Nos. 26-5120, 26-5121, 26-5132

In the United States Court of Appeals for the Ninth Circuit

META PLATFORMS, INC.,

Plaintiff-Appellant,

v.

ROB BONTA, in his official capacity as Attorney General of California,

Defendant-Appellee.

TIKTOK, INC., and TIKTOK USDS JOINT VENTURE LLC,

Plaintiffs-Appellants,

v.

ROB BONTA, in his official capacity as Attorney General of California,

Defendant-Appellee.

GOOGLE LLC and YOUTUBE, LLC,

Plaintiffs-Appellants,

v.

ROB BONTA, in his official capacity as Attorney General of California,

Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of California
The Honorable Edward J. Davila
Nos. 5:25-cv-09789-EJD, -09792-EJD, -09795-EJD

BRIEF OF SCHOOL DISTRICT MDL PLAINTIFFS AS *AMICI CURIAE* IN SUPPORT OF DEFENDANT-APPELLEE

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INTEREST OF *AMICI CURIAE*[1]

Amici curiae are seventy-six of the school-district plaintiffs in multidistrict litigation (the "MDL") concerning the harms caused to youth and their educators by social media platforms: *In re: Social Media Adolescent Addiction/Personal Injury Products Litigation*, No. 4:22-md-03047-YGR (N.D. Cal.).[2] School districts occupy a distinct and practical vantage point on the issues raised by California's Protecting Our Kids from Social Media Addiction Act (the "Act" or "SB 976"). Their students are among the minors whom the Act is designed to protect, and their institutions must respond when compulsive platform use interferes with learning, attention, sleep, peer relationships, and mental health.

From the perspective of the plaintiff platforms, the costs their algorithmically driven feeds impose on school districts are a feature, not a bug. Indeed, these platforms tailored their algorithmic models to maximize engagement during the school day. As described in the MDL court's decision denying the social media platforms' motion for summary judgment, "[a]s early as 2015," Meta strategized "about how to increase student platform use during the school day." *Breathitt Cnty.*

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[1] No party or party's counsel authored this brief in whole or in part, and no one other than *amici* and their counsel has made a monetary contribution to this brief's preparation and submission.

[2] A list of the *amici curiae* is appended to this brief.

Sch. Dist. v. Meta Platforms Inc. 2026 WL 587754, at *2 (N.D. Cal. Feb. 9, 2026); *see also id.* (quoting Meta document stating "one of the things we need to optimize for is sneaking a look at your phone under your desk in the middle of Chemistry"). TikTok "engaged in public relations efforts to manage the platform's image among parents and teachers ...." *Id.* And, "as early as 2013, YouTube employees ... investigated the possibility of 'flip[ping] the classroom' in high school ...." *Id.*

School districts have witnessed first-hand the predictable consequences of these decisions. They have seen how algorithmically driven feeds follow students into the classroom, extend conflicts beyond the school day, intensify distraction during class, and increase the need for counseling, intervention, discipline, and family outreach. As a result, teachers have become first responders, and school districts have spent significant sums of money to hire additional staff, fix property damage, and implement additional measures to address this mental health crisis.

Amici therefore have a unique interest in ensuring that courts understand the addictive feeds at issue and appreciate the harm they cause. *Amici* respectfully submit this brief to assist this Court's evaluation of the district court's decision not to enjoin the State from enforcing SB 976, by providing their institutional perspective on how addictive feeds operate in practice and the costs they impose on schoolchildren.

SUMMARY OF ARGUMENT

The Act regulates a narrow category of algorithms that personalize social media feeds—what the plaintiff platforms call "recommendation" or "ranking" algorithms. These algorithms are designed solely to maximize user engagement. They do this by leveraging a vast trove of data collected about each user to generate probabilities about what content will keep that individual using more (whether through scrolling, liking, resharing, posting, commenting, and so on); the algorithms deliver to a given user the content they predict will drive that result. With each user reaction, the platform collects even more information about that user, which feeds the platform's algorithms in a perpetual cycle of engagement maximization.

Importantly, ranking algorithms are not responsible for evaluating, let alone policing, the content, viewpoints, or messages delivered in a user's feed. Those choices are handled by distinct systems, which generally involve a combination of "community standards" (the written policies that express what users can and can't post on a platform), "content moderation" algorithms that automatically implement those standards, and human content moderators who manually implement those standards as a backstop. The latter systems are not governed by the Act.

Whether a social media algorithm is protected expression turns on the degree to which the algorithm implements the platform's own editorial direction, as

opposed to returning to users the content they appear to want. *NetChoice, LLC v. Bonta*, 152 F.4th 1002, 1014 (9th Cir. 2025) [hereinafter "*NetChoice v. Bonta*"]. "Personalized algorithms might express a platform's unique message to the world, *or* they might reflect users' revealed preferences to them." *Id.* The record crystallizes this distinction. Meta, TikTok, and YouTube operate behavioral-prediction models that optimize for clicks, watch time, and other engagement metrics. These systems do not express a message of their own and do not make normative judgments about content. Because SB 976 leaves untouched the platforms' ability to decide what content to publish, remove, prioritize, demote, or recommend based on their own viewpoints, the Act does not burden the type of expressive editorial discretion the First Amendment protects.

California has a compelling interest in regulating these addictive-feed mechanisms as applied to minors (and its interest is, in any event, significant under the intermediate scrutiny that governs a content-neutral regulation of such mechanisms). Substantial evidence in the record demonstrates that interest and underscores the unique harms that *amici* have faced in their institutional role as caretakers for children. Specifically, expert testimony establishes that engagement-maximizing recommendation systems increase compulsive platform use among adolescents and contribute to serious harms, including anxiety, depression, self-

harm, sleep disruption, eating disorders, diminished wellbeing, and educational difficulties. And internal documents from Meta, TikTok, and YouTube show that social media platforms were aware of these risks. They reflect repeated acknowledgments that the platforms' engagement-maximizing recommendation systems can lead to and exacerbate a host of problems, including compulsive, life-interfering use for young users. These harms have been externalized by the plaintiff platforms onto *amici*—who have been forced to divert scarce public funding, and teacher and staff time, to manage the worsening mental health of students.

The Act represents a measured effort to address these harms by requiring parental consent before minors are exposed to addictive, behavior-driven recommendation systems. Because SB 976 regulates non-expressive conduct rather than protected editorial speech, and because California's interest in protecting children from the well-documented harms caused by addictive feeds satisfies any applicable standard of review, the district court correctly denied Plaintiffs' motions for a preliminary injunction. Its decision should be affirmed.

ARGUMENT

I. Addictive feeds are not protected by the First Amendment.

In the earlier challenge to SB 976, this Court rejected the proposition that algorithms are protected categorically, explaining that "[t]he First Amendment

analysis is 'fact intensive'" and that "the more an algorithm implements human editorial directions, the more likely it is to be expressive for First Amendment purposes." *NetChoice v. Bonta*, 152 F.4th at 1014. An algorithm that "respond[s] solely to how users act online," merely "giving them the content they appear to want," by contrast, "probably is not expressive." *Id.* Because the answer turns on what algorithm is at issue, and how it functions, this Court held that these questions belong in as-applied suits brought by individual platforms, where "record development matters." *Id.* at 1021-22.

Through the MDL in which they are plaintiffs, *amici* have obtained the internal engineering records, deposition testimony, and expert analysis necessary to demonstrate how the platforms' algorithms work. These materials show a feed-generation process that does two distinct things. First, it uses algorithms to implement community standards regarding what content is and isn't acceptable. Those algorithms expressly implement human editorial judgment and are designed to automate viewpoints about speech. Second, it uses algorithms to rank content by predicted behavioral response, without evaluating the substance of the content. These algorithms are built and maintained by engineers who neither choose nor know what any individual minor's feed will contain. The record developed in the MDL shows that the second set of algorithms—the engagement-maximizing ranking

algorithms—are sufficiently distinct that they can be regulated without burdening free expression. That is precisely what the Act sets out to do.

California SB 976 regulates algorithmically personalized social media feeds and related engagement features for California minors. Its central mechanism is parental consent: covered platforms generally may not provide an "addictive feed" to a known minor without verifiable parental consent. Cal. Health & Safety Code § 27001(a). An "addictive feed" is a personalized stream of user content generated for someone based on information about that person or their device, such as previous interactions with other media. *Id.* § 27000.5(a).[3] An addictive feed does not include the selection of media identified as responsive to the user's search terms or direct requests; nor does it include the recommendation or prioritization of media based upon aggregate user information or judgments about the content itself. *See id.*

Amici would agree that the First Amendment protects platform choices about what to recommend—and not merely what to host—when those choices express a view about the substance of the content. This is editorial judgment. In challenging

[3] An addictive feed excludes direct private communications and selections necessary to comply with the Act. Cal. Health & Safety Code § 27000.5(a)(5), (7). It also excludes content returned in response to non-persistent searches, selected through user-chosen settings, specifically requested from an account or source, or queued in an existing sequence from the same source (if not automatically played). *Id.* § 27000.5(a)(1)-(4), (6).

SB 976, however, the platforms would have this Court hold that the First Amendment also protects a selection process that expresses no view about any content and simply reacts to what the platform has learned about the person on the other end of the screen. This is attention arithmetic—algorithms that say nothing but are designed to keep adolescents from putting down their phones. First Amendment protection does not extend to such algorithms, which neither express a view about others' speech nor say anything themselves.

A. The First Amendment protects compilations that reflect human editorial direction, not rankings generated by behavioral prediction.

"An entity exercising editorial discretion in the selection and presentation of content is engaged in speech activity." *Moody v. NetChoice, LLC*, 603 U.S. 707, 731 (2024) (cleaned up). What makes discretion editorial is a choice "about whether—and, if so, how—to convey posts having a certain content or viewpoint," resting "on a set of beliefs about which messages are appropriate and which are not." *Id.* at 738. Where an algorithm "just presents automatically to each user whatever the algorithm thinks the user will like," it may "attenuate the connection" between the output and "human beings' constitutionally protected right to decide for themselves the ideas and beliefs deserving of expression, consideration, and adherence." *Moody*, 603 U.S. at 746 (Barrett, J., concurring) (cleaned up). Justice Alito made the same point from the other direction, explaining that the First Amendment protects "only those

compilations that are 'inherently expressive' in their own right, meaning that they select and present speech created by other persons in order 'to spread [the compiler's] own message.'" *Id.* at 781 (Alito, J., concurring in the judgment) (quoting *Rumsfeld v. Forum for Acad. & Institutional Rts., Inc.* ("*FAIR*"), 547 U.S. 47, 66 (2006); *Pac. Gas & Elec. Co. v. Pub. Util. Comm'n of Cal.*, 475 U.S. 1, 10 (1986)). An entity that "organize[s] the speech of others in a non-expressive way" is not engaged in speech activity. *Id.* at 783.

In *Moody*, the Supreme Court addressed statutes governing social media platforms' content-moderation decisions. Florida restricted "varied ways of censoring or otherwise disfavoring posts … based on their content or source." *Id.* at 720 (majority opinion) (cleaned up). Texas's statute prohibited "censoring a user's expression based on its viewpoint." *Id.* at 736 (cleaned up). The Eleventh Circuit struck down Florida's law, while the Fifth Circuit upheld Texas's. Because the lower courts misapplied the relevant standards for litigating a facial challenge, the Supreme Court vacated both judgments. *See id.* at 726. But the Court found it "necessary to say more about how the First Amendment relates to the laws' content-moderation provisions," given the Fifth Circuit's view that "the content choices the major platforms make for their main feeds are not speech at all." *Id.* at 726-27.

The Supreme Court explained that platforms write some algorithms to implement their community standards, "for example, to prefer content deemed particularly trustworthy or to suppress content viewed as deceptive (like videos promoting conspiracy theories)." *Id.* at 735 (cleaned up). Because these choices "rest on a set of beliefs about which messages are appropriate and which are not (or which are more appropriate and which less so)," they give a feed "a particular expressive quality" and "'constitute the exercise of editorial control and judgment.'" *Id.* at 738 (quoting *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 258 (1974)). Accordingly, they receive First Amendment protection. *Moody*, 603 U.S. at 740.

The same cannot be said for a selection mechanism that ranks content according to its predicted effect on an individual user's behavior, without evaluating the substance or quality of the content itself. *Moody* reserved that question. The Court expressly declined to address "feeds whose algorithms respond solely to how users act online—giving them the content they appear to want, *without any regard to independent content standards*."[4] *Id.* at 736 n.5 (emphasis added). This Court has since

[4] More recently, the Eleventh Circuit rejected challenges to statutes in Florida (HB3) and Georgia (SB351) that impose age-restriction and age-verification requirements on social media platforms. *See Comput. & Commc'ns Indus. Ass'n v. Uthmeier*, ___ F.4th ___, 2026 WL 3071065, at *1 (11th Cir. Oct. 14, 2026); *see also NetChoice v. Att'y Gen., Ga.*, ___ F.4th ___, 2026 WL 3079563, at *1, *8 (11th Cir. Oct. 15, 2026) (finding record inadequate to assess facial challenge). Relevant here,

observed that such an algorithm "probably is not expressive." *NetChoice v. Bonta*, 152 F.4th at 1014. Whereas content-moderation algorithms make "*user*-agnostic judgments about what kinds of speech, including what viewpoints, are not worthy of promotion," *Moody*, 603 U.S. at 736 n.5 (emphasis added), recommendation (or ranking) algorithms make *content*-agnostic predictions about what will keep a particular user engaged, *see id.* at 746 (Barrett, J., concurring). The difference matters. A system that does not evaluate the substance of the content it ranks cannot be implementing anyone's choice about which messages are appropriate to convey, because nobody has made such a judgment in the first place.

The Supreme Court's editorial-discretion cases confirm the distinction. Each arose from a demand—whether by statute or otherwise—that a compiler present speech it would not otherwise have presented. *See, e.g.*, *Ark. Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 669-71 (1998) (candidate claimed right of access to broadcaster's debate); *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 559, 572 (1995) (public-accommodations law required private parade organizers

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the Eleventh Circuit held that regulating addictive features by function rather than content is content-neutral and satisfies intermediate scrutiny. *Uthmeier*, 2026 WL 3071065, at *9. Although the court concluded that Florida's statute implicates the First Amendment, *id.*, it had no occasion to consider the threshold question raised in this case, namely, whether a given algorithm is actually expressive, *see id.* at *6 (describing HB3 as "very different" from SB976 because the former's restrictions are not tethered "to each platform's unique algorithmic design").

to admit group); *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 630-32, 643-44 (1994) ("must-carry" provisions required cable operators to carry local broadcast television stations); *Pac. Gas & Elec.*, 475 U.S. at 5-7 (order required utility to include ratepayer advocacy group's materials in utility's billing envelopes); *Tornillo*, 418 U.S. at 244 & n.2 (statute required newspaper that assailed political candidate's character or record to print candidate's reply). The constitutional injury was the distortion of the compiler's own message by speech it was "forced to accommodate." *E.g.*, *FAIR*, 547 U.S. at 63. That type of injury presupposes a judgment about content that the government has displaced.

B. SB 976 reaches only content-agnostic ranking, leaving platforms' content-moderation judgments untouched.

But the Act does not interfere with anyone's judgment about content. It defines an "addictive feed" as one driven by an algorithm that responds solely to how users act online, "giving them the content they appear to want," separate and apart from a platform's own "content standards," *Moody*, 603 U.S. at 736 n.5. *See* Cal. Health & Safety Code § 27000.5(a) (regulating feeds in which content is "recommended, selected, or prioritized for display to a user based, in whole or in part, on information provided by the user, or otherwise associated with the user or the user's device"). Platforms remain free to include, exclude, rank, demote, and label content for any reason based on the actual substance of the content. The Act

forbids only the use of non-content input—data about the individual user—to decide what that user sees.

Meta reads the words "in whole or in part" to mean that SB 976 sweeps in algorithmic determinations everyone would call expressive. Meta Br. 37-38. It does not. The clause describes the input that triggers coverage, which is the use of an individual user's harvested data to decide what that user sees. It does not convert a platform's user-agnostic choices into regulated conduct. Each judgment the platforms describe as editorial remains fully available to them: they may remove or demote whatever content they disfavor, promote whatever content they prefer, elevate budding creators, disperse subject matter, withhold material they consider inappropriate for teenagers, and implement every one of those choices through algorithms. What the Act withholds is a single input, the behavioral profile assembled from a child's own activity. Under the statute's own terms, a feed compiled from a platform's content standards and from aggregate rather than individual data is not an addictive feed. Cal. Health & Safety Code § 27000.5(a)(1). What Meta describes as a sweeping prohibition is a limit on using one child's data against her.

The record, including evidence developed in the MDL,[5] confirms as much. For starters, content moderation and content recommendation are "separate sets of programs." Ex. M14 at 319:1-3, *Meta v. Bonta* (ECF 140-17) (discussing Meta's platforms). They are best understood "as competing against each other." Ex. M13-A at 26:14-16, *Meta v. Bonta* (ECF 140-143) (same).

"Content moderation involves normative judgments about what content is allowed ...." Goldbeck Decl. ¶ 17, *Meta v. Bonta* (ECF 140-4). Social media companies build systems to detect, demote, or remove content they find undesirable. *See, e.g.*, Ex. M13-A at 27:17-23, *Meta v. Bonta* (ECF 140-143). This is the editorial apparatus at issue in *Moody*.

In contrast, "feed ranking determines the order and prominence of content that has already been deemed permissible." Goldbeck Decl. ¶ 17, *Meta v. Bonta* (ECF 140-4); *see also* Ex. M220 at 156:9-13, *Meta v. Bonta* (ECF 140-97) ("[I]n most cases, the recommendation system will operate on content that has past [*sic*] the

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[5] *See generally* Decl. of Asha Albuquerque, *Meta Platforms, Inc. v. Bonta*, No. 5:25-cv-09792-EJD (N.D. Cal. Aug. 20, 2026) [hereinafter "*Meta v. Bonta*"] (ECF 140-1) (attaching excerpts of evidence from the MDL). The publicly available versions of over 2,000 exhibits filed in the MDL and in parallel state proceedings, including internal company documents, deposition testimony, and expert reports, have been assembled in a searchable online compilation hosted by MDL co-lead counsel. *See* Motley Rice LLC, Social Media Evidence Library, https://www.motleyrice.com/social-media-lawsuits/evidence-library (last visited Oct. 20, 2026).

stage of content moderation systems."). The ranking system "is driven by engagement metrics," such as "[w]hether you are likely to watch a video all the way through, whether you're likely to have an angry face or a smiley face when you see something." Ex. M13-A at 27:1-5, *Meta v. Bonta* (ECF 140-143).

For example, Meta's foundational model, "p(click)"—meaning click probability—is trained on "data about who's clicked on what types of pictures in the past so that it can learn that click probability in the future." Ex. M13 at 20:14-21:7, *Meta v. Bonta* (ECF 140-16). The model then "predicts the probability that a given user will click on a given piece of content …." Ex. M13-A at 32:18-20, *Meta v. Bonta* (ECF 140-143). Whether a user sees that content turns on the user's own behavior. Ex. M13 at 115:16-17, *Meta v. Bonta* (ECF 140-16). The system displays content based upon the user's "forms of engagement in the past." Ex. M13-A at 35:19-25, *Meta v. Bonta* (ECF 140-143). It "will look at the features of a particular piece of content" and whether the user has engaged with similar content. Ex. M13 at 119:12-20, *Meta v. Bonta* (ECF 140-16). "And then on the basis of that information about the particular piece of content and the past behavior of all users," it will predict the user's engagement. Ex. M13 at 119:21-120:1, *Meta v. Bonta* (ECF 140-16).

TikTok and YouTube are no different. TikTok's recommendation system repeatedly serves similar content on the basis of "engagement behavior." Ex. T507 at

0388, No. 5:25-cv-09789-EJD, *TikTok, Inc. v. Bonta* (N.D. Cal. Aug. 20, 2026) [hereinafter "*TikTok v. Bonta*"] (ECF 118-41). It predicts user conduct based on user input, with "very limited understanding of what the content actually is." Ex. T427 at 519:23-520:15, *TikTok v. Bonta* (ECF 118-12). When a user "continuously shares, likes, comments, and finishes specific types of videos," those "signals will inform the recommendation system that the user likes this topic," which then "will recommend more similar videos …." 5-SER-1167, ¶ 275. YouTube's recommendations rest on user- and video-specific behavioral signals such as watch history, search history, subscriptions, likes, and dislikes. Goldbeck Decl. ¶ 46, *Google LLC v. Bonta*, No. 5:25-cv-09795-EJD (N.D. Cal. Aug. 20, 2026) [hereinafter "*Google v. Bonta*"] (ECF 114-4). There is "no ground truth for Recommendations"—no content judgment to apply—only "a Reinforcement Learning problem" in which "the system gets better by training on its own data." Ex. Y1173 at 6931, 6935-36, *Google v. Bonta* (ECF 114-77).

These are the "addictive feeds" that SB 976 regulates. As one platform expert explained, the ranking system, not any particular piece or type of content, is what causes rabbit-holing (the phenomenon by which users are presented with an increasingly homogenous feed). Ex. M14 at 366:11-16, *Meta v. Bonta* (ECF 140-17). And the ranking system is not "expressive." Feed ranking produces "statistical predictions rather than deliberate choices," and the system "does not 'prefer' one

idea over another, endorse any content, or attempt to persuade users." Goldbeck Decl. ¶¶ 48-49, *Meta v. Bonta* (ECF 140-4). A user's feed is driven by the platform's "topline metric," user engagement, "not the particular content to show individuals." Ex. M13 at 121:3-5, *Meta v. Bonta* (ECF 140-16) (internal quotation marks omitted). Far from automating editorial discretion, the recommendation algorithm "considers each piece of content in isolation without reference to other pieces of content that might appear before or after in the finalized slate." Ex. M14 at 310:7-12, *Meta v. Bonta* (ECF 140-17). Indeed, platforms do not know what their recommendation algorithms will display. *See* Ex. M13-A at 38:11-39:9, *Meta v. Bonta* (ECF 140-143). As one example, Meta consistently distributed suicide and self-injury content to teenagers—*and nobody noticed*. *See, e.g.*, Ex. M236 *Meta v. Bonta* (ECF 140-108). Meanwhile, YouTube's engineers sought to shape usage patterns "through changes in recommendation algorithms." Ex. Y546 at 0154, *Google v. Bonta* (ECF 114-11). But the object of that exercise was not to say something to the user; it was to convert "casual" users into "core" users. *Id.* at 0152.

II. Restricting addictive feeds would protect children.

The addictive feeds subject to SB 976 also cause significant harm to minor users of the plaintiff platforms. This evidence of harm further establishes that the district court properly declined to enjoin the Act. *See, e.g.*, *Roe v. Critchfield*, 137

F.4th 912, 922 (9th Cir. 2025) ("The third and fourth factors, harm to the opposing party and weighing the public interest, merge when the Government is the opposing party." (cleaned up)).

A. California's interest in protecting children from addiction-maximizing algorithmic feeds satisfies any applicable standard of review.

California's interest in protecting children from addiction-maximizing feeds is significant under the intermediate scrutiny that governs a content-neutral regulation of the mechanism by which those feeds are compiled, and it is compelling in any event. *See Project Veritas v. Schmidt*, 125 F.4th 929, 947, 950-51 (9th Cir. 2025) (en banc) (statute is content neutral and intermediate scrutiny applies if "it does not draw distinctions based on the message a speaker conveys" and "it was not adopted because of the government's disagreement with the speaker's message") (cleaned up). The district court here recognized that the State's justification of "protect[ing] the mental and physical health of children" is "an extremely important justification" that weighs against issuance of an injunction. ER-8. Courts within and without this circuit agree: states have a compelling interest in protecting minors from the harmful effects of social media use. *See, e.g.*, *Comput. & Commc'ns Indus. Ass'n v. Uthmeier*, 2025 WL 3458571, at *6 (11th Cir. Nov. 25, 2025) ("The State has a compelling interest in protecting minors in general, and it has demonstrated that they are

particularly susceptible to the potentially addictive features built into some social media platforms."); *NetChoice, LLC v. Yost*, 180 F.4th 268, 298-301 (6th Cir. 2026) (Batchelder, J., concurring in the judgment) (summarizing and crediting evidence of "harm to minors connected to social-media use"); *see also NetChoice v. Bonta*, 152 F.4th at 1025 (recognizing "California may have a weighty interest in preventing minors from becoming addicted to personalized feeds" but reversing on other grounds).

B. The evidentiary record demonstrates the harm to children.

1. Experts agree that the platforms' recommendation algorithms have led to a rise in harm to youth mental and physical health.

The evidentiary record of the State's compelling interest in preventing harm to children is particularly strong here. Dr. Dimitri Christakis, the George Adkins Professor of Pediatrics and an adjunct Professor in Psychiatry and Health Services at the University of Washington, opined in his expert report that the platforms' recommendation algorithms "are designed to maximize platform engagement and result in problematic and addictive usage patterns." 3-SER-666, ¶ 11. "Children under the age of 18, because of their relative lack of inhibitory control compared to adults, are at greater risk of developing problematic usage patterns and are more susceptible to recommendation algorithms." 3-SER-666, ¶ 12. The resulting rise in problematic usage has caused "increased risk of anxiety, depression, body

dysmorphia, eating disorders, sleep deprivation, suicide, self-injury, and school problems." 3-SER-666, ¶ 15.

The State's other experts share these conclusions. As Dr. Jean Twenge, a Professor of Psychology at San Diego State University, opined, multiple evidentiary methods support the conclusion that "social media [is] a key contributor to increases in adolescent depression, unhappiness, loneliness, self-harm, and suicide." 5-SER-1182, ¶ 3; *see* 5-SER-1183, ¶¶ 4-9. Crucially, Dr. Twenge analyzed potential alternative causes for this increased harm (such as school shootings, the Great Recession, the opioid epidemic, and greater willingness by adolescents to admit symptoms or seek help). 5-SER-1207-17, ¶¶ 63-80. She concluded that "[n]one of [these] potential alternative causes … fit the data as well as the increasing popularity of smartphones and social media." 5-SER-1206-07, ¶ 62; *see* 5-SER-1217, ¶ 81 ("Thus, among the potential factors that have been cited above, the rise of social media on smartphones in the early 2010s is the most plausible cause of the adolescent mental health crisis, including in California."). Dr. Jenny Radesky, Associate Professor of Pediatrics and Director of the Division of Developmental Behavioral Pediatrics at the University of Michigan Medical School and C.S. Mott Children's Hospital, likewise found that the plaintiff platforms' algorithmic feeds "increase the amount time spent on platforms," which in turn leads to

"problematic/addictive-like use, sleep disruption," and harm to "mental wellbeing," particularly among adolescent users. 4-SER-992-93, 1008-09, ¶¶ 46-47, 77. And Dr. Eve Telzer, Professor of Psychology and Neuroscience at the University of North Carolina at Chapel Hill, discussed "the neural and behavioral consequences of social media experiences," concluding that the platforms' recommendation algorithms "activate reward and salience networks in the brain that promote habitual and compulsive use," which "causes and contributes to mental health harms in adolescents." 5-SER-1046, 1084-85, 1177, ¶¶ 44(e), 112, 301-03.

The State Legislature echoed these conclusions in its legislative findings, which link the restriction on addictive feeds to "research finding that social media usage is linked to a variety of negative health outcomes, including low self-esteem and disordered eating, for adolescent girls," "less healthy sleep patterns and sleep quality," and "negative mental health outcomes, including depressive symptoms and self-harm behaviors." S.B. 976, § 1(c)-(e), 2023-24 Reg. Sess. (Cal. 2024). The Legislature also cited the U.S. Surgeon General's 2023 Advisory on Social Media and Youth Mental Health, which "identified 'reasons for concern' about social media usage by children and adolescents." *Id.* § 1(c). Given this strong evidentiary record, it is little wonder that the State Legislature felt compelled to protect California's youth from harm caused by the platforms' recommendation algorithms.

2. The plaintiff platforms knew about the harmful effects of their recommendation algorithms on young users.

Not only does expert scientific evidence demonstrate that the plaintiff platforms' recommendation algorithms cause compulsive use and negative mental and physical health consequences for young users—the plaintiffs themselves knew this to be the case ***but did nothing to remedy this significant harm***.

a. Meta

Meta had ample evidence of the disastrous consequences of its addiction-maximizing features, including the recommendation algorithm. In a mid-2019 presentation, Meta researchers warned (in a presentation aptly entitled "Teen Mental Health: Creatures of Habit"): "Instagram is addictive, and time-spend on platform is having a negative impact on mental health." Ex. M75 at 0017, *Meta v. Bonta* (ECF 140-22). A Meta "mental health deep dive" similarly observed that "[t]eens blame Instagram for increases in the rates of anxiety and depression among teens," a reaction that was "unprompted and consistent across all groups" surveyed as part of the study. Ex. M98 at 0349, *Meta v. Bonta* (ECF 140-44). A 2022 presentation noted that "problematic use" (defined as "[a] perceived lack of control over usage of a technology or social media platform that is perceived to lead to negative life impact") was the "[t]op [well-being] issue" for teens on Instagram. Ex. M76 at 0102, *Meta v. Bonta* (ECF 140-23). Fifty-six percent of teen users of

Instagram surveyed said "it's difficult to manage how much time they spend on social media," *id.*, and a separate internal Meta survey agreed that the prevalence of problematic usage is highest among teens and young adults, 3-SER-732, ¶ 157 (citing META_BONTA-00000195).

Despite this, Meta created a recommendation algorithm that was, as a senior researcher at Meta admitted in an internal email, "absolutely tuned to maximize engagement in a maximally empirical, principle-less way"—something this researcher concluded made "the things contained in the lawsuits [brought by personal injury plaintiffs and school districts] … somewhat hard to refute." Ex. M218 at 0882, *Meta v. Bonta* (ECF 140-95); *see also, e.g.*, Ex. M215 at 0877, *Meta v. Bonta* (ECF 140-92) ("I feel like i'm reading totally different litigation and legislation than our org leaders… we literally are optimizing teens feeds for engagement."). Meta knew that this engagement-maximizing algorithm was likely, if not guaranteed, to cause negative health outcomes for young users. One researcher admitted that "[t]eens are still developing, novelty-seeking and impulsive," which another researcher agreed meant "we probably shouldn't have ranking primarily by p(eyeballtime) and p(engagement), which is how it currently works." Ex. M216 at 0879, *Meta v. Bonta* (ECF 140-93). Meta even conducted a study to experimentally test the effects of social media use on mental health; the main finding was that "[p]eople who stopped

using Facebook for a week reported an improvement in certain types of emotions (e.g. depression, anxiety, loneliness, and social comparison)." Ex. M93 at 0296, *Meta v. Bonta* (ECF 140-40).

b. TikTok

An internal TikTok strategy memo admitted that "external research … reveals … concerning effects" of social media use," including "compulsive usage [that] correlates with a slew of negative mental health effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety." Ex. T537 at 0578-79, *TikTok v. Bonta* (ECF 118-61). Despite recognizing that youth addiction to social media was "concerning [for] young minds," TikTok viewed this as "a good thing for the platform." Ex. T532 at 0522, *TikTok v. Bonta* (ECF 118-56).

TikTok's head of safety admitted that "rabbit holes"—the phenomenon whereby "a content recommendation system leads a user to new types of content … until it becomes the only, or majority of content consumed," Ex. T507 at 0388, *TikTok v. Bonta* (ECF 118-41)—"will happen," "[n]o doubt about it," Ex. T509 at 0396, *TikTok v. Bonta* (ECF 118-43); *see id.* ("You can burn a half hour very easily; find yourself in a very bizarre mode (part of the psychological wellness) –> trying to figure out how to incentivize this while also acknowledging business goals"). For

TikTok, this "fundamental risk" was simply the cost of doing business. Ex. T512 at 0440, *TikTok v.* Bonta (ECF 118-46).

c. YouTube

As YouTube admitted in an internal "wellbeing" presentation, "YouTube is not a neutral environment. It's been optimized over the years to increase people's time and attention on the platform." Ex. Y738 at 1360, *Google v. Bonta* (ECF 114-23). This strategic choice had a particular impact on "[t]eens and young adults," whom YouTube acknowledged "are more vulnerable." *Id.*; *see id.* at 1353 ("Developing pre-frontal cortex: do not have the decision-making or self-regulation of adults."). These engagement-maximizing choices led to "late night use," "habitual heavy use," "unintentional use," and "problematic content," which in turn caused "negative wellbeing effects." *Id.* at 1350.

These negative effects are particularly profound in association with YouTube's recommendation algorithm, which YouTube admitted "often pull[s] people down the rabbit hole." Ex. Y779 at 2799, *Google v. Bonta* (ECF 114-37). The repetition of content caused by the rabbit-hole phenomenon "may affect teens' social and emotional development." Ex. Y1025 at 5399, *Google v. Bonta* (ECF 114-62); *see id.* ("[T]oday this content can show up in our recommended feeds in high volume or concentration, repeating the same messages to teens."). As YouTube admitted

starkly: "the problem is teens are watching a high volume of content that has potential negative impact … to wellbeing by repeating skewed norms." Ex. Y1026 at 5669, *Google v. Bonta* (ECF 114-63).

CONCLUSION

Because SB 976 permissibly addresses non-expressive conduct and advances California's compelling interest in protecting minors, the district court's order denying Plaintiffs' motions for a preliminary injunction should be affirmed.

October 20, 2026

Respectfully submitted,

By: */s/ Lexi J. Hazam*
Lexi J. Hazam

By: */s/ Previn Warren*
Previn Warren

Counsel for School District Amici Curiae

ATTACHMENT: LIST OF *AMICI CURIAE*

Altoona Area School District
Altoona, Pennsylvania

Ascension Public Schools
Ascension Parish, Louisiana

Baltimore City Board of School Commissioners
Baltimore, Maryland

Barbers Hill Independent School District
Chambers County, Texas

Bellwood-Antis School District
Bellwood, Pennsylvania

Bernalillo Public Schools
Sandoval County, New Mexico

Canutillo Independent School District
El Paso County, Texas

Castle Rock School District
Cowlitz County, Washington

Central Regional School District
Bayville, New Jersey

Claysburg-Kimmel School District
Claysburg, Pennsylvania

Clearfield Area School District
Clearfield, Pennsylvania

Clinton Township School District
Clinton Township, New Jersey

Corpus Christi Independent School District
Nueces County, Texas

Curwensville Area School District
Curwensville, Pennsylvania

Cypress-Fairbanks Independent School District
Harris County, Texas

Deer Park School District
Spokane County, Washington

Detroit Public Schools Community District
Detroit, Michigan

Farmington Municipal Schools
San Juan County, New Mexico

Ferndale Area School District
Johnstown, Pennsylvania

Franklin Pierce School District
Pierce County, Washington

Freehold School District
Freehold, New Jersey

Galveston Independent School District
Galveston County, Texas

Grandview School District
Yakima County, Washington

Granger School District
Yakima County, Washington

Hollidaysburg Area School District
Hollidaysburg, Pennsylvania

Huntingdon Area School District
Huntingdon, Pennsylvania

Inchelium School District
Ferry County, Washington

Irvington Public Schools
Irvington, New Jersey

Juniata County School District
Mifflintown, Pennsylvania

Katy Independent School District
Harris, Fort Bend, & Waller Counties, Texas

La Center School District
Clark County, Washington

Las Cruces Public Schools
Doña Ana County, New Mexico

Livingston Parish Public Schools
Livingston Parish, Louisiana

The Magellan Charter School
Raleigh, North Carolina

Marion Center Area School District
Marion Center, Pennsylvania

Matawan-Aberdeen Regional School District
Matawan, New Jersey

Maxwell Municipal Schools
Colfax County, New Mexico

Metropolitan Government of Nashville and Davidson County on behalf of Metro Nashville Public Schools
Nashville & Davidson Counties, Tennessee

Mora Independent School District
Mora County, New Mexico

Mountain Island Charter School
Mt. Holly, North Carolina

North Plainfield School District
North Plainfield, New Jersey

Ocean Beach School District
Pacific County, Washington

Okanogan School District
Okanogan County, Washington

Peñasco Independent School District
Taos County, New Mexico

Pharr-San Juan-Alamo Independent School District
Hidalgo County, Texas

Philipsburg-Osceola Area School District
Philipsburg, Pennsylvania

Questa Independent School District
Taos County, New Mexico

Renton School District
King County, Washington

Richland School District
Johnstown, Pennsylvania

Ridgefield School District
Clark County, Washington

Rochester City School District and Rochester City School District Board of Education
Rochester, New York

San Mateo County Board of Education
San Mateo County, California

Santa Fe Public Schools
Santa Fe County, New Mexico

School District of the Chathams
Chatham, New Jersey

School District of Pittsburgh
Pittsburgh, Pennsylvania

Skamania School District
Skamania County, Washington

Socorro Consolidated Schools
Socorro County, New Mexico

Spring Cove School District
Roaring Spring, Pennsylvania

St. Martin Parish School District
St. Martin Parish, Louisiana

Sussex-Wantage Regional School District
Sussex, New Jersey

Tacoma Public School District
Pierce County, Washington

Tangipahoa Parish School System
Tangipahoa Parish, Louisiana

Taos Municipal Schools
Taos County, New Mexico

Tuscarora School District
Mercersburg, Pennsylvania

Tyrone Area School District
Tyrone, Pennsylvania

Union City Area School District
Union City, Pennsylvania

Wahkiakum School District
Wahkiakum County, Washington

Watchung Hills Regional High School District
Watchung Hills, New Jersey

Waynesboro Area School District
Waynesboro, Pennsylvania

West Las Vegas School District
San Miguel County, New Mexico

Westmont Hilltop School District
Johnstown, Pennsylvania

White Salmon Valley School District
Klickitat & Skamania Counties, Washington

Williamsburg Community School District
Williamsburg, Pennsylvania

Wishram School District
Klickitat County, Washington

Woodland Public School District
Cowlitz County, Washington

Zuni Public School District
McKinley County, New Mexico

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 8. Certificate of Compliance for Briefs

Instructions for this form: http://www.ca9.uscourts.gov/forms/form08instructions.pdf

9th Cir. Case Number(s) 26-5120, 26-5121, 26-5132

I am the attorney or self-represented party.

This brief contains 5,702 **words,** including _____ words manually counted in any visual images, and excluding the items exempted by FRAP 32(f). The brief's type size and typeface comply with FRAP 32(a)(5) and (6).

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- ○ complies with the word limit of Cir. R. 32-1.
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 34. Disclosure Statement under FRAP 26.1 and Circuit Rule 26.1-1

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9th Cir. Case Number(s) 26-5120, 26-5121, 26-5132

Name(s) of party/parties, prospective intervenor(s), or amicus/amici filing this form:

School District MDL Plaintiffs (see Attachment to Amicus Brief for full list of amici)

Under FRAP 26.1 and Circuit Rule 26.1-1, I make the following disclosures:

1. I disclose the following information required by FRAP 26.1(a) and/or Circuit Rule 26.1-1(b) for any nongovernmental corporation, association, joint venture, partnership, limited liability company, or similar entity[1] which is a party, prospective intervenor, or amicus curiae in any proceeding, or which the government identifies as an organizational victim below in section 2 of this form,[2] or which is a debtor as disclosed below in section 3 of this form.

   a. Does the party, prospective intervenor, amicus, victim, or debtor have any parent companies? Parent companies include all companies that control the entity directly or indirectly through intermediaries.
   ○ Yes ◉ No

   If yes, identify all parent corporations of each entity, including all generations of parent corporations *(attach additional pages as necessary)*:

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[1] A corporate entity must be identified by its full corporate name as registered with a secretary of state's office and, if its stock is publicly listed, its stock symbol or "ticker."

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If yes, identify all such owners for each entity *(attach additional pages as necessary)*:

2. In a criminal case, absent good cause shown, the government must identify here any organizational victim of the alleged criminal activity:

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4. Are you aware of any judge serving on this Court who participated at any stage of the case, either in district court, administrative proceedings, or in related state court proceedings?

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If yes, list the name of the judge and the case name, case number, and name of court of the related proceedings:

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◉ this is the first disclosure statement filed in the above-referenced case by the above-identified party/parties, prospective intervenor(s), or amicus/amici, and this disclosure statement complies with FRAP 26.1 and Circuit Rule 26.1-1.

○ the party/parties, prospective intervenor(s), or amicus/amici submitting this supplemental disclosure statement has previously filed a compliant disclosure statement in this case, and this updated disclosure statement discloses changed or additional information.

○ I have reviewed this form, FRAP 26.1, and Circuit Rule 26.1-1 and, to the best of my knowledge, have no information to disclose at this time.

Signature s/ Lexi J. Hazam **Date** 10/20/2026

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