

MEMORANDUM
SOCIAL MEDIA LITIGATION

September 29, 2026

TO: Board of Education, Joliet Township High School District 204

FROM: John Fester, Himes, Petrarca & Fester, Chtd.

SUBJECT: Litigation Against Social Media Companies

I. INTRODUCTION

As you may know, our firm is involved with representing Illinois and New Mexico school districts to address the impact of the opioid epidemic on school districts. The litigation is beginning to produce tangible results including the creation of the Public School District Special Education Trust funded by settlements with defendants.

In the recent past, we began to question whether the actions of the Social Media companies were also impacting school districts. The leadership of Superintendents on this topic and their insights very much influenced us to proceed. However, we wanted to complete our due diligence including waiting for an important Supreme Court decision before recommending filing separate actions for our School District clients. We can now wholeheartedly recommended that our school district clients file cases against the Social Media companies. Today, we have filed cases on behalf of a number of our clients against all of the prominent social media purveyors.

Similar to, but more broadly than, opioid addiction, school districts are on the frontlines of a nationwide youth mental health crisis fueled by addictive social media products. These tech products, designed to “hook” young users into compulsive use, have taken a heavy toll on today’s youth. Pre-teens and teens face unprecedented levels of severe mental health issues like anxiety, depression, eating disorders, and suicidal ideation. With so many students in turmoil, schools must divert crucial resources to help them.

Additionally, we know that our clients spend significant amounts of time and money in investigating and resolving discipline issues involving student use of social media. Uses involving espousing racist ideas, bullying, use of sexual images, and fostering suicidal thoughts are only a few of the areas where our clients are involved in the impact of these behaviors on school climate, administrative time, and school resources.

Multi-district litigation (“MDL”) against the main social media companies is underway in the Northern District of California before Judge Yvonne Gonzalez Rogers. The Defendants are Meta (Instagram and Facebook), ByteDance (TikTok), Snap (SnapChat), and Google (YouTube). The cases are primarily on behalf of families and individuals. Additionally, school districts, including a number of our clients, have started to file cases. Ultimately, the aim of our school district clients

is to achieve injunctive relief to change how social media companies operate; to safeguard children, their most vulnerable consumers and recover for School Districts

Our legal team is Mehri & Skalet, based in Washington DC, Bailey Glasser with offices in West Virginia, Washington DC and Oakland, Himes, Petrarca and Fester, and Terrell Hogan Yegelwel, based in Jacksonville, Florida. Our team would advance all the out-of-pocket costs and take the case on contingency. School districts from time to time would help us to collect information, such as for a standard plaintiff fact sheet.

II. BACKGROUND ON SOCIAL MEDIA LITIGATION

(a) Conduct of Social Media Companies

America is experiencing a youth mental health crisis.

On May 23, 2025, the U.S. Surgeon General issued a public advisory that social media could have a profound risk of harm on the health of children and adolescents. I have attached this report for your review.

The Surgeon General has found that one in five children aged 13 to 17 now suffers from a mental health disorder.

The American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association have all declared child and adolescent mental health a national emergency.

There is growing evidence of the causal link between youth exposure to social media and the mental health crisis. Over 90% of our youth use social media. Most primarily use five platforms: YouTube, TikTok, Snapchat, Instagram, and Facebook, and they spend many hours a day on social media.

There is a massive body of scientific research showing that excessive use of social media is harmful to the health of students and increases rates of depression, anxiety, low self-esteem, eating disorders, and suicide.

Social media defendants are well-aware of the harm they are causing young people. But the business model is driven by maximizing the time a child spends on a platform ("user engagement"), and the defendants design and operate algorithms that push harmful content to children. These algorithms are driven by advanced artificial intelligence and machine-learning systems that continually push "recommended" content to users with the aim of hooking them into more time on the app. Inflammatory, harmful, and borderline illicit content most hooks users. These algorithms routinely recommend content that glorifies violence, contains sexual imagery, promotes drug use, glamorizes eating disorders or encourages self-harm. This algorithm-driven feed of dangerous and damaging content is repetitive and constant.

The Center for Countering Digital Hate conducted an experiment using TikTok's platform. They set up new accounts in the United States, United Kingdom, Canada, and Australia at the minimum age TikTok allows, 13 years old. These accounts paused briefly on videos about body image and mental health and liked them. What they found was deeply disturbing. Quickly, TikTok

recommended suicide content and served eating disorders. Every 39 seconds, TikTok recommended videos about body image and mental health issues to teens.

The algorithms are designed to be addictive: JAMA Pediatrics researchers conducted brain scans and concluded that social media use is associated with physical changes in children's brains.

The business model adopted by social media companies puts profits over the mental health of children and has caused an alarming rise in teenage hospitalization and suicide rates, overwhelmed schools by forcing them to deal with a mental health crisis and required substantial increases in spending on youth mental health issues.

(b) Gonzalez v. Google LLC

On October 3, 2022, the Supreme Court granted review in *Gonzalez v. Google LLC*, 2 F.4th 871 (9th Cir. 2021), a Ninth Circuit decision regarding the scope of Section 230 of the Communications Decency Act ("CDA") of 1996. The case arose out of an act of terrorism allegedly inspired by extremist videos that YouTube recommended to the perpetrators. At issue in *Gonzalez* is whether Section 230 immunizes interactive computer services like Defendants' platforms when they make algorithmic recommendations of information provided by a third party, or only limits the liability of such companies when they engage in traditional editorial functions, such as deciding whether to display or withdraw such information. *Gonzalez* was the Supreme Court's first opportunity to opine on the contours of CDA Section 230.

On May 16, 2023, the Supreme Court issued a decision in *Gonzalez* but did not reach the Section 230 issue. Thus, the *Gonzalez* decision is no longer a potential impediment to filing this action.

(c) SCHOOL DISTRICT CASES

As we are doing in the opioid cases, public school districts can assert tort and public nuisance claims. Generally speaking, public entities can hold a company accountable where the company's misconduct unreasonably interferes with a right common to the general public, such as health, safety, or welfare. If a defendant's actions create a public nuisance, relief may include an injunction to stop the activity or condition, damages for harm caused by the nuisance, or other appropriate remedies.

Public nuisance claims on behalf of school districts have been successfully brought in the national opioids litigation and JUUL litigation. These claims serve as a model for school district claims against social media companies. Generally, they allege the defendants engaged in patterns of deceptive marketing and distribution practices that lead to addiction and other harmful consequences in the school districts' communities and, as a result, the districts had to bear the costs of treating students and families affected by addiction, providing additional support services to affected students, and addressing the educational and emotional needs of children whose families were impacted by the crises.

Similar to the allegations in the opioid and JUUL litigations, a public nuisance claim on behalf of School Boards would allege that defendants design their products to target and addict pre-teen and teen users and, as a result, fuel a youth mental health crisis in our nation. The claim would allege Defendants' have thereby interfered with the public peace, order, and safety by disrupting schools,

classes, and the learning environment, all of which undermines the schools' ability to fulfill their educational mission. We expect to include other claims such as negligence in the complaint.

You may have recently read about a large settlement with META and a number of state attorneys, general, including Illinois. This settlement has nothing to do with our cases and does not impact our strategy or claims. We are proceeding to prepare for trial involving school district claims outside of Illinois as "test cases" before having to litigate on behalf of all school district clients, nationally. We would anticipate interest on behalf of the defendant companies in settlement prior to trial.

If you decide to participate, we anticipate having you preserve certain records relevant to claims we would file on your behalf regarding the impact of social media on district time, personnel and resources. There will also be requests for information from the defendant companies' s lawyers to document claims related specifically to your district. This is the only commitment you make by joining the litigation. Again, no attorney fees or costs will be your responsibility; just gathering of some relevant information, which we will guide you through.

We are happy to answer other questions you may have. Otherwise, please secure the necessary signatures on the documents sent to you and we will move to include you in this important effort.

1 In re: National Prescription Opiate Litig., MDL 2804 (N.D. Ohio).

2 In re: JUUL, MDL 2913 (N.D. Cal.).