products or services such as subscriptions. Advertisers include various gaming companies, game portals, game developers, and game event organizers. Its revenue-sharing model for broadcasters is an attractive option that brings many talented gamers to its platform. This ultimately results in increased revenue for Twitch.²⁴¹ The more individuals who stream on Twitch, the more money Twitch makes.

419. Many of Twitch's users are adolescents, and many of those adolescents either watch or post livestreams.²⁴²

²³⁷ Darren Delfino, *'What is Twitch?': Here's what you need to know about the world's leading live-streaming platform for gamers*, INSIDER (June 11, 2020, 10:58 AM CDT), <https://www.businessinsider.com/guides/tech/what-is-twitch>.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ Murphy, *supra* note 235.

²⁴¹ *Id.*

²⁴² Brent Barnhart, *Twitch marketing: What it is and how brands can do it right*, SPROUT (Sept. 3, 2020), <https://sproutsocial.com/insights/twitch-marketing/>.

420. Unfortunately, these livestreams contain a shocking amount of violence, suicides, and self-harm—a fact which has been well-documented for over a decade.²⁴³

421. It is also well-known that almost 2,000 Twitch users have shown “unusual patterns of behavior” over the last two years on the platform, and Amazon acknowledges that there are issues with individuals seeking to harm children on the platform.²⁴⁴

422. Given the well-reported nature of these incidences, upon information and belief, Amazon has known that its platform was used to post violent videos, videos depicting self-harm, videos targeting children, and videos containing white supremacist content since its acquisition.

423. Twitch is able to take down videos depicting violence and harmful content and has a robust moderation program to do so. Unfortunately, the moderation program is being used to censor irreverent, political commentary, much to the celebration of white supremacists.²⁴⁵

²⁴³ Josh Katzowitz, *Twitch star Dellor banned for self-harm—then he threatened suicide*, DAILY DOT (updated May 20, 2021, 2:24 AM CDT), <https://www.dailydot.com/irl/dellor-banned-twitch-suicide-threat/>; Nathan Grayson, *Suicide Threats Are A Big Problem on Twitch*, KOTAKU (Dec. 14, 2017), <https://kotaku.com/suicide-threats-are-a-big-problem-on-twitch-1821235980#:~:text=A%20rep%20from%20Twitch%20said,%E2%80%9Cconstantly%20evaluating%E2%80%9D%20its%20policies>; Caitlin Dewey, *Suicide, rape and the dark side of live streaming*, LOS ANGELES TIMES (May 31, 2016), <https://www.latimes.com/business/technology/la-fi-download-live-streaming-20160530-snap-story.html>;

²⁴⁴ Katie Garrity, *Read a Terrifying Report About How Predators on Twitch Exploit Kids in Real Time*, SCARY MOMMY (Sept. 21, 2022), <https://www.scarymommy.com/parenting/streaming-platform-twitch-child-predators-report>.

²⁴⁵ Samantha Hissong, *Hasan Piker Skewers Twitch for ‘Capitulating to White Supremacists,’* ROLLING STONE (Dec. 23, 2021, 1:57 PM), <https://au.rollingstone.com/culture/culture-news/hasan-piker-twitch-cracker-white-supremacist-35569/>.

424. The Twitch streaming platform has become a safe haven for white supremacists,²⁴⁶ who have been using the platform to recruit teens²⁴⁷ to perform illegal acts.

Alt-right streamers use “a three-pronged approach,” Squire said, in their bid to reach younger audiences online: They disseminate their message on leading social media platforms like YouTube, mainstream video games, and on platforms like DLive and Twitch where people livestream videos of themselves playing video games to build a fanbase. The last prong, she acknowledged, is foreign to many adults.²⁴⁸

425. Upon information and belief, Amazon has known about the use of Twitch for illicit purposes and teen recruitment since acquiring Twitch.

426. Upon information and belief, Amazon was also aware that it had a problem with adolescent access to Twitch since acquisition. Twitch does not prevent teenagers from accessing and livestreaming on Twitch once they sign up for an account, and there are not sufficient security measures in place to prevent teenage access to livestreaming. The design of the product is defective because it does not prevent teens from accessing the platform, livestreams, or livestreaming—instead putting the burden on parents to “supervise” their children (warnings they may not ever see if their children create their own accounts).²⁴⁹

²⁴⁶ Andy Chalk, *More hate raids strike Twitch as white supremacist takes credit*, PCGAMER (Mar. 14, 2022), <https://www.pcgamer.com/more-hate-raids-strike-twitch-as-white-supremacist-takes-credit/>.

²⁴⁷ Anya Kamenetz, *Right-Wing Hate Groups Are Recruiting Video Gamers*, NPR (Nov. 5, 2018, 10:37 AM ET), <https://www.npr.org/2018/11/05/660642531/right-wing-hate-groups-are-recruiting-video-gamers>.

²⁴⁸ Mark Keirleber, *How white supremacists recruit teen culture warriors in gaming communities*, FASTCOMPANY (Jan. 1, 2021), <https://www.fastcompany.com/90599113/white-supremacists-gaming-sites-dlive>.

²⁴⁹ *How Old Do You Have To Be To Stream on Twitch*, STREAM SCHEME (updated Jan. 21 2023), <https://www.streamscheme.com/how-old-do-you-have-to-be-to-stream-on-twitch/> (noting that, although livestreaming under the age of 13 is a “bannable” offense, “[i]f a child under the age

427. Allowing teenagers to livestream on Twitch is particularly problematic, because their brains are still in the process of developing and maturing. During childhood and adolescence, decision-making abilities, impulse control, and understanding of long-term consequences are still developing. Livestreaming platforms involve a level of public exposure and potential interactions with a wide audience, which can place young individuals at risk. Children may not have the necessary cognitive capacity to fully comprehend the implications of their actions or handle the potential challenges and risks that come with broadcasting their lives online.

428. The design of Twitch, however, completely ignores the above concerns, placing adolescents in peril.

429. Livestreaming functions on Twitch are also dangerous because Twitch has no effective mechanisms to ensure that harmful content is not broadcast. Amazon has actual knowledge that online platforms can be used to livestream mass shootings.²⁵⁰ In 2019, a gunman in Germany went live on Twitch, which inspired Gendron to livestream the shooting in Buffalo.²⁵¹

430. Twitch was designed defectively in that it can be used to broadcast such heinous acts—in real time—committed by teenagers who have not yet adequately developed the portions of their brain responsible for impulse control.

of 13 sets up their own account and streams on Twitch they will likely go undiscovered for a fair amount of time.”).

²⁵⁰ Mia Sato, *How the Buffalo shooting livestream went viral*, VERGE (May 17, 2022, 1:46 PM CDT), <https://www.theverge.com/2022/5/17/23100579/buffalo-shooting-twitch-livestream-viral-content-moderation>.

²⁵¹ Bobby Allyn, *Twitch’s reputation takes a hit when Buffalo shooter used it to livestream attack*, NPR (May 24, 2022, 5:09 AM ET), <https://www.npr.org/2022/05/24/1100897983/twitchs-reputation-takes-a-hit-when-buffalo-shooter-used-it-to-livestream-attack>.

431. Twitch is defective in that it has no controls in place to ensure that individuals are not using the streaming feature to show violence or unlawful conduct. Incorporating controls would have little impact on the utility of the product, or decreased utility would be outweighed by public interest.

432. Twitch is also defective in that it is used as a tool to incentivize people for becoming famous for violence.

433. The video of the murders has been viewed by over three million people and continues to spread online. Violent white supremacist groups worldwide widely view and glorify Gendron's murder video that was livestreamed on Twitch.²⁵² It serves as technical training and motivation for disturbed individuals considering future acts of racist and antisemitic violence.

To understand why we are seeing similar attacks with increasing frequency, it is vital to understand that they are in part a product of a violent extremist ecosystem in which attackers are exalted, canonized as saints, and portrayed as role models across various digital platforms. This sacralization of white supremacist attackers is a powerful motivator for other adherents, encouraging a twisted form of discipleship in which attackers seek to imitate these “saints” in ideology, in the use of violence, and even in attack style

Within a day of the shooting, Gendron was canonized on various white supremacist Telegram channels. One widely shared statement proclaimed Gendron to be “a new Saint” while noting that “Saint Tarrant continues to make waves.” Gendron’s manifesto and attack video have already been used in propaganda videos as a call to arms for other white supremacist extremists, including in Telegram channels calling for attacks on the 14th of every month to commemorate the monthly anniversary of Gendron’s attack.²⁵³

²⁵² *Buffalo Mass Shooting Livestream Re-Uploaded, Celebrated, Disseminated on Far-Right Venues*, SITE INTELLIGENCE GROUP (May 15, 2022), <https://ent.siteintelgroup.com/Far-Right/-Far-Left-Threat/buffalo-mass-shooting-livestream-re-uploaded-celebrated-disseminated-on-far-right-venues.html>.

²⁵³ Daveed Gartenstein-Ross, Madison Urban, and Matt Chauvin, *White Supremacists Sacralize Mass Attackers to Encourage More Violence*, NATIONAL INTEREST (May 24, 2022),

434. Livestreaming mass shootings not only sensationalizes the actions of the perpetrators, but it also exposes unsuspecting viewers to disturbing and traumatic content.

435. The design of Twitch allowed users to record the event for dissemination on other platforms, even after Twitch removed the violent content, which resulted in the exposure of family and friends of the victims to the video where their loved ones were murdered.²⁵⁴

436. The design of Twitch also incentivizes mass shooters because they understand that their violent acts will be streamed live—without any kind of time delay. The design of Twitch is defective in that there is no time delay incorporated to allow for an effective review to flag dangerous content. The incorporation of a time delay—similar to delays used in broadcasting—is unlikely to decrease product utility or, alternatively, any decrease to product utility would be far outweighed by an increase in public safety.

437. By not incorporating basic, common-sense design changes, Twitch and Amazon continue to record incredible profits from advertising based upon interest in violent videos, while putting the public at risk.

4. Snapchat Contributed to Gendron's Addiction and Radicalization

438. Snap describes itself as a camera company, and Snapchat, its primary product, allows users to send text, picture, and video messages called “snaps,” which disappear after being viewed by the recipients.

<https://nationalinterest.org/blog/buzz/white-supremacists-sacralize-mass-attackers-encourage-more-violence-202596>.

²⁵⁴ Jazmin Tolliver, *Buffalo Mass Shooting Livestream Reached Millions Even After Twitch Removed Footage*, HUFFINGTON POST (May 19, 2022, 2:33 PM ET), https://www.huffpost.com/entry/buffalo-mass-shooting-video-reached-millions-due-to-reuploads_n_628417f4e4b0c2dce65605b3.

439. Snap promoted Snapchat's ephemeral messaging system, which would enable users to showcase their genuine, unfiltered, and spontaneous selves. The danger, however, is that, with poorly-formed impulse control and decision-making skills, adolescents frequently sent messages with salacious, vile, racist, and violent conduct.²⁵⁵

440. In 2014, Snap commenced displaying advertisements on Snapchat. Since then, Snapchat's business model has primarily relied on generating revenue from advertising. In 2022, 70% of Snapchat's revenue originated from North America, and 99% of that revenue was generated through advertising dollars.²⁵⁶ Snapchat generated \$4.6 billion in revenue in 2022.²⁵⁷

441. Snap deliberately targets children, teenagers, and young adults in its marketing efforts for Snapchat, recognizing their inclination towards instant gratification processes, which ultimately benefits Snap's advertising business.

442. Snapchat's design is carefully tailored to maximize user engagement, particularly among minors. The platform employs various strategies that entice young individuals to spend extended periods of time using the app. The addictive nature of Snapchat's features is a cause for concern, as it can negatively impact the well-being and development of young users.

443. One of the key tactics employed by Snapchat is the implementation of streaks, which are essentially continuous back-and-forth exchanges of snaps between users. Streaks create

²⁵⁵ Dan Levin, *A Racial Slur, a Viral Video, and a Reckoning*, THE NEW YORK TIMES (updated Mar. 18, 2021), <https://www.nytimes.com/2020/12/26/us/mimi-groves-jimmy-galligan-racial-slurs.html>.

²⁵⁶ Matthew Johnston, *Snapchat generates nearly all of its revenue from ads*, INVESTOPEDIA (updated Dec. 7, 2022), <https://www.investopedia.com/articles/investing/061915/how-snapchat-makes-money.asp>.

²⁵⁷ Mansoor Iqbal, *Snapchat Revenue and Usage Statistics (2023)*, BUSINESS OF APPS (updated May 2, 2023), <https://www.businessofapps.com/data/snapchat-statistics/#Snapchat%20Key%20Statistics>.

a sense of obligation and social pressure for users to maintain daily communication, leading to increased app usage. This constant need to keep streaks alive can disrupt real-life interactions, impede productivity, and contribute to a sense of dependency on the platform.²⁵⁸

444. Furthermore, Snapchat's use of gamification elements, such as trophies and rewards for achieving certain milestones, encourages users to continually engage with the app. By incorporating elements of competition and achievement, Snapchat taps into the psychological desire for recognition and accomplishment, driving users, especially minors, to dedicate significant time and attention to the platform.²⁵⁹

445. Snapchat's user interface itself also contributes to increased engagement among minors. The app utilizes a “streak counter” that displays the number of consecutive days a user has maintained a streak with another user. This visual representation creates a sense of accomplishment and fuels the fear of losing the streak, compelling users to frequently check and interact with the app to preserve their streaks.²⁶⁰

446. The detrimental effects of Snapchat's design on minors are significant. Excessive usage of the platform can lead to decreased face-to-face social interactions, diminished focus on academic or extracurricular activities, and a heightened risk of developing addictive behaviors.

²⁵⁸ Jennifer Powell-Lunder, Psy.D., *Caution: Your Tween May be Stressing Over Snap Streaks*, PSYCHOLOGY TODAY (Mar. 26, 2017), <https://www.psychologytoday.com/us/blog/lets-talk-tween/201703/caution-your-tween-may-be-stressing-over-snap-streaks>.

²⁵⁹ Dayana Hristova, et al., “*Why did we lose our snapchat streak?*” *Social media gamification and metacommunication*, COMP. IN HUMAN BEHAVIOR REP. (Mar. 2022), <https://www.sciencedirect.com/science/article/pii/S2451958822000069>.

²⁶⁰ William Antonelli, *How to start a Snapchat Streak and keep it alive to boost your Snap Score*, INSIDER (Aug. 18, 2022, 9:25 AM CDT), <https://www.businessinsider.com/guides/tech/snapchat-streak>.

Moreover, the constant exposure to carefully curated and filtered images on Snapchat can contribute to feelings of insecurity and a distorted sense of reality for young users.

447. Upon information and belief, Gendron became addicted to social media in part through his use of Snapchat, whose defective design contributed to his feelings of isolationism, leading to the ease with which he was radicalized by radical, conspiracy-theory-wielding white supremacists.

5. Discord Contributes to Radicalization Through Its Defective Design

448. Discord is a popular online communication platform, and is the product which Gendron used to publish his diary in advance of the shooting.

449. While Discord offers a range of features and communities, its open and unregulated nature can expose young users to various dangers and negative experiences.

450. Significantly problematic is Discord's design, which allows minors to communicate via private or semi-private channels, which are challenging to monitor and permit malicious individuals to target minors. Predators may exploit the anonymity and relative privacy of the platform to engage in inappropriate conversations, manipulate vulnerable users, or even attempt to meet them offline. This poses a serious threat to the safety and well-being of minors.

[I]t's possible for minors to connect with people they don't know on public servers or in private chats if the stranger was invited by someone else in the room or if the channel link is dropped into a public group that the user accessed. By default, all users—including users ages 13 to 17—can receive friend invitations from anyone in the same server, which then opens up the ability for them to send private messages.²⁶¹

²⁶¹ Samantha Murphy Kelly, *The dark side of Discord for teens*, CNN BUSINESS (updated Mar. 22, 2022, 12:22 PM EDT), <https://www.cnn.com/2022/03/22/tech/discord-teens/index.html>.

451. Discord's design makes it easy for minors to manipulate any kind of age verification in place, which exposes them to further harm.

While Discord made some important safety changes following the 2021 Dirty Dozen List, problems persist on the platform and the company can do much more to improve. Discord's lack of meaningful age verification, insufficient moderation procedures, and inadequate safety settings has caused harm to numerous children who were sexually groomed by predators or exposed to harmful content such as pornography. Following the launch of the Dirty Dozen List, new evidence of children being harmed on Discord has continued to emerge and make headlines.²⁶²

452. Discord communities can exhibit toxic behavior and harmful content. Unmoderated or poorly moderated servers may contain explicit, violent, or otherwise inappropriate content that is unsuitable for minors. Exposure to such content can have detrimental effects on a young person's mental health, emotional well-being, and overall development.

453. Discord's real-time messaging and voice chat features can also contribute to addictive behaviors and unhealthy online habits among minors. The constant availability of communication, combined with the potential for peer pressure and social validation, may lead young users to spend excessive amounts of time on the platform, neglecting other aspects of their lives, such as academics, physical activity, and face-to-face social interactions.

454. Furthermore, Discord's user interface allows for easy sharing of images, videos, and links. This opens the door to cyberbullying, harassment, and the spread of harmful or inappropriate content. Minors can become targets of online abuse or be inadvertently exposed to

²⁶² Sommer Porter, *The Many Dangers of Discord for Children*, NAT'L CENTER ON SEXUAL EXPLOITATION (June 10, 2022), <https://endsexualexploitation.org/articles/the-many-dangers-of-discord-for-children/>.

explicit or disturbing material, leading to psychological distress and negative impacts on their self-esteem and mental well-being.²⁶³

455. Discord's product design promotes radicalization among adolescents. Discord's design—including private and semi-private chatrooms—has facilitated an environment in which neo-Nazis and white supremacists thrive. Discord was well aware of the issue but allowed extremists to self-organize anyway.

I also asked Discord executives what, if anything, they planned to do about the white nationalists and neo-Nazis who had set up shop on their platform and were using it to spread their ideology. Several said they were aware of the issue, but had no concrete plans to crack down on any extremist groups.²⁶⁴

456. Because of Discord's defective design—no age verification combined with private and semi-private chat rooms—minors were regularly exposed to extremist, white-supremacist content, allowing perpetrators of violence to groom and radicalize adolescents. Members of the servers where white supremacist discussions would happen were on average, when determinable, 15 years old.²⁶⁵

457. White supremacist organizations have been known to create private or invitation-only Discord servers, where they can communicate and coordinate their activities away from public scrutiny. These servers often serve as echo chambers, allowing members to reinforce their extremist beliefs and share propaganda materials. Through the use of text, voice, and video

²⁶³ Thomas Jones, *The Parent's Guide: Is Discord safe for a child?*, FAMISAFE (June 30, 2023), <https://famisafe.wondershare.com/blocker/discord-app-review.html>.

²⁶⁴ Kevin Roose, *This Was the Alt-Right's Favorite Chat App. Then Came Charlottesville*, THE NEW YORK TIMES (Aug. 15, 2017), <https://www.nytimes.com/2017/08/15/technology/discord-chat-app-alt-right.html>.

²⁶⁵ Aoife Gallagher, *et al.*, *The Extreme Right on Discord*, INST. FOR STRATEGIC DIALOGUE (Aug. 19, 2021), <https://www.isdglobal.org/wp-content/uploads/2021/08/04-gaming-report-discord.pdf>.

channels, they can disseminate hateful content, engage in recruitment efforts, and provide a sense of community for like-minded individuals also disseminating hateful content.

458. In essence, Discord's platform creates the space for hateful and violence-inducing radicalization to take place and brings hate spewing and violence-inducing racists into contact with impressionable and disaffected young males. It is as if Discord bought a building; paid for hate spewing and violence-inducing racists to travel to it; arranged for young, disaffected males not yet radicalized to hear from, meet with, and develop relationships with the radicalized racists; hosted their lengthy interactions; and helped them hide this activity from the people who care about the disaffected young men. Discord, however, is more insidious and dangerous than this example because the impressionable disaffected young male is experiencing the indoctrination and radicalization from their own bedroom, and need not travel anywhere to experience it.

459. One concerning aspect of Discord's appeal to white supremacists is its popularity among young users. Many young people, including minors, are active on Discord for gaming, socializing, or participating in online communities. Extremist groups recognize this and actively target these impressionable individuals to groom and radicalize them. They may exploit vulnerabilities such as a sense of belonging, identity crises, or feelings of marginalization to draw in young users, gradually exposing them to racist ideologies and conspiracy theories.

460. Invitations to minors to join these private or semi-private messaging groups start out innocuously enough—with references to jokes. Once a minor takes the bait, they are further radicalized.

Linger in almost any one of these chat spaces and you'll see apparently seasoned members spewing bigoted speech freely throughout the day as well as newer members who appear to join the channel for the off-color jokes or were invited there by a community for fans of a (usually violent) game. In one server, named "KKK," where participants implore each other to have "a nice white day,"

one user dropped an invite to another server, writing, “Its like supporting hitler and i wanted to know if anyone of you wanted to join. but i doubt youre serious about kkk and stuff. most people are trolls. or just memeing.” In response, a couple of people in the “KKK” server asked if they could join and started a conversation about how much they hate black people.

Other servers are weirder but just as troubling. One, with about 112 members, brands itself as a place to play My Little Pony, but its name is a swastika with a heart on either side. The admin of the server’s name is Aryanne. There, someone who goes by the name “fuck ni****s” asked, “Is this a nazi server because I’m a nazi,” to which another member replied, with a photo of two Tyrannosaurus rexes having sex, “I hate jewish ni****s. and dumb zi**** heads. the jews are bad. hitler was good.”²⁶⁶

461. Adolescents who join Discord to talk about gaming are met with a barrage of hate—by design of the product.

462. The nature of Discord’s private messaging and group chat capabilities allows white supremacists to operate discreetly, making it difficult for law enforcement or platform moderators to monitor or intervene in real-time. Additionally, Discord’s encryption features can hinder efforts to track and identify individuals involved in extremist activities. While Discord does have community guidelines and policies against hate speech, Discord’s design and architecture—creating separate servers for online chats—prevents the company from enforcing its own, futile policies.

²⁶⁶ April Glaser, *White Supremacists Still Have a Safe Space Online*, SLATE (Oct. 9, 2018, 5:55 AM), <https://slate.com/technology/2018/10/discord-safe-space-white-supremacists.html>.

463. In advance of committing the murders in Buffalo when he was 18, Gendron—between August 1, 2020, and January 1, 2021, posted at least 83 messages on a chat server asking for advice from far-right individuals about guns and armor.²⁶⁷

464. When teens like Gendron first join Discord, they often are not looking for advice on how to commit mass shootings from far-right white supremacists. Instead, they go to Discord to discuss gaming, fantasy sports teams, anime fandom, or other hobbies.²⁶⁸

465. The defective design of Discord radicalizes them, hooks them, and exposes them to more and more racist content.

466. Gendron’s radicalization ended with an unfortunately predictable result: he invited others to his own private Discord “diary” thirty minutes before the attack, where he also posted a link to the livestream of the attack on Twitch.²⁶⁹

467. The radicalization thus continued—as fifteen people joined Gendron’s private chat and watched him carry out his murderous plan.²⁷⁰

²⁶⁷ Danielle Ong, *Buffalo Shooting Suspect Sought Gun, Gear Advice from Discord Before Crime: Report*, INT’L BUSINESS TIMES (May 15, 2022, 10:41 PM EDT), <https://www.ibtimes.com/buffalo-shooting-suspect-sought-gun-gear-advice-discord-crime-report-3508094>.

²⁶⁸ Joong Won Kim, Slade Lellock, and David Brunnsma, *Whiteness as a Social Lounge: The Case of White Supremacy and Discord Communities*, 22 SOCIATION 21 (2023), https://sociation.ncsociologyassoc.org/wp-content/uploads/2023/03/sociallounge_proof_final.pdf.

²⁶⁹ Taylor Hatmaker, *Buffalo shooter invited others to his private Discord ‘diary’ 30 minutes before attack*, TECH CRUNCH (May 18, 2022, 5:08 PM CDT), <https://techcrunch.com/2022/05/18/buffalo-shooter-journal-discord-google-docs/>.

²⁷⁰ *Id.*

6. Gendron Learned About the Great Replacement Conspiracy Theory Through His Radicalization on Reddit

468. Reddit is a popular online platform that hosts a wide range of communities, known as subreddits, where users can share and discuss various topics of interest.

469. Children can become addicted to Reddit due to several factors. First, the platform offers an immense amount of content that is easily accessible and often tailored to individual interests. This personalized experience can be enticing for young users seeking entertainment or validation of their ideas. Moreover, Reddit's upvoting and karma system fosters a sense of validation and engagement, creating a feedback loop that encourages users, including children, to spend more time on the platform to accumulate points and social recognition.²⁷¹

470. Once adolescents are addicted to Reddit, it can serve as a gateway to white supremacy, violence, and racism. While the platform has rules against hate speech, subreddits become breeding grounds for extremist ideologies, including white supremacy. Communities with minimal moderation or disguised intentions subtly introduce or reinforce racist narratives, conspiracy theories, and other harmful content. Vulnerable youth, who may be searching for a sense of identity or community, can be lured into these spaces and gradually exposed to radical ideologies.²⁷²

471. Additionally, the anonymous nature of Reddit allows users to hide their identities behind their usernames and engage in discussions without facing real-life consequences. This anonymity emboldens individuals, including white supremacists, to spread their hateful messages

²⁷¹ Vann Vincente, *What is Reddit Karma and How Do I Get It*, HOW-TO-GEEK (Jan. 14, 2020, 8:00 AM EDT), <https://www.howtogeek.com/465411/what-is-reddit-karma-and-how-do-i-get-it/>.

²⁷² Sam Biddle, *Reddit Is So Racist White Supremacists Are Using It to Recruit*, GAWKER (Mar. 13, 2015, 11:30 AM), <https://www.gawker.com/reddit-is-so-racist-white-supremacists-are-using-it-to-1691162974>.

and recruit vulnerable youth. The process of radicalization often involves the gradual normalization of extremist views, starting with seemingly innocuous content and gradually progressing towards more extreme and hateful ideologies.²⁷³

472. Gendron himself admitted that Reddit contributed to his radicalization.

7. 4chan, LLC, and 4Chan Community Support LLC, and the Good Smile Entities Contributed to the Radicalization of Gendron

473. 4chan is an online image-based bulletin board system that allows users to share images and post comments. Users have the option to post anonymously. They are not required to register for an account, and there is no registration process available.

474. 4chan's bulletin board system is comprised of various boards encompassing a range of topics, including but not limited to, video games, fitness, anime, business & finance, current news, technology, and weapons.

475. Posts on 4chan are collected into threads which allows for users to respond to the original post.

476. The anonymity that 4chan provides, emboldens racist and extremist groups to use the platform as a space for indoctrinating and radicalizing users. These groups have also utilized anonymous platforms like 4chan to plot terrorist attacks without fear of being caught or having their plans intercepted by law enforcement.

477. Good Smile Company is involved in "hobby product development," which includes planning, creating, developing, and producing animation contents and smartphone games.²⁷⁴

²⁷³ *Id.*

²⁷⁴ *Business Activities*, GOOD SMILE COMPANY, <https://corporate.goodsmile.com/en/business-en/> (last visited June 14, 2023).

478. Good Smile Company has gained notoriety for its pop toys and Nendoroid action figures, contracting with major companies including Disney, Marvel, DC Comics, Nintendo, and Netflix.

479. In 2022, *Wired* (a technology news outlet) obtained documents used in the New York AG's investigation into the mass shooting at Tops Market, which revealed Good Smile's involvement in the 2015 sale of 4chan from Poole to Nishimura.

480. In 2015, Good Smile Company invested \$2.4 million during the sale of 4chan and acquired a 30% share in the website.²⁷⁵

481. Upon information and belief, Good Smile Company was actively involved in the management of 4chan from September 21, 2015, until Good Smile terminated its relationship with 4chan in June 2022.

482. After the deal in 2015, 4chan not only became a more prominent website, but also became a breeding ground for hate, racism, domestic terrorism, and the radicalization of users like Gendron.²⁷⁶

483. Gendron frequently posted 4Chan's /pol/ ("politically incorrect") and /k/ ("weapons") boards.²⁷⁷

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ THREADREADER, <https://threadreaderapp.com/thread/1525677039856013325.html> (last visited June 26, 2023) ("The /k/ board is for gun enthusiasts, and has been a common factor in other mass shootings. In Nov 2015 Allen 'Lance' Scarsella shot 5 protesters in North Minneapolis. He met others in /k/ board meetups, later they traveled together to confront protesters.")

484. By design, boards like /pol/ have become a safe place for extremists and white supremacists to recruit young users and indoctrinate them in racist, antisemitic, and white supremacist ideologies.

485. Gendron did not consider himself a racist until he began engaging with content and users on /pol/:

Was there a particular event or reason you decided to commit to a violent attack? Before I begin I will say that I was not born racist nor grew up to be racist. I simply became racist after I learned the truth. I started browsing 4chan in May 2020...I eventually wound up on /pol/. There I learned through infographics, shitposts, and memes that the White race is dying out, that blacks are disproportionately killing Whites, that the average black takes \$700,000 from tax-payers in their lifetime, and that the Jews and the elite were behind this. From there, I also found other sites, like worldtruthvideos.website, dailyarchives.org, and dailystormer.cn where through data and exposure to real information I learned the truth.²⁷⁸

486. After being radicalized by content on 4chan, Gendron was inspired to commit acts of extreme violence and terror:

[E]ventually I couldn't take it anymore, I told myself that eventually I was going to kill myself to escape this fate. My race was doomed and there was nothing I could do about it. But then after browsing /pol/ one day I saw a short gif of a man walking into a building and shooting a shotgun through a dark hallway. I didn't think anything of it, but then I saw it again, and I looked up who this person was. I thought to myself, "Why did this person do it?" That person was Brenton Tarrant, and after some searches I found the 17 minute livestream of him attacking the Al-Noor mosque. I eventually found his manifesto and I read it, and I found that I mostly agreed with him. Finally I thought to myself, perhaps there is a chance that we can combat this. Maybe there is a chance that we can take control and prevent our genocide. Maybe we can combat the hedonistic, nihilistic, and individualist insanity that has taken control western thought. I then found other fighters, like Patrick Crucius, Anders Breivik, Dylann Roof, and John Earnest. These men fought for me and had the same goals I did. It was there I asked myself: Why don't

²⁷⁸ Gendron's Rant, *supra* note 42 at 13.

I do something. Finally I felt awakened. It was there I started to think about committing to an attack. To commit to violence. I would follow Tarrant's lead and the attacks of so many others like him.²⁷⁹

8. The Social Media Defendants Caused Severe Emotional Distress by Allowing Gendron's Twitch Stream to Be Re-Posted on Their Sites

487. Recordings of Gendron's livestream of the murderous acts that occurred at Tops Market were posted on Facebook. Before Facebook removed the video, it was viewed over a thousand times during the few hours it was available.²⁸⁰

488. Facebook, a product of Meta, displayed the recorded video next to advertisements.²⁸¹ Meta earned advertising revenue from hosting and amplifying the recording of Gendron murdering innocent Black people at Tops Market because he was radicalized online.

489. According to the *New York Times*, on Facebook, "searches for terms associated with footage of the shooting have been accompanied by ads for a horror film, clothing companies and video streaming services."²⁸²

490. Facebook even "recommended certain search terms about the Buffalo gunman video, noting that they were 'popular now' on the platform."²⁸³

²⁷⁹ *Id.* at 13.

²⁸⁰ Amanda Silberling, *Facebook and Twitter Still Can't Contain the Buffalo Shooting Video*, TECHCRUNCH (May 17, 2022, 3:59 PM CDT), <https://techcrunch.com/2022/05/17/buffalo-shooting-footage-facebook-twitter-moderation/>.

²⁸¹ Ryan Mac, *Facebook Has Been Monetizing Searches for the Buffalo Shooting Video*, THE NEW YORK TIMES (May 19, 2022), <https://www.nytimes.com/2022/05/19/technology/buffalo-shooting-facebook-ads.htmlhttps://www.nytimes.com/2022/05/19/technology/buffalo-shooting-facebook-ads.html>.

²⁸² *Id.*

²⁸³ *Id.*

491. On information belief, even after Facebook stopped the advertising for searches related to the Buffalo massacre, the video of the shooting continued to circulate, and Facebook's algorithm assisted by recommending the recording to users (whether the user was looking to view the footage or not). In addition, other Social Media Defendants also hosted links to the Buffalo massacre video and earned profits through associated advertising.

B. Gendron Was Enticed to Purchase Body Armor from RMA Based on Its Marketing

492. Gendron intended to survive the attack, and he did, thanks to the body armor he purchased from RMA. Gendron conducted reconnaissance on the security guards at Tops Market before the attack. He knew the number of security guards likely to be present at the time of the attack and the types of firearms the guards would possess.²⁸⁴ Gendron concluded that he needed NIJ Type IIIa armor to protect himself from these threats. As Gendron stated in his Rant:

At Top's there seems to be a security station at the front of the store, and they are armed with full size glocks. I will have to kill them first. Solution: NIJ certified II or IIIa armor for helmet and vest.²⁸⁵

493. During the attack, Aaron Salter, Jr., the security guard at Tops Market, shot Gendron three times in his chest, but the body armor blocked the bullet and kept Gendron alive to allow him to murder Salter and numerous additional innocent victims.

494. The attack likely would have never occurred if Gendron had been unable to purchase the body armor. Gendron clearly desired to survive the attack, and thoroughly researched appropriate body armor to protect himself. At minimum, if the Body Armor Defendants' armor

²⁸⁴ Gendron's Rant, *supra* note 42 at 81.

²⁸⁵ *Id.*

had not protected Gendron from Aaron Salter's bullet, Salter's life, and the lives of Margus Morrison, Katherine Massey, Geraldine Talley, and others would have been saved.

495. Gendron was motivated by RMA's reckless marketing. RMA and its employees deliberately engaged in marketing that was designed to target, motivate, and appeal to a dangerous class of actors like Gendron.

496. RMA posted the following advertisement to Twitter on May 6, 2022 (less than 10 days before the attack):²⁸⁶



497. Gendron identified with the “villainous” theme, which further emboldened his radical ideology and encouraged him to commit the attack.

498. RMA also employed “ask no questions” sales tactics that created an unreasonable risk that its body armor would be used to aid the commission of political violence. This conduct

²⁸⁶ @RMADefense, TWITTER (May 6, 2022, 3:44 PM), <https://twitter.com/RMADefense/status/1522663558005198848>. The tweet was still up, as of May 19, 2023.

is of great continuing relevance in New York, which has recently enacted laws barring the sale of body armor to those not engaged in eligible professions.

1. Defendants Clark and Waldrop, Individually and as Agents of RMA, Further Encouraged and Emboldened Gendron

499. Defendant Clark, an RMA salesman and RMA's agent, began posting online as a customer service representative of RMA in 2019.

500. Posting under the username "shorta07," Defendant Clark posted in Reddit groups or subgroups with large audiences including, but not limited to, r/TacticalGear and r/QualityTacticalGear and actively promoted RMA products as body armor accessible to a civilian consumer. Upon information and belief, Defendant Clark took these actions with Defendant Waldrop's knowledge, consent, and tacit or explicit approval and acted as an agent of RMA.

501. RMA had actual or constructive knowledge at all relevant times that such Reddit groups are disproportionately popular with young men like Gendron.

502. RMA further had actual or constructive knowledge at all relevant times that such Reddit groups are disproportionately likely to attract young men like Gendron who harbor an attraction to violence.

503. Defendant Clark openly appealed, on r/TacticalGear, to parties who wished to circumvent or violate relevant public safety laws.

504. On May 15, 2020, Defendant Clark addressed a Connecticut law prohibiting the possession of body armor by Connecticut residents and said that he thought that the law was

“stupid”²⁸⁷ and suggested that customers “ship to the state next to them” with a winking-face emoji.²⁸⁸

505. In regard to the Connecticut restriction, which is similar to New York’s, Defendant Clark stated on TikTok: “Hint, hint: have it sent to a family member or friend that lives outside of state lines.”²⁸⁹

506. By purposefully appealing to customers who wished to circumvent or violate state laws, Defendant Clark (as well as his employer, RMA) expected or should reasonably have expected his acts to have consequences in the state of New York.

507. Defendant Clark had specific, direct interactions with Gendron, who was a resident of the state of New York and a New York customer and consumer.

508. In August 2021, Defendant Clark responded to Gendron’s statement in r/TacticalGear that RMA should be his source for armor plates with a note stating that he appreciated Gendron.²⁹⁰ Defendant Clark deleted this post following the attack to try to conceal Clark’s and RMA’s culpability.

²⁸⁷ @shorta07, *I purchased \$500 armor from RTS Tactical, did I fuck up?*, REDDIT, <https://www.reddit.com/r/tacticalgear/comments/gk6od2/comment/fqpiohx/> (last visited May 19, 2023).

²⁸⁸ Chelsie Rose Marcus, *The suspect bought his weapon without leaving an impression, a gun store owner said*, THE NEW YORK TIMES (Mar. 15, 2022), <https://www.nytimes.com/live/2022/05/15/nyregion/shooting-buffalo-ny?smid=url-copy#the-suspect-bought-his-weapon-without-leaving-an-impression-a-gun-store-owner-said>.

²⁸⁹ @rma_armament, *Can you own armor as a civilian?*, TIKTOK (Jan. 1, 2022), https://www.tiktok.com/@rma_armament/video/7051647595676077358.

²⁹⁰ Dewey, *supra* note 158.

509. In his Rant, Gendron documented Defendant Clark's communication with him on Plateland, a private chat room for gun enthusiasts that is linked to the anonymous message board 4chan.

510. On January 8, 2022, Gendron wrote that he had "talked with shorta07 [Clark's user name] with RMA armament" and concluded that RMA body armor was "usable."²⁹¹

511. Gendron communicated with Clark online in Reddit groups and subgroups devoted to tactical gear and on Plateland before and shortly after he ordered body armor from RMA.

512. Gendron acknowledged that: "I got a lot of information from Plateland: a discord I found on 4chan's /k/ board."²⁹² RMA and Clark succeeded in persuading Gendron that he could proceed with his murderous attack successfully, and Gendron was motivated by RMA marketing promoting circumvention of gun safety laws. Closely echoing Clark's disdain for compliance with gun safety laws, Gendron wrote in his Rant: "I am required to tell you not to disobey gun laws (but in reality you can do whatever you want to)."

513. RMA and Clark persuaded Gendron that the RMA Body Armor was well-suited to his ends due to communications with Defendant Clark via online fora that RMA knew were disproportionately likely to attract young, male, violent white supremacists like Gendron. Neither Clark nor RMA inquired about why a young civilian New Yorker such as Gendron wanted or needed Body Armor because RMA and Clark were deliberately indifferent to the obvious conclusion that Gendron intended to engage in violent conduct.²⁹³

²⁹¹ *Id.*

²⁹² Gendron's Rant, *supra* note 42 at 80.

²⁹³ *Id.* at 62.

514. Gendron was so influenced by his interactions with Clark as RMA's representative that Gendron included a link to RMA's website and a discount code in his Rant.²⁹⁴

515. Gendron was persuaded and emboldened to use the RMA body armor in the attack based on Clark's assurance on Plateland that he could advertise the RMA products.

516. When Gendron paid over \$600 to RMA on January 10, 2022 to buy the body armor, he expressly noted on his order form that "[i]t's recommended to give Corey [sic] a bonus."²⁹⁵ — an acknowledgement by Gendron that Clark and RMA were instrumental to his plan.

517. RMA had actual or constructive knowledge that 4chan and any fora linked to 4chan (including Plateland) were disproportionately likely to be frequented by violent, young, male white supremacist criminals like Gendron.

518. Defendant Clark, in his interaction with Gendron on Plateland, gave Gendron, in Gendron's words (as documented on April 4, 2022), "confirmation [he] c[ould] advertise RMA plates."²⁹⁶

519. Upon information and belief, RMA shipped body armor to Gendron in the state of New York without conducting any sort of screening process such as asking him about his need for the Body Armor. A reasonable vendor of body armor would have employed a screening process or other reasonable safeguards to reduce the risk that their products will be acquired and misused by parties like Gendron. RMA purposely chose not to implement these and other reasonable safeguards despite actual or constructive knowledge that body armor has repeatedly been sought out by terrorists, because RMA chose profit over safety.

²⁹⁴ See Gendron's Rant, *supra* note 42 at 111.

²⁹⁵ Dewey, *supra* note 158.

²⁹⁶ *Id.*

520. If RMA was unwilling to determine whether Gendron was engaged in a profession that required use of body armor, its only option consistent with its obligation of due care was to refuse to sell to Gendron. As Gendron himself suggests, had he not been able to procure body armor he likely would have aborted his murderous plans, or would have been stopped sooner.

521. Even if Gendron had been willing to go forward without body armor, the lethality of the attack would have been reduced. Seven individuals were wounded or killed by Gendron after the RMA's body armor blocked security guard Salter's bullet from penetrating Gendron's body and killing or incapacitating him.

522. Collectively, these actions illustrate that RMA, Clark, and Waldrop, rather than complying with their duty to minimize the risk that they would end up supplying and protecting a mass murderer and enabling him to increase the lethality of his attack, deliberately chose not to exercise the due care required by law in the circumstances when it sold and entrusted the body armor to Gendron, which was a significant factor in bringing about the attack and causing the deaths and suffering of plaintiffs.

523. RMA has deliberately continued its reckless and unlawful marketing and distribution practices by targeting and supplying dangerous parties within New York at all times after the attack, including up to the filing of this Complaint. In so doing, RMA has contributed to an ongoing condition, which continues to endanger the safety of the Plaintiffs and other New York residents.

2. Vintage Firearms Sold Gendron Dangerous Weapons

524. Gendron was a frequent customer of Vintage Firearms in 2021 and 2022 and had an affinity for the store.

525. Upon information and belief, prior to the Tops massacre, Gendron had made purchases at Vintage Firearms on six separate occasions.

526. Upon information and belief, Vintage Firearms sold the AR-15 rifle to Gendron in January 2022.

527. After purchasing his murder weapon at Vintage Firearms, Gendron continued to loyally patronize the store, and find camaraderie there.

528. Upon information and belief, prior to the Tops massacre, Gendron had discussed the lock on the Bushmaster XM15-E2S with Vintage Firearms employees.

529. Upon information and belief, Gendron discussed modifying his Bushmaster XM15-E2S with employees at Vintage Firearms.

530. Upon information and belief, Vintage Firearms failed to ask questions about his intended use of the extremely dangerous product that it sold him. Had Vintage Firearms inquired, Gendron would have never obtained the murder weapon.

531. The failure to make these basic inquiries is a significant contributing cause of the attack.

532. In the exercise of due care and to comply with the requirements of New York law, Vintage Firearms should have applied other safeguards to avoid selling an assault rifle to someone intending to use it to kill and wound others. The failure to do so was unreasonable under all the circumstances, which circumstances include Gendron being a teenager.²⁹⁷

533. Vintage Firearms retains a duty, independent of running the required federal background check, to diligently screen prospective purchasers for red flags of a propensity to misuse a firearm to harm themselves or others and to avoid the negligent entrustment of a firearm to such a dangerous party.

²⁹⁷ Nathaniel J. Glasser and Harold Pollack, *When a teenager wants a semiautomatic rifle, that's enough of a red flag*, THE WASHINGTON POST (May 28, 2022, 11:46 AM EDT), <https://www.washingtonpost.com/outlook/2022/05/28/gun-age-uvalde-teenagers-21/>.

534. Upon information and belief, these red flags included, but are not necessarily limited to: (i) Gendron's youth (18 years old); (ii) the unique lethality of AR-15 style firearms like the weapon; (iii) the fact that few law-abiding purchasers near Vintage Firearms' location seek out such a gun for lawful uses such as hunting; (iv) Gendron's behavior when purchasing the weapon such as seeking a Bushmaster AR-15 in particular or in testing the weight of the trigger pull; and (v) despite living only a 25 minutes' drive from Vintage Firearms, Gendron not being a target shooting enthusiast, sportsman, or hunter known to Vintage Firearms or part of a legitimate gun group. The Vintage Firearms proprietor has said that most of the firearms sold by Vintage Firearms are older collectibles and that he rarely sells weapons such as the AR-15,²⁹⁸ raising additional questions as to why he approved the sale.

535. Upon information and belief, Vintage Firearms negligently transferred the weapon to Gendron despite being presented with an obvious collection of red flags that provided it with actual and/or constructive knowledge that Gendron was likely to misuse the weapon to harm himself or others.

536. It is a lack of due care to sell a weapon designed for mass killing without making the basic inquiries described above, particularly given these red flags, yet Vintage Firearms did just that. Vintage Firearms was negligent in selling and entrusting the weapon to Gendron on a no-questions asked basis.

537. Upon information and belief, Vintage Firearms has deliberately continued its reckless and unlawful business practices at all times after the attack—including up to the filing of

²⁹⁸ Selim Algar, *NY gun shop owner who sold firearm to Payton Gendron feels 'terrible,'* NEW YORK POST (updated May 15, 2022, 5:55 PM), <https://nypost.com/2022/05/15/ny-gun-shop-owner-who-sold-firearm-to-payton-gendron-feels-terrible/>.

this Complaint. In so doing, Vintage Firearms is contributing to an ongoing public nuisance which continues to endanger the safety of the Plaintiffs and other New York residents.

3. Jimays Did Not Exercise Care in Supervising Vendors, Leading to Gendron's Acquisition of the High-Capacity Magazine

538. Gendron purchased the high-capacity magazine, which enabled him to murder innocent Black civilians without frequently stopping to re-load his weapon, from a vendor at Jimays.

539. As the operator of a flea market, Jimays had a duty to exercise reasonable care in supervising vendors at the flea market to make sure that they were not dealing in dangerous and/or illicit materials.

540. Upon information and belief, Jimays violated this duty by failing to appropriately supervise vendors and prevent sales of contraband at its market.

541. As a result, Gendron was able to acquire one or more illegal HCMs to transform his AR-15, which was prohibited under New York law, from an unsupervised vendor at Jimays.

542. Upon information and belief, Gendron acquired the HCMs from Jimays at some point following 2019.

543. Upon information and belief, Jimays has deliberately continued its reckless business practices at all times after the attack—including up to the filing of this Complaint.

544. In so doing, Jimays is contributing to an ongoing public nuisance which continues to endanger the safety of the Plaintiffs and other New York residents.

4. Paul and Pamela Gendron Arm Their Son Despite Warning Signs He Is Dangerous

545. In May 2022, Gendron resided in his parents' home and was under their care, custody, and control.

546. Prior to May 14, 2022, there were signs that should have alerted Paul and Pamela Gendron that their son was planning a violent attack.

547. When Gendron was 16 years old, Paul Gendron bought him a Savage Axis XP boltaction hunting rifle. Upon information and belief, this is the same rifle found in Gendron's car on May 14, 2022, with "you wait for a signal, whilst your people wait for you" written on it.

548. In June 2021, Gendron posted in on online forum for a high school that he planned to commit "murder/suicide." Gendron underwent a psychiatric evaluation and New York State police visited his home after this threat. Paul and Pamela Gendron should have acted on this development to disarm their son.

549. Instead, despite the Gendron Defendants' knowledge by June 2021 that their son was contemplating murder and that he owned multiple guns, and even though Gendron lived in his parents' home and was under their care, custody, and control, upon information and belief, they did nothing to restrict or deny his access to firearms or otherwise remove such dangerous instrumentalities from his possession.

550. Paul and Pamela Gendron failed to act and allowed their son to accumulate dangerous weapons in their home, where he did much of the planning and preparation for the murders.

VI. CLAIMS FOR RELIEF**FIRST CLAIM FOR RELIEF AND CAUSE OF ACTION
STRICT PRODUCT LIABILITY (DESIGN DEFECT)*****Brought by All Plaintiffs
Against All Social Media Defendants***

551. All Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs numbered 1 through 550 as if fully set forth herein.

552. Plaintiffs' claims arise from the Social Media Defendants' design, development, management, operation, testing, control, production, marketing, and advertisement of their products, not the status of any Social Media Defendant as a speaker or publisher of third-party content.

553. The Social Media Defendants' respective platforms are designed and intended to be social media products that are distributed and sold to the public through retail channels (*i.e.*, the Apple App "Store" and the Google Play "Store") or through URL access.

554. The Social Media Defendants' respective products are marketed and advertised to the public for the personal use of the end-user / consumer.

555. The design, engineering, and programming associated with the Social Media Defendants' products are inherently and purposely defective.

556. The Social Media Defendants' respective products were defective and unreasonably dangerous when they left each Social Media Defendants' possession and control. The defects continued to exist through the products' distribution to and use by consumers, including Gendron, who used the products without any substantial change in the products' condition.

557. The risks inherent in the design of each of the Social Media Defendants' products significantly outweigh any benefit of such design.

558. At all relevant times, the Social Media Defendants' respective products were not reasonably safe and defectively designed to be addictive to minors and young adults, who were particularly unable to appreciate the risks posed by the products and were thus susceptible to harms from those products.

559. The Social Media Defendants failed to test the safety of the features it developed and implemented for use on its respective products. When each Social Media Defendant did perform some product testing and had knowledge of ongoing harm to users, it failed to adequately remedy its respective product's defects or warn users.

560. At all relevant times, the Social Media Defendants knew or should have known, by the exercise of reasonable care, that their respective products would cause injury, especially to susceptible young users who would use these products without inspection for their addictive nature.

561. The Social Media Defendants knew or should have known, by the exercise of reasonable care, of safer design and programming that would mitigate foreseeable dangers to young users by limiting overexposure to extremist, racist, antisemitic, violent, and hate oriented views.

562. Each of the Social Media Defendants could have utilized cost-effective, reasonably feasible alternative designs including algorithmic changes and changes to the addictive features described above, to minimize the harms described herein, including, but not limited to:

- a. Prioritizing user mental health for adolescents over "engagement";
- b. Redesigning algorithms to limit addictive engagement;
- c. Warning of health effects of use and extended use upon sign-up;

- d. Requiring stronger, well-accepted controls for ensuring that certain features are disabled for those users under a certain age;
- e. Default protective limits to the length and frequency of sessions;
- f. Opt-in restrictions to the length and frequency of sessions;
- g. Self-limiting tools, including but not limited to session time notifications warnings, or reports;
- h. Creating a beginning and end to a user's "Feed;"
- i. Limits on the strategic timing and clustering of notifications to lure back users;
- j. Removing barriers to the deactivation and deletion of accounts; and,
- k. Designing products that did not include the defective features listed and described in this Complaint while still fulfilling the social networking purposes of a social media product.

563. Alternative designs were available that would reduce adolescents' addictive and compulsive engagement with each of the Social Media Defendants' respective products, and which would have effectively served the same purpose of the Social Media Defendants' products while reducing the gravity and severity of danger posed by those products' defects.

104. Instead, the Social Media Defendants capitalized on their defectively designed products to take advantage of the chemical reward system of users' brains (especially young users) to create addictive engagement, compulsive use, and additional mental and physical harms.

564. The Social Media Defendants' respective products are defective in design and pose a substantial likelihood of harm for the reasons set forth herein, products fail to meet the safety expectations of ordinary consumers when used in an intended or reasonably foreseeable manner,

and because the products are less safe than an ordinary consumer would expect when used in such a manner. Adolescents are among the ordinary consumers of each of the Social Media Defendants' products. Indeed, each Social Media Defendant markets, promotes, and advertises its respective products to pre-teen and young consumers. Adolescent consumers do not expect the Social Media Defendants' products to be psychologically and neurologically addictive when the products are used in its intended manner by its intended audience. They do not expect the algorithms and other features embedded by each Social Media Defendant in its respective products to make them initially and progressively more stimulative in order to maximize young consumers' usage time. They do not expect each Social Media Defendant's revenues and profits to be directly tied to the strength of this addictive mechanism and dependent on young consumers spending several hours a day using their respective products.

565. Gendron, a young consumer, was unable to appreciate the potential risks of addiction, indoctrination, radicalization, and instigation of racist, antisemitic, and violent behavior associated with use of the Social Media Defendants' defective products.

566. Each of the Social Media Defendants' respective products are likewise defectively designed in that they create an inherent risk of danger; specifically, a risk of abuse, addiction, and compulsive use by youth which can lead to a cascade of harms. Those harms include but are not limited to social isolation; impulsive decision-making; increased risk-taking behavior; overexposure to hate speech; indoctrination; radicalization; desensitization to violent behavior; instigation of racist, antisemitic, and violent behavior; and other harmful effects.

567. As a direct and proximate result of the dangerous defective design features of the Social Media Defendants' algorithms, Gendron was directed to feedback loops and echo chambers of hate where he was exposed to more and more extreme content that not only radicalized but

motivated him to commit the murderous and terroristic acts that took place at Tops Market on May 14, 2022.

568. As a result of the dangerous defective design features of the Social Media Defendants' products, Plaintiffs suffered emotional distress, physical harm, and/or death, and pecuniary loss.

569. The conduct of each Social Media Defendant, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish each Social Media Defendant.

**SECOND CLAIM FOR RELIEF AND CAUSE OF ACTION
PUBLIC NUISANCE**

***Brought by All Plaintiffs
Against All Social Media Defendants***

570. All Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

571. The Social Media Defendants, through their past and present business practices, create, contribute to, and maintain a public nuisance under the common law of the state of New York.

572. By design, the Social Media Defendants' respective products have created a condition that permanently injured Plaintiffs, causing lasting interference with their health, safety, welfare, as they live with daily reminders of the horrific attack that occurred at Tops Market on May 14, 2022.

573. Plaintiffs have a right to be free from conduct that endangers their health and safety. Yet the Social Media Defendants have engaged in conduct that endangers or injures the health,

safety, and welfare of Plaintiffs and interferes with their comfortable enjoyment of life and property, by designing, marketing, and operating their respective products for use in the state of New York in a manner that substantially injured Plaintiffs.

574. The Social Media Defendants' unlawful actions caused Plaintiffs to suffer special injuries distinct from the general public. The Social Media Defendants' conduct has affected and continues to affect Plaintiffs causing permanent and long-lasting damage.

575. But for the Social Media Defendants' actions, Gendron would not have been overexposed to and radicalized by extremist and racist content while using their respective social media platforms resulting in Plaintiffs' injuries, including the horrific murders of Lieutenant Aaron W. Salter, Margus Morrison, Sr., Pearl Lucille Young, Geraldine C. Talley, Ruth E. Whitfield, and Roberta Drury, if the Social Media Defendants' conduct would have been averted.

576. The Social Media Defendants knew or reasonably should have known that the design, promotion, and operation of their respective platforms would cause users to be overexposed to algorithmically generated content to increase user engagement, ultimately causing harms, such as the radicalization of users like Gendron.

577. Thus, the public nuisance caused by the Social Media Defendants was reasonably foreseeable, including the financial and economic losses incurred by the Plaintiffs.

578. Alternatively, the Social Media Defendants' conduct was a substantial factor in bringing about the public nuisance even if a similar result would have occurred without it. By designing, marketing, promoting, and operating their social media platforms in a manner intended to addict users by maximizing their time spent on their respective platforms, the Social Media Defendants directly facilitated the radicalization of Gendron and the public nuisance effecting Plaintiffs. By seeking to capitalize on the success of their platforms' gaining and maintaining

user's attention, the Social Media Defendants directly contributed to the public nuisance affecting Plaintiffs.

579. The Social Media Defendants' conduct is especially injurious to Plaintiffs because, as a direct and proximate result of the Social Media Defendants' conduct creating or assisting in the creation of a public nuisance, Plaintiffs have sustained and will continue to sustain substantial injuries.

580. Plaintiffs demand compensatory and punitive damages, in an amount to be proven at trial, for the Social Media Defendants' knowing and malicious actions and omissions resulting in a continuing public nuisance. Plaintiffs further seek equitable relief calculated to abate the Social Media Defendants' previous actions and to enjoin those Defendants from any such conduct in the future.

581. Indeed, the conduct of each Social Media Defendant in creating and contributing to the continuing public nuisance as described above, was intentional, willful, wanton, reckless, malicious, fraudulent, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of the public and plaintiffs, and warrants an award of punitive damages in an amount sufficient to punish each Social Media Defendant.

**THIRD CLAIM FOR RELIEF AND CAUSE OF ACTION
STRICT PRODUCTS LIABILITY (FAILURE TO WARN)**

***Brought by All Plaintiffs
Against All Social Media Defendants***

582. All Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

583. The Social Media Defendants' respective products are dangerous, to an extent beyond that contemplated by the ordinary user who uses Defendants' products, because they encourage unhealthy, addictive engagement and compulsive use.

584. The Social Media Defendants had actual knowledge of dangers and harms associated with the design, engineering, and programming of their respective products.

585. The dangerous design defect of the Social Media Defendants' product leads to overexposure to extremist and racist views.

586. The Social Media Defendants failed to provide adequate instructions or warnings to inform users that their defective products were defective and not reasonably safe.

587. Each of the Social Media Defendants sold and distributed its respective products to users in a defective and unreasonably dangerous condition by failing to adequately warn about the risk of harm to youth as described herein, including a risk of addictive engagement and compulsive use by youth, which can lead to a cascade of harms, including but are not limited to social isolation; impulsive decision-making; increased risk-taking behavior; overexposure to hate speech; indoctrination; radicalization; desensitization to violent behavior; instigation of racist, antisemitic, and violent behavior; and other harmful effects.

588. The Social Media Defendants' respective products are defective and unreasonably dangerous because, among other reasons described herein, each Defendant failed to exercise reasonable care to inform users that, among other things:

a. The Social Media Defendants' respective products cause addiction, compulsive use, and/or other concomitant physical and mental injuries;

b. The Social Media Defendants' respective products harvest and utilize user data in such a way that increases a user's risk of addiction to these products and concomitant physical and mental injuries;

c. The algorithmically-targeted feeds in Defendants' respective products are designed to promote increasingly stimulative and alarming content to encourage compulsive engagement by the user, raising the risk of mental health harms including but not limited to damage to developing brains, social isolation, impulsive decision-making, increased risk-taking behavior, and desensitization;

d. The likelihood and severity of harms is greater for minors and young adults;

e. The likelihood and intensity of these harmful effects is exacerbated by the interaction of each product's features with one another, and by algorithms and other source code design that is currently publicly unknown and hidden from the users and the government;

f. By design, algorithms prioritize content that generates high levels of intense emotion, like hate speech, leading users to more and more extreme content; and

g. Advertisers leverage algorithms to identify and target vulnerable individuals who may be susceptible to hateful and violent messaging.

589. Sufficient warnings from the Social Media Defendants could have helped Gendron resist or avoid the risks and harms referenced in this Complaint—or would have caused his parents to apprehend those risks or harms so that they could help him avoid those consequences—but the Social Media Defendants chose not to warn despite their awareness of these risks and harms.

590. As a direct and proximate result of the Social Media Defendants' failure to warn, Gendron was radicalized, inspired, and motivated to commit the murderous and terroristic acts that took place at Tops Market on May 14, 2022.

591. The Social Media Defendants' failure to adequately warn was a direct and proximate cause of Gendron's murderous, terroristic acts.

592. As a result of the dangerous defective design features of the Social Media Defendants' products, Plaintiffs suffered emotional distress, physical harm, and/or death, and pecuniary loss.

593. The conduct of each Social Media Defendant, as described above, was intentional, fraudulent, willful, wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish each Social Media Defendant.

**FOURTH CLAIM FOR RELIEF AND CAUSE OF ACTION
INVASION OF PRIVACY**

*Brought by Kimberly J. Salter, Margus D. Morrison, Jr., Pamela O. Prichett,
Mark L. Talley, Garnell W. Whitfield, and Jennifer Flannery
Against All Social Media Defendants*

594. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

595. Gendron used Social Media Defendants' platforms to livestream and broadcast the murders of Lieutenant Aaron W. Salter, Jr., Margus Morrison, Sr., Pearl Lucille Young, Geraldine C. Talley, Ruth E. Whitfield, and Roberta Drury at Tops Market on May 14, 2022.

596. Gendron was inspired and motivated to livestream his murderous, terroristic plot after being exposed to previous mass shootings livestreamed by other radicalized mass murders on the Social Media Defendants' platforms.

597. Despite actions taken on behalf of Twitch to remove Gendron's livestream, the defective and unreasonably dangerous design features of the platform did not prevent the livestream from being recorded, saved, and disseminated across several social media platforms.

598. Twitch and Amazon allowed for Gendron's livestream to be downloaded onto individual user devices. The remaining Social Media Defendants either allowed the livestream to be reposted on their websites, or, alternatively, links shared on their websites to repostings of the livestream on other social media apps.

599. Upon information and belief, Gendron's livestream has been viewed by hundreds of thousands of users, who were not authorized by Plaintiffs to publicly view the livestream or any subsequent images created from recordings of the livestream.

600. Upon information and belief, the Social Media Defendants earned advertising revenue each time Gendron's livestream was viewed, or based upon advertising displayed next to or associated with the livestream.

601. Upon information and belief, images of Plaintiffs have been used by the Social Media Defendants within the state of New York for advertising purposes or the purpose of trade without written consent in violation of New York Civil Rights Law §§ 50, *et seq.*

602. Plaintiffs' privacy rights have been invaded and violated.

603. The Social Media Defendants' invasion of the privacy rights of Plaintiffs is a proximate cause of ongoing injuries and harm Plaintiffs sustained and continue to suffer.

**FIFTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENCE**

***On Behalf of All Plaintiffs
Against All Social Media Defendants***

604. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

605. The Social Media Defendants had a duty to exercise reasonable care in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of its respective platforms not to create an unreasonable risk of harm from and in the use of its platforms.

606. The Social Media Defendants knew or should have known that marketing and advertising their products to young users with developing brains would increase the user's risk for mental health problems, poor mental health, and poor well-being.

607. The Social Media Defendants knew or should have known that the increased use of social media and addiction has also increased the exploitation of young users by white supremacist and white national groups.

608. Young users of the Social Media Defendants' defective products spend more time on social media platforms and are more susceptible to being exposed to extremist, racist, and hateful views prevalent on the Social Media Defendant's products.

609. The Social Media Defendants had a duty to protect young users engaging on their platform(s) from exposure to extremist and racist views to prevent these users from becoming indoctrinated and radicalized to commit the violence.

610. The Social Media Defendants knew, or by the exercise of reasonable care, should have known, that ordinary young users of their respective platforms would not have realized the

potential risks and dangers of using the platform, including risks of addiction, compulsive use, or excessive use, which foreseeably lead to dangers, such as radicalization.

611. The Social Media Defendants owed a heightened duty of care to young users who would be more susceptible to these dangers due to their developing brains.

612. The Social Media Defendants knew or, by the exercise of reasonable care, should have known, that the reasonably foreseeable use of their respective platforms (as developed, set up, managed, maintained, supervised, and operated by each Social Media Defendant) was dangerous, harmful, and injurious when used by young users, like Gendron, in a reasonably foreseeable manner.

613. At all relevant times, the Social Media Defendants knew or, by the exercise of reasonable care, should have known that their respective platforms (as developed, set up, managed, maintained, supervised, and operated by each Social Media Defendant) posed unreasonable risks of harm to youth such as Gendron, which risks were known and knowable, including in light of the internal data and knowledge each Defendant had regarding its platform.

614. The Social Media Defendants knew or, by the exercise of reasonable care, should have known of safety measures that would mitigate, reduce, and/or eliminate the above-described hazards, but failed to implement those safety measures.

615. A reasonable company under the same or similar circumstances as the Social Media Defendants would have developed, set up, managed, maintained, supervised, and operated their platforms in a manner that is safer for and more protective of young users.

616. The Social Media Defendants breached their duty of care by failing to develop, set up, manage, maintain, supervise, and operate its platforms in a manner that is safer for and more protective of young users.

617. As a direct and proximate cause of Defendants' breach, Gendron was indoctrinated and radicalized by over exposure to extremist and racist views due to harmful design features inherent to the Social Media Defendants' products.

618. As a direct and proximate result of the Social Media Defendants' breach, Plaintiffs were harmed.

619. The Social Media Defendants' breach of their duties was a substantial factor in causing harms and injuries to the Plaintiffs.

620. The conduct of each Social Media Defendant was reckless, warranting an award of punitive damages in an amount sufficient to punish each Social Media Defendants.

**SIXTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT FAILURE TO WARN**

***Brought by All Plaintiffs
Against All Social Media Defendants***

621. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

622. The Social Media Defendants are responsible for the design, development, management, operation, testing, control, production, marketing, and advertisement of their respective products.

623. The Social Media Defendants knew, or by the exercise of reasonable care, should have known that their products posed risks of harm to youth. These risks were known and knowable in light of each of the Defendant's own internal data and knowledge regarding its products at the time of development, design, marketing, promotion, advertising, and distribution to the public.

624. The Social Media Defendants knew or, by the exercise of reasonable care, should have known, that their respective products can cause indoctrination, radicalization, and violent

behavior in youth and young adult consumers when their products are used in their intended or reasonably foreseeable manner.

625. The Social Media Defendants knew that young consumers were unable to appreciate the dangers associated with their respective products.

626. The Social Media Defendants had a duty to exercise ordinary care in the design, development, management, operation, testing, control, production, marketing, and advertisement of their respective products, including a duty to warn users of the many dangers that were present, but not obvious.

627. The Social Media Defendants breached their duty by failing to warn users of the risks of indoctrination, radicalization, and instigation of violent behavior presented by their respective products. The Social Media Defendants continue to operate their social media platforms without any warnings to users that young consumers' use of their products could lead to harms, such as radicalization, addiction, mental illness, and violence.

628. The Social Media Defendants continue to fail to warn users of the addictive nature of their social media platforms and the use of user's data to make the products more addictive.

629. A reasonable company in the same position as each of the Social Media Defendants would have warned young consumers of its respective product's risk of addiction, radicalization, and instigation of violent behavior and would have instituted safety measures to protect the public from the known propensity for violence arising out of its product design and marketing decisions.

630. As a direct and proximate cause of the Social Media Defendants' failure to warn, Gendron was radicalized and motivated to commit the murderous, terroristic acts that took place at Tops Market on May 14, 2022.

631. As a direct and proximate cause of the Social Media Defendants' negligence, Plaintiffs suffered emotional distress, physical harm, and/or death, and pecuniary loss.

632. The Social Media Defendants knew or should have known about the risks of radicalization and violence associated with their products, yet they chose to ignore those risks, downplayed any safety issues in public statements, concealed knowledge relating to their products and associated hazards, failed to warn young consumers, and the public, and delayed implementation of feasible product safety features.

633. The Social Media Defendants' decision to prioritize profits over public safety is outrageous and justifies an award of exemplary damages in such a sum that will serve to deter Social Media Defendants from similar conduct in the future.

634. The conduct of each Social Media Defendant, as described above, was wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of its customers, and warrants an award of punitive damages in an amount sufficient to punish each Social Media Defendants.

**SEVENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
UNJUST ENRICHMENT**

*Brought by All Plaintiffs
Against All Social Media Defendants*

635. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

636. Defendants' products are addictive by design and profits are generated through users' interactions. With each interaction, Defendants have more opportunities to monetize interactions to sell advertising access.

637. When a user's engagement is maximized by racist, antisemitic, and violent material, the algorithms driving Social Media Defendants' platforms direct such malignant material to the user. The Social Media Defendants consequently profit from the racist, antisemitic, and violent material displayed on their platforms to maximize user engagement.

638. Defendants were enriched by Gendron's use of their products and algorithms that overexposed him to extremist, racist, violent, and terroristic material.

639. Defendants were specifically enriched by Gendron's posts related to the mass shooting that is the subject of this lawsuit.

640. Further, Gendron's ability to create a permanent video of his murders resulted from Amazon's defective and unreasonably dangerous design of Twitch.

641. Gendron's murder video was posted on Facebook and Reddit and has been viewed on multiple occasions by hundreds of thousands of users.

642. Meta posted advertisements on its Facebook platform in proximity to Gendron's murder video and earned advertising revenue through viewers who watched the carnage.

643. On information and belief, Reddit also posted advertisements on its platform in proximity to Gendron's murder video and earned advertising revenue through viewers who watched the carnage.

644. The Social Media Defendants profited from an event which caused each Plaintiff significant personal or emotional injuries.

645. It would be unjust and inequitable to allow Defendants to retain revenues earned from racist, antisemitic, and violent acts promulgated by Gendron's radicalization on the Social Media Defendants' platforms.

646. Accordingly, Plaintiffs seek damages in an amount to be proven at trial.

**EIGHTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

*Brought by Plaintiffs J.P., Tirzah Patterson, Garnell Whitfield, Mark Talley,
Pamela Pritchett, Margus Morrison, and Kimberly Salter
Against All Social Media Defendants*

647. Plaintiffs J.P., Tirzah Patterson, Garnell Whitfield, Mark Talley, Pamela Pritchett, Margus Morrison, and Kimberly Salter (“Plaintiffs,” for purposes of this cause of action) repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

648. At all times relevant herein, the Social Media Defendants acted in a careless, reckless, and negligent manner with regard to their past and present business practices and the radicalization and danger they begot.

649. The negligence of the Social Media Defendants with respect to their business practices and the radicalization and danger they begot unreasonably endangered Plaintiffs’ physical health, safety, and well-being.

650. The murders of Plaintiffs Aaron W. Salter, Margus Morrison, Sr., Pearl Lucille Young, Geraldine C. Talley, and Ruth E. Whitfield were originally livestreamed and broadcast on Twitch on May 14, 2022.

651. Twitch and Amazon allowed for the livestream to be recorded, downloaded, and distributed to other social media apps.

652. Recordings of the livestream, which continue to circulate on social media apps, have been viewed by hundreds of thousands of individuals on these platforms, which continue to cause Plaintiffs severe emotional distress.

653. On information and belief, the Social Media Defendants have failed to exercise reasonable care to implement feasible technology to prevent Gendron's livestream from being uploaded and disseminated across their platforms.

654. Plaintiffs' emotional distress was and continues to be proximately caused by the lack of the Social Media Defendants' reasonable care.

655. The amount of damages sought in this cause of action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and Plaintiffs will seek all damages available at law, including compensatory, consequential, punitive, and general and special damages, including interest, in an amount to be proven and determined at the time of trial, together with attorney's fees, costs, and disbursements.

**NINTH CLAIM FOR RELIEF AND CAUSE OF ACTION
DESIGN DEFECT**

***Brought by All Plaintiffs
Against Amazon and Twitch***

656. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

657. At all times relevant, Amazon and Twitch knew or should have known, that mass shooters utilized livestream features on Twitch to record and broadcast their murderous rampage to inspire others to commit similar acts of terror and violence.

658. Amazon and Twitch knew or should have known, that Twitch did not have the capability to quickly intervene and shutdown livestreamed acts of terror and violence before crimes could be seen by viewers.

659. Amazon and Twitch knew or should have known that Twitch did not have the capability to prevent users from copying violent livestreams and posting recordings on social media.

660. Gendron was motivated to livestream his acts of terror and violence on Twitch because it was known (from previous mass killings) that the livestream would not be immediately shut down before images of the murders and violence were publicly disseminated.

661. Twitch is not reasonably safe because of the substantial likelihood that the product's livestreaming feature would encourage and facilitate future mass shootings and it was feasible to implement design changes to Twitch that would prevent mass shootings from being livestreamed and prevent individuals with a propensity to commit acts of violence from gaining livestream access. The utility of Twitch's livestream feature did not outweigh the risk that livestreaming will encourage and facilitate future mass shootings.

662. Twitch's design defect was a direct and proximate cause of Plaintiff's injuries.

663. Plaintiffs demand compensatory and punitive damages, in an amount to be proven at trial. Plaintiffs further seek equitable relief calculated to abate Amazon and Twitch's previous actions and to enjoin Amazon and Twitch from any such conduct in the future.

**TENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT ENTRUSTMENT**

*Brought by All Plaintiffs
Against Defendants RMA Armament, Waldrop, and Clark*

664. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

665. At all relevant times, Defendants RMA, Blake Waldrop, and Cory Clark had control of the Body Armor it sold to Gendron, including the Body Armor that Gendron wore to Tops, which blocked the bullets fired by the Tops security guard Lieutenant Salter fired at Gendron in an attempt to stop Gendron during the mass shooting.

666. Gendron became entitled to possess the Body Armor only by the negligence and consent of RMA, Clark, and Waldrop.

667. RMA and its employees and management, including Clark and Waldrop, knew or should have known that, by withholding consent to Gendron, they could have prevented Gendron from possessing the Body Armor.

668. RMA and its employees and management, including Waldrop and Clark, negligently and with a lack of due care, permitted Gendron to acquire possession of the Body Armor under circumstances in which they knew or should have known Gendron would engage in activity that would create a substantial and unacceptable risk to others. Such activity included using the Body Armor as protection during the course of perpetrating a mass shooting.

669. As set forth above, RMA and its employees and management, including Waldrop and Clark, were aware of a number of acts demonstrating that they either knew or should have known that Gendron was at high risk of using the Body Armor as part of a mass shooting.

670. It was reasonably foreseeable that the criminal use of the Body Armor would cause innocent individuals, such as the Plaintiffs and Plaintiffs' Decedents, to be physically injured or killed.

671. Accordingly, RMA's, Waldrop's, and Clark's negligent entrustment of the Body Armor to Gendron was a substantial factor in bringing about the wrongful deaths of the Plaintiffs' Decedents.

672. As a result of RMA's, Waldrop's, and Clark's conduct, Plaintiffs have suffered damages in an amount to be proven and determined at trial. Defendants Waldrop and Clark are each liable individually, in addition to RMA's vicarious liability for the actions of Waldrop and Clark undertaken on behalf of and for the benefit of RMA.

673. The conduct of RMA, Waldrop, and Clark, as described above, was wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and

depraved indifference to the consequences of each of their conduct, including to the health, safety, and welfare of Plaintiffs and the general public, and therefore warrants an award of punitive damages in an amount sufficient to punish each of RMA, Waldrop, and Clark.

**ELEVENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT ENTRUSTMENT**

*Brought by All Plaintiffs
Against Vintage Firearms, Jimays, Jimay's Flea Market, and the Gendron Defendants*

674. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein. Paul Gendron entrusted his son with a rifle, a dangerous instrument that was among the weapons his son took to the Tops shooting on May 14, 2022.

675. Paul and Pamela Gendron had constructive possession of all of the firearms that their son kept at their house, whether they purchased all the weapons or not. They allowed Gendron to keep firearms in their home after he had expressed murderous intent and exhibited violent behavior, and they effectively entrusted the guns to him.

676. Paul and Pamela Gendron knew or should have known of Gendron's propensity to use the firearms entrusted to him to cause harm to others.

677. Paul and Pamela Gendron failed to exercise reasonable care by entrusting their son with firearms and such negligence was a substantial factor in bringing about the harms suffered by Plaintiffs and was a proximate cause of Plaintiffs' harms. In addition, at all relevant times, Vintage Firearms, Jimay's Flea Market, and Jimays had control of the Rifle or High-Capacity Magazine sold to Gendron that was used in the shooting that fatally wounded Plaintiffs' Decedents.

678. Gendron became entitled to possess the Rifle and High-Capacity Magazine by the negligence and consent of Vintage Firearms, Jimay's Flea Market, and Jimays.

679. Vintage Firearms, Jimay's Flea Market, Jimays, and their employees knew or should have known that, by withholding consent to Gendron, they could have prevented Gendron from possessing the Rifle or High-Capacity Magazine.

680. Vintage Firearms, Jimay's Flea Market, Jimays, and their employees negligently and with a lack of due care permitted Gendron to acquire possession of the Weapon under circumstances in which they knew or should have known Gendron would engage in activity that would create a substantial and unacceptable risk to others. Such activity included using the Rifle and High-Capacity Magazine during the course of perpetrating a crime or mass shooting.

681. As set forth above, Vintage Firearms, Jimay's Flea Market, Jimays, and their employees were aware of a number of acts demonstrating that they either knew or should have known that Gendron was at high risk of using the Rifle and High-Capacity Magazine criminally or as part of a mass shooting.

682. It was reasonably foreseeable that the criminal use of the Rifle and High-Capacity Magazine would cause innocent individuals, such as the Plaintiffs and Plaintiffs' Decedents, to be physically injured or killed.

683. Accordingly, negligent entrustment by Vintage Firearms, Jimay's Flea Market, and Jimays of the Rifle and High-Capacity Magazine to Gendron was a substantial factor in bringing about the wrongful deaths of the Plaintiffs' Decedents.

684. As a result of Vintage Firearms, Jimay's Flea Market, and Jimays conduct, Plaintiffs have suffered damages in an amount to be proven and determined at trial.

685. The conduct of Vintage Firearms, Jimay's Flea Market, and Jimays, as described above, was wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and depraved indifference to the consequences of each of their conduct,

including to the health, safety, and welfare of Plaintiffs and the general public, and warrants an award of punitive damages in an amount sufficient to punish each Defendant.

**TWELFTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT ADVERTISING AND MARKETING**

*Brought by All Plaintiffs
Against RMA Armament*

686. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

687. RMA at all relevant times marketed and advertised its body armor in a wide, ubiquitous, and grand scale permeating all media in the United States.

688. The purpose of the RMA advertising and marketing campaign was to introduce people to its body armor without regard to their legitimate need for such body armor and indeed encouraging the circumvention of laws restricting the sale of body armor to persons with a legitimate need.

689. RMA directly or indirectly tested the effects of its marketing and advertising.

690. RMA knew or should have known that its advertising and marketing would be heard and seen by persons like Gendron across the country preparing to engage in political violence and who desired to survive their planned attack.

691. RMA knew or should have known that its advertising and marketing would be seen on internet fora used by those preparing to engage in political violence like Gendron.

692. RMA exhibited a reckless disregard for human life by perpetuating its advertising and marketing campaign for body armor while knowing that those preparing for political violence like Gendron would be thereby induced to purchase and use body armor.

693. RMA had a duty to exercise reasonable care in the marketing and advertising of body armor.

694. RMA breached this duty, and was negligent and reckless in the manner in which it marketed body armor.

695. Based on all the foregoing, RMA breached its duty by negligently and recklessly marketing their body armor.

696. RMA's negligent and reckless marketing campaign was a substantial factor in bringing about the wrongful deaths of the Plaintiffs' Decedents. Indeed, had RMA exercised due care by requiring a showing of legitimate need for the body armor purchased by Gendron, the attack would not have occurred.

697. Based on the foregoing misconduct, Plaintiffs have suffered damages in an amount to be proven and determined at trial.

698. In addition, the conduct of RMA as described above was wanton, reckless, malicious, oppressive, extreme, and outrageous, and displayed an entire want of care and depraved indifference to the consequences of its conduct, including to the health, safety, and welfare of Plaintiffs and the general public, and warrants an award of punitive damages in an amount sufficient to punish RMA.

**THIRTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT ADVERTISING AND MARKETING**

*Brought by All Plaintiffs
Against Mean Arms*

699. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

700. Defendant Mean Arms, as described herein, maintained in certain, public-facing advertisements and videos that its MA Lock would lock a magazine into place to prevent using detachable magazines, such as high-capacity magazines, on firearms.

701. Mean Arms purports to provide a “true solution” to “fixed magazine laws,” emphasizing to potential purchasers that their lock “cannot be removed with a tool, which satisfies CA and NY state law.”

702. Defendant Mean Arms’ lock, however, could be easily detached using common, household tools.

703. At the same time it engaged in such marketing, Mean Arms knew that its lock was fully removable and designed the product for it to be removable without “harm[ing]” the consumer’s rifle. Mean Arms included on the lock’s packaging four instructions for simple lock removal, and advised customers via its YouTube account that removal “only takes about 10 minutes.”

704. Mean Arms knew or should have known that promoting its lock as New York compliant while telling consumers on the side it was easily removable, was likely to encourage consumers like Gendron to following Mean Arms’ instructions and remove the lock. Gendron’s ability to use removable magazines was a substantial factor resulting in the injuries, suffering, and deaths of Plaintiffs and Plaintiffs’ Decedents.

705. If Mean Arms had not falsely advertised its product as suitable for rendering AR firearms compliant with New York State law, Vintage Firearms would not have been able to sell Gendron a Bushmaster XM15-E2S firearm with an easily removable lock such that he could use removable magazines to fire approximately 60 shots in approximately two minutes.

706. The lock was so easy to remove that Gendron called the lock a “release” in his diary.

707. Mean Arms was negligent in advertising that its MA Lock would make rifles sold in the state of New York compliant with New York’s gun laws.

708. As a result of Mean Arms' advertising, guns outfitted with the MA Lock were able to be sold in the state of New York.

709. However, as a result of Mean Arms' advertising, Gendron was able to purchase the rifle and easily modify it, leading to Plaintiffs' injuries, and the death of ten individuals at the Tops grocery store.

710. Based on the foregoing misconduct, Plaintiffs demand compensatory and punitive damages, in an amount to be proven at trial.

**FOURTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
DECEPTIVE ACTS AND PRACTICES, N.Y. GEN. BUS. LAW §§ 349, *et seq.***

***Brought by All Plaintiffs
Against Mean Arms***

711. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

712. Defendant Mean Arms' activities consist of deceptive acts and practices or false advertising in the conduct of their business, trade, or commerce or on the furnishing of services in New York which affects the public interest under section 349 of the New York General Business Law.

713. Defendant Mean Arms engaged in and continues to engage in deceptive acts and practices by advertising, marketing, distributing, and selling the MA Lock with false or misleading claims and representations.

714. Mean Arms' conduct was materially misleading to Gendron and others.

715. During the relevant period, Mean Arms carried out a plan, scheme, and course of conduct which was consumer oriented.

716. As a direct and proximate result of Mean Arms' violation of section 349 of the New York General Business Law, Plaintiffs were injured and suffered damages.

717. Plaintiffs were injured as a result of Mean Arms' deceptive conduct.

718. The injuries to Plaintiffs were foreseeable to Mean Arms, and thus, Mean Arms' actions were unconscionable and unreasonable.

719. Mean Arms is liable for damages sustained by Plaintiffs to the maximum extent allowable under section 349 of the New York General Business Law.

720. Furthermore, pursuant to section 349(h) of the New York General Business Law:

In addition to the right of action granted to the attorney general pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in his own name to enjoin such unlawful act or practice, an action to recover his actual damages or fifty dollars, whichever is greater, or both such actions. The court may, in its discretion, increase the award of damages to an amount not to exceed three times the actual damages up to one thousand dollars, if the court finds the defendant willfully or knowingly violated this section. The court may award reasonable attorney's fees to a prevailing plaintiff.

721. Plaintiffs further make a claim and cause of action for all of the above damages pursuant to section 349(h) of New York General Business Law.

**FIFTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
FALSE ADVERTISING, N.Y. GEN. BUS. LAW §§ 350, *et seq.***

***Brought by All Plaintiffs
Against Mean Arms***

722. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

723. Mean Arms has engaged in and is engaging in consumer-oriented conduct, which is deceptive or misleading in a material way, including without limitation that it is justifiable and constitutionally protected activity for civilians not engaged in police work to own a military style assault rifle for purposes other than recreational shooting and self-defense, that the MA Lock alters firearms to be unable to accept a high-capacity magazine, and that the MA Lock alters firearms to

comply with New York law, constituting false advertising in the conduct of any business, trade, or commerce, in violation of section 350 of the New York General Business Law.

724. Mean Arms knew or should have known that its marketing of firearms was untrue or misleading.

725. As a result of Mean Arms' false advertising, Plaintiffs have suffered and continue to suffer substantial injury, including damages, which would not have occurred but for the false and deceptive advertising.

726. Based on the foregoing misconduct, Plaintiffs have suffered damages in an amount to be proven and determined at trial.

**SIXTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
VIOLATION OF N.Y. GEN. BUS. LAW §898-b(1)**

***Brought by All Plaintiffs
Against Vintage Firearms***

727. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

728. Vintage Firearms is engaged in the sale, distribution, importing, or marketing of firearms and is therefore a Gun Industry Member within the meaning of Section 898 of the New York General Business Law.

729. G.B.L. § 898-b(1) prohibits gun industry members from “knowingly or recklessly creat[ing], maintain[ing] or contribut[ing] to a condition in New York state that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.”

730. Vintage Firearms sold a Bushmaster XM15-E2S, which is a “qualified product” under the meaning of the statute, to Gendron. Vintage Firearms “contributed to a condition” that “endangered” the New York State public via its sale of that firearm to Gendron.

731. It was unreasonable for Vintage Firearms to sell a weapon to Gendron, and it was even more unreasonable for Vintage Firearms to sell an AR-15 to Gendron, given its capacity to kill.

732. As part of its sale of the AR-15 to Gendron, Vintage Firearms discussed with Gendron how it might modify it. It was unreasonable for Vintage Firearms to do so.

733. As part of its sale of the AR-15 to Gendron, Vintage Firearms had further discussions with Gendron about training with his modified AR-15 weapon, which he was training to use in the Tops massacre. It was unreasonable for Vintage Firearms to do so.

734. Vintage Firearms violated the statute by contributing to conditions which endangered the New York State public by selling the firearm to Gendron, discussing with Gendron how to modify the weapon, and then discussing with Gendron how to train with the weapon. Each of these actions is an independent violation of the statute.

735. During the relevant period, it was foreseeable to Vintage Firearms that such an unlawful and unreasonable business and marketing practice would lead to access to firearms by purchasers, including Gendron, for criminal purposes, including easy access by persons intent on murder, mayhem, or other crimes.

736. Based on the foregoing misconduct, Plaintiffs have suffered injuries and are entitled to damages in an amount to be determined at trial.

**SEVENTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
VIOLATION OF N.Y. GEN. BUS. LAW §898-b(2)**

***Brought by All Plaintiffs
Against Vintage Firearms***

737. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

738. Vintage Firearms is engaged in the sale, distribution, importing, or marketing of firearms and is therefore a Gun Industry Member within the meaning of Section 898 of the New York General Business Law.

739. G.B.L. § 898-b(2) requires that “[a]ll gun industry members who . . . market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.”

740. The Bushmaster XM15-E2S rifle that Vintage Firearms sold to Gendron is a qualified product.

741. Vintage Firearms failed to establish reasonable controls and procedures to prevent the sale, possession, and illegal use of its Bushmaster XM15-E2S rifle.

742. Based on the foregoing misconduct, Plaintiffs have suffered injuries and are entitled to damages in an amount to be determined at trial.

**EIGHTEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
PUBLIC NUISANCE**

***Brought by All Plaintiffs
Against RMA Armament, Vintage Firearms,
Jimay’s Flea Market, Jimays, and Mean Arms***

743. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

744. Defendants RMA Armament, Vintage Firearms, Jimay's Flea Market, Jimays, and Mean Arms ("Defendants," for this cause of action), through their past and present business practices, create, contribute to, and maintain a public nuisance under the common law of the state of New York.

745. Defendants' conduct in the design, manufacturing, importing, selling, marketing and/or distribution of their firearms, body armor, and/or firearm accessories has created, contributed to, and maintained the public nuisance of unlawful possession, transportation, and disposition of firearms and the utilization of guns in the commission of the attack by:

a. marketing that emphasizes firearm characteristics, such as their high capacity and ease of concealment, that appeals to prospective purchasers with criminal intent, including but not limited to through advertisement, and product placement in movies and social media;

b. purposely supplying more firearms than the legitimate market can bear in order to induce sales in the secondary market;

c. not training dealers to avoid straw sales and other illegal transactions; and

d. refusing to terminate contracts with distributors who sold to dealers with disproportionately high volumes of guns traced to crime scenes.

746. Defendants, through their sales, importing, assembling, marketing, and/or distribution practices, have knowingly created, supplied, maintained, and contributed to a public nuisance that unreasonably interferes with rights common to the general public; deprives the public of the peaceful use of public streets, sidewalks, and parks; interferes with commerce, travel, and the quality of daily life; and endangers the property, health, and safety of a large number of

members of the public—particularly in the East Side neighborhood in Buffalo which must live with the horrific memories of the attack every day.

747. Defendants' interference with rights common to the public, including public health, safety, comfort, and peace is unreasonable and continuing to date, producing a permanent and long-lasting effect. Defendants' conduct facilitates the widespread violation New York laws restricting gun sales and possession or facilitates the circumvention and violation of such laws.

748. At the time of the attack, Defendants knew about precautions they could have taken to decrease access by persons prohibited from possessing their products, yet they knowingly established, supplied, and maintained an oversaturated firearms market that facilitates easy access for criminal purposes, including easy access by persons intent on murder, mayhem, or other crimes. In particular, Defendants RMA Armament and Mean Arms had the ability to impose conditions on and to exercise control over the conduct of every entity in the chain of distribution through which products they sold reached the public. Defendants Vintage Firearms and Jimay's Flea Market, exercised control over the same of guns to persons providing guns to the illegal market or intending to use them for illegal purposes, including Gendron. Defendants exercised control of the marketing and sale of the implements used in the attack.

749. Defendants' unlawful actions caused Plaintiffs to suffer special injuries distinct from the general public. As a direct result of Defendants' conduct, Plaintiffs' family and/or friends were murdered. Plaintiffs will never again enjoy their love and companionship in this life. Defendants' participation in creating and maintaining the public nuisance were direct, legal, and proximate causes and substantial factors causing those injuries.

750. Today, Defendants continue to market, distribute, promote, manufacture, import, and/or sell their products with reckless disregard for human life and for the peace, tranquility, and economic well-being of the public.

751. Plaintiffs demand compensatory and punitive damages, in an amount to be proven at trial, for Defendants' knowing and malicious actions and omissions resulting in a continuing public nuisance. Plaintiffs further seek equitable relief calculated to abate Defendants' previous actions and to enjoin Defendants' from any such conduct in the future.

**NINETEENTH CLAIM FOR RELIEF AND CAUSE OF ACTION
WRONGFUL DEATH**

*Brought by Plaintiffs J.P., Tirzah Patterson, Garnell Whitfield, Mark Talley, Pamela Pritchett, Margus Morrison, Kimberly Salter, and Jennifer Flannery
Against All Defendants*

752. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

753. Plaintiffs J.P., Tirzah Patterson, Garnell Whitfield, Mark Talley, Pamela Pritchett, Margus Morrison, Kimberly Salter, and Jennifer Flannery (for this cause of action, "Plaintiffs") bring this cause of action on behalf of the estates of the decedents.

754. Aaron W. Salter, Margus Morrison, Sr., Pearl Lucille Young, Geraldine C. Talley, Ruth E. Whitfield, Roberta Drury, and Heyward Patterson's untimely deaths were the direct and proximate result of Defendants' wrongful acts, negligence, and defective products.

755. Plaintiffs sustained pecuniary loss as a result of Decedent Plaintiffs' wrongful deaths, including but not limited to, loss of decedent's support, inheritance, care, assistance, medical expenses, funeral expenses, loss of decedents' advice, guidance, counsel, and consortium.

756. Plaintiffs bring this cause of action on behalf of themselves and the estates of decedents, as described herein, for their losses.

**TWENTIETH CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENCE**

***Brought by Plaintiffs Garnell Whitfield, Mark Talley, Pamela Pritchett, Margus Morrison, Kimberly Salter, Jennifer Flannery, Zaire Goodman, Christopher Braden, Brooklyn Hough, Robia Gary, Kisha Douglas, A.S., and Jo-Ann Daniels
Against All Defendants***

757. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

758. The Defendants had a duty to act with reasonable care in their business practices.

759. Specifically, the Social Media Defendants had a duty to exercise reasonable care in, among other things, the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of their respective platforms.

760. The Weapons and Body Armor Defendants had a duty to exercise reasonable care in, among other things, the design, manufacturing, production, marketing, advertising, promotion, and sale of their products.

761. The Defendants breached their duty of reasonable care by acting in a careless, reckless, and negligent manner with regards to their business practices.

762. Their breaches were a substantial factor in bringing about the racist terrorist attack at Tops Market on May 14, 2022—a horrific and yet reasonably foreseeable event in light of the Defendants' careless and negligent conduct.

763. As a direct and proximate result of the Defendants' breach, Lieutenant Aaron W. Salter, Margus Morrison, Sr., Pearl Lucille Young, Geraldine C. Talley, Ruth E. Whitfield, and Roberta Drury sustained severe personal injuries, including pain, suffering, and terror, which ultimately resulted in their wrongful deaths at Tops Market on May 14, 2022.

764. As a direct and proximate result of the Defendants' breach, Plaintiffs Zaire Goodman, Christopher Braden, Brooklyn Hough, Robia Gary, Kisha Douglas, and Jo-Ann Daniels

sustained severe personal injuries, including pain, suffering, terror, emotional distress, and trauma at Tops Market on May 14, 2022.

765. The amount of damages sought in this cause of action exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction, and the plaintiff will seek all damages available at law, including compensatory, consequential, punitive, general and special damages, including interest, in an amount to be proven and determined at the time of trial, together with attorney's fees, costs, and disbursements.

**TWENTY-FIRST CLAIM FOR RELIEF AND CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

***Brought by Robia Gary, A.S., Brooklyn Hough, Jo-Ann Daniels, and Kisha Douglas
Against All Defendants***

766. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

767. At all times relevant herein, Defendants acted in a careless, reckless, and negligent manner with regard to their past and present business practices and the radicalization and danger they begot.

768. The negligence of Defendants with respect to their business practices and the radicalization and danger they begot unreasonably endangered Plaintiffs' physical health, safety, and well-being.

769. Plaintiffs Robia Gary, A.S., Brooklyn Hough, Jo-Ann Daniels, and Kisha Douglas were each within the zone of danger during the mass shooting at Tops Market on May 14, 2022.

770. Plaintiffs Robia Gary, A.S., and Jo-Ann Daniels each witnessed the death or threatened death of a close family member.

771. The negligence of the Defendants caused Plaintiffs to suffer severe emotional distress.

772. The harm that Plaintiffs suffered was caused solely by the carelessness, recklessness, and negligence of the Defendants, without any negligence on the part of the Plaintiffs.

773. The amount of damages sought in this cause of action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and Plaintiffs will seek all damages available at law, including compensatory, consequential, punitive, and general and special damages, including interest, in an amount to be proven and determined at the time of trial, together with attorneys' fees, costs, and disbursements.

**TWENTY-SECOND CLAIM FOR RELIEF AND CAUSE OF ACTION
JOINT AND SEVERAL LIABILITY**

*Brought by All Plaintiffs
Against All Defendants*

774. Plaintiffs repeat and reallege each and every allegation contained in the above paragraphs 1 through 550 as if fully set forth herein.

775. The limitations on liability set forth in C.P.L.R. § 1601 do not apply because the following exemptions apply.

776. Plaintiffs allege a cause of action requiring proof of intent. *See* C.P.L.R. § 1602(5).

777. Defendants acted with reckless disregard for the safety of others. *See* C.P.L.R. § 1602(7).

778. Plaintiffs bring a products liability claim, the manufacturer of the product is not a party to the action and jurisdiction over the manufacturer could not with due diligence be obtained and that if the manufacturer were a party to the action, liability for claimant's injury would have been imposed upon said manufacturer by reason of the doctrine of strict liability, to the extent of the equitable share of such manufacturer. *See* C.P.L.R. § 1602(10).

779. Defendants acted knowingly or intentionally, and in concert, to cause the acts or failures upon which liability is based. *See* C.P.L.R. § 1602(11).

VII. DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

VIII. PRAYER FOR RELIEF

WHEREFORE, it is respectfully requested that the Court issue an order and judgment as follows:

A. Entering an order that the conduct alleged herein constitutes a public nuisance under New York law;

B. Entering an order that Defendants are jointly and severally liable;

C. Entering an order requiring Defendants to abate the public nuisance described herein and to deter and/or prevent the resumption of such nuisance;

D. Enjoining Defendants and any agents, successors, assigns, and employees acting directly or through any corporate or business device from engaging in further actions causing or contributing to the public nuisance as described herein;

E. Awarding injunctive relief, including but not limited to, ordering Social Media Defendants to stop the harmful conduct alleged herein, remedy the unreasonably dangerous features in its social media products, provide adequate warnings to minor users and parents that its products are addictive and pose a clear and present danger to unsuspecting minors, and other injunctive relief the Court deems appropriate.

F. Awarding equitable relief to fund prevention education and treatment for excessive and problematic use of social media;

G. Awarding actual and compensatory damages;

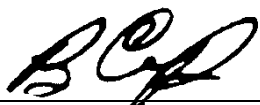
H. Awarding statutory damages in the maximum amount permitted by law;

- I. Awarding punitive damages;
- J. Awarding reasonable attorneys' fees and costs of suit;
- K. Awarding pre-judgment and post-judgment interest; and
- L. Granting any additional relief the Court deems just and proper.

DATED: July 12, 2023



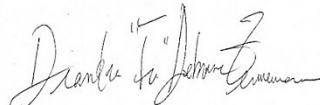
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Respectfully submitted,



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**Pro hac vice applications to be filed.*