

1 Juyoun Han (*pro hac vice*)
2 Eric Baum (*pro hac vice*)
3 **EISENBERG & BAUM, LLP**
4 24 Union Square East, PH
5 New York, NY 10003
6 Tel: (212) 353-8700
7 Fax: (212) 353-1708

8 Peter Romer-Friedman (*pro hac vice*)
9 Robert Friedman (*pro hac vice*)
10 **GUPTA WESSLER PLLC**
11 2001 K Street, NW, Suite 850
12 Washington, DC 20006
13 Tel: (202) 888-1741

14 [other counsel listed below]

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 **THE ESTATE OF CARSON BRIDE,**
18 by and through his appointed
19 administrator **KRISTIN BRIDE;**
20 **KRISTIN BRIDE; A.K.** by and through
21 her legal guardian Jane Doe 1; A.C. by
22 and through her legal guardian Jane Doe
23 2; A.O. by and through her legal
24 guardian Jane Does 3, and the **TYLER**
25 **CLEMENTI FOUNDATION,** on
26 behalf of themselves and all others
27 similarly situated,

Plaintiff,

v.

28 **YOLO TECHNOLOGIES, INC.,**
LIGHTSPACE, INC., and **DOES #1-**
20.

Defendants.

Civil Action No.:
2:21-cv-06680-FWS-MRW

AMENDED COMPLAINT
[CLASS ACTION]

DEMAND FOR JURY TRIAL

1
2
3 **INTRODUCTION**

4 1. In this class action lawsuit, the plaintiffs—A.C., A.K., and A.O. who are
5 minor children; the Estate of Carson Bride, a teenager who tragically took his own life
6 due to anonymous online bullying; his mother Kristin Bride, and; the Tyler Clementi
7 Foundation—seek to hold accountable Yolo Technologies, Inc. (Yolo) and
8 Lightspace, Inc. (Lightspace) for designing and operating online messaging
9 applications, YOLO, and LMK, respectively, that are inherently dangerous for minors
10 because of their signature feature: anonymity.
11

12
13 2. The plaintiffs also seek to hold Yolo and Lightspace responsible for
14 making false and deceptive statements that misled minors, as well as their parents,
15 about the concrete steps that the companies would take to make their apps safer. For
16 example, Yolo falsely stated that it would reveal the names of users who engage in
17 harassment or bullying and ban them, and that there would be zero tolerance for
18 objectionable conduct like harassment or bullying. And Lightspace falsely told its users
19 that LMK “does not tolerate ANY objectionable content or abusive users.”
20
21

22
23 3. In 2019, when Yolo and Lightspace launched their anonymous
24 messaging apps, YOLO and LMK, respectively, it had long been understood that
25 anonymous online communications pose a significant danger to minors, including by
26 increasing the risk of bullying and other antinormative behavior and amplifying the
27
28

1 negative feelings of victims. Prior anonymous apps were “vulnerable to being used to
2 spread hate speech and bullying.”¹ And on a number of occasions during the prior
3 decade teenagers had taken their own lives after being cyberbullied on anonymous
4 apps, such as Formspring.me, ask.fm, and Yik Yak. By 2019, the verdict was already
5 in: anonymous messaging cause cyberbullying and harassment to metastasize,
6 especially for minors.
7

8
9 4. Despite knowing this, Yolo and Lightspace forged ahead in making their
10 anonymous messaging apps widely available to the public as an extension to Snapchat,
11 a platform with hundreds of millions of users. Within a week of YOLO’s launch, it
12 became the top downloaded app in America and a “teen hit,”² and within months the
13 app had 10 million active users.³ LMK also acquired a million users within a short
14 period from its launch.
15
16

17 5. But Yolo and Lightspace did not put a plan in place to meaningfully
18 prevent the foreseeable and expected harm that would result from having millions of
19 teenagers use anonymous messaging every single day. And despite the inherent
20 dangers of anonymous messaging for teenagers and the technological obstacles that
21
22
23

24 ¹ Josh Constantine, *#1 app YOLO Q&A is the Snapchat platform’s 1st hit*, TechCrunch.com (May
25 8, 2019), <https://techcrunch.com/2019/05/08/download-yolo-app/>.

26 ² *Id.*

27 ³ Josh Constantine, *Teen hit Yolo raises \$8 million to let you Snapchat anonymously: Can it stop
28 the trolls?*, TechCrunch.com (February 28, 2020), <https://techcrunch.com/2020/02/28/anonymous-snapchat-group-chat-yolo/>.

1 anonymity necessarily creates for preventing or mitigating the harm of cyberbullying,
2 in 2019 Yolo and Lightspace launched anonymous messaging apps that they knew or
3 should have known were not reasonably safe for minors.
4

5 6. Compounding the problem, Yolo misled their minor users (and their
6 parents) into believing that Yolo would take meaningful actions to make the YOLO
7 app a safe space for users. For example, when teenagers downloaded the YOLO app
8 onto their phones, Yolo specifically declared in conspicuous pop-up messages that
9 users would be “banned for any inappropriate usage” and if they “send harassing
10 messages to our users, [their] identity will be revealed.”
11

12 7. But these statements were false when they were first made, and they
13 continued to be false as Yolo did not reveal the identities of users who harassed or
14 engaged in other inappropriate conduct or to ban those users. In fact, when YOLO
15 users reported other users who were sending bullying or harassing messages, Yolo
16 regularly did not respond to their inquiries or take any action in response to them.
17

18 8. Similarly, Lightspace made false statements to deceive minors and their
19 parents into believing that LMK would take actions to make the app a safe space for
20 users. For example, in LMK’s Guidelines for its users, Lightspace stated that LMK
21 does “not tolerate any sexually explicit content. This includes content in the form of
22 text, photo, and video,” and that LMK “does not tolerate ANY objectionable content
23 or abusive users.”
24
25
26
27
28

1 9. As the popularity of YOLO and LMK grew, so did the bullying and
2 harassment of innocent teenagers who had been told that YOLO and LMK would be
3 safe spaces with no tolerance for such abusive behavior. Minors routinely received
4 messages encouraging them to kill themselves, propositioning them for sex, calling
5 girls “whores,” and incessantly mocking their physical appearances.
6
7

8 10. On June 23, 2020, tragedy struck the Bride family: Carson Bride took
9 his own life at the age of 16 after suffering months of cyberbullying on YOLO and
10 LMK, which included physical threats, obscene sexual messages and propositions,
11 and other humiliating comments—and after unsuccessful, tormenting efforts to find
12 out who was sending him these abusive messages.
13
14

15 11. But this tragic outcome was not unexpected, in light of the many teen
16 deaths that prior anonymous apps had caused and given the customer reviews of
17 YOLO and LMK that detailed the emotional harm minors were suffering on those
18 apps. In fact, it was only a matter of time before YOLO and LMK’s inherently
19 dangerous anonymous messaging apps caused the death of a teenager. And if it had
20 not been Carson, it would have been someone else’s child. It could have been any of
21 our children.
22
23

24 12. On May 10, 2021, Carson’s mother, Kristin Bride, filed this lawsuit to
25 seek justice for her son and other minors whom Yolo and Lightspace harmed and
26 misled, and to prevent other families from suffering the same unthinkable loss. Within
27
28

1 48 hours of filing the lawsuit, Snap suspended YOLO and LMK. And on March 17,
2 2022, Snap announced that it would ban anonymous messaging apps like YOLO and
3 LMK from its platform. As Snap explained, “we believe some users” of “anonymous
4 integrations” like YOLO and LMK “might be more prone to engage in harmful
5 behavior — such as bullying or harassment — if they have the shroud of anonymity.”
6
7

8 13. While the harms suffered by Carson and his family are irreversible, the
9 ban on YOLO, LMK, and other anonymous messaging apps will save lives and protect
10 millions of teenagers from the grave dangers posed by anonymous messaging apps.
11 Yet it is still critical to ensure that YOLO and LMK do not resurface on another
12 platform besides Snap and lure millions of vulnerable teens into the danger of
13 anonymous messaging.
14
15

16 14. And it is vitally important to hold Yolo and Lightspace accountable for
17 the harm that they have already caused to countless minors when they placed
18 inherently dangerous products into the marketplace and misled users about the
19 actions that they would take to promote safety on their apps. Three of those minors
20 have joined this lawsuit through this amended complaint, having experienced similar
21 abuse and bullying as Carson did before YOLO and LMK were thankfully shuttered.
22
23

24 15. In this complaint, the plaintiffs assert products liability and common law
25 negligence claims regarding YOLO and LMK’s inherently dangerous design defect
26 and the defendants’ failure to warn users of the danger of their products, as well as a
27
28

1 claim for unjust enrichment. They also bring common law claims for fraudulent and
2 negligent misrepresentations against Yolo and statutory consumer protection claims
3 against both defendants to address the false, misleading, and deceptive statements that
4 Yolo and Lightspace made about their products.
5

6 16. The plaintiffs bring this class action on behalf of all people who used
7 YOLO or LMK from May 2019 to May 2021 when they were 13 to 17 years old, and
8 those who will use YOLO or LMK in the future when they are within the same age
9 range (should YOLO or LMK renew its operations).
10
11

12 17. Yolo and Lightspace are not entitled to any defense or immunity under
13 Section 230 of the Communications Decency Act. In this action, the plaintiffs do not
14 seek to hold Yolo or Lightspace liable as the publisher or speaker of the content
15 provided by third parties within the meaning of Section 230. Instead, the plaintiffs
16 seek to hold the defendants liable for their own conduct, namely their negligent design
17 of products that would cause foreseeable harm that outweighs the utility of their
18 products, their own failure to warn of the danger of their products, and their own
19 misrepresentations about the specific steps they would take to stop harassment and
20 bullying of users.
21
22
23

24 18. One of the duties that Yolo and Lightspace violated springs from the duty
25 to take reasonable measures to design a product that is more useful than it was
26 foreseeably dangerous. By simply removing the element of anonymity, Yolo and
27
28

1 Lightspace could have complied with this duty to design a reasonably safe product. It
2 could have provided the same messaging tools—such as the ability of users to send
3 polling requests to each other—without monitoring or changing the content of the
4 messages. Likewise, Yolo and Lightspace could have complied with their duty to warn
5 users (and users’ parents and guardians) of the danger of anonymous messaging
6 without monitoring or changing the content of users’ messages. And Yolo and
7 Lightspace could have complied with their duties under the common law and state
8 statutory law not to make false, deceptive, or misleading statements simply by
9 accurately describing their own products, services, and business practices, or by not
10 making such statements at all.

11
12
13
14
15 19. Section 230 is not a get-out-of-jail free card for companies and corporate
16 leaders who negligently design unreasonably dangerous products that they know
17 millions of children will use, fail to warn children and their parents of the dangers of
18 those products, and falsely describe their safety measures to deceptively attract more
19 users to line their own pockets.
20
21
22
23

24 **PARTIES**

25
26 20. Plaintiff the Estate of Carson Bride is the estate of the minor Carson
27 Bride, who at all relevant times was an Oregon resident prior to his death on June 23,
28

1 2020 at the age of 16. Carson Bride was a YOLO user from on or before January 23,
2 2020 to June 23, 2020. And he was a LMK user from on or before January 23, 2020
3 to June 23, 2020. Before he began using YOLO and LMK, Carson Bride downloaded
4 onto his phone the YOLO and LMK apps that Yolo and Lightspace designed,
5 developed, manufactured, distributed, and delivered to him.
6
7

8 21. At all relevant times, Plaintiff Kristin Bride has been an Oregon resident.
9 She brings this action as the appointed administrator of the Estate of Carson Bride
10 and on behalf of herself as an individual.
11

12 22. At all relevant times, Plaintiff A.K. has been a Colorado resident. She is
13 16 years old and began using YOLO in 2019. Before she began using YOLO and
14 LMK, A.K. downloaded onto her phone the YOLO and LMK apps that Yolo and
15 Lightspace designed, developed, manufactured, distributed, and delivered to her.
16 Plaintiff A.K. and her legal guardian Jane Doe 1 request that this Court permit them
17 to proceed under pseudonyms (“A.K.” and “Jane Doe 1” respectively). If required by
18 the Court, they will seek permission to proceed under the pseudonyms. The use of
19 pseudonyms is necessary to preserve privacy in a matter of sensitive and highly
20 personal nature given that the allegations detailed herein relate to plaintiff’s experience
21 as a victim of cyberbullying with sensitive personal information that would humiliate
22 or embarrass minor child. A.K.’s sensitive and personal experiences were not the
23
24
25
26
27
28

1 result of any voluntary undertaking on her part, and neither the public, nor the
2 defendants, will be prejudiced by her identity remaining private.

3
4 23. At all relevant times Plaintiff A.C. has been a Minnesota resident. She is
5 16 years old and began using YOLO in 2019. Before she began using YOLO and
6 LMK, A.C. downloaded onto her phone the YOLO and LMK apps that Yolo and
7 Lightspace designed, developed, manufactured, distributed, and delivered to her.
8 Plaintiff A.C. and her legal guardian Jane Doe 2 request that this Court permit them
9 to proceed under pseudonyms (“A.C.” and “Jane Doe 2” respectively). If required by
10 the Court, they will seek permission to proceed under the pseudonyms. The use of
11 pseudonyms is necessary to preserve privacy in a matter of sensitive and highly
12 personal nature given that the allegations detailed herein relate to A.C.’s experience
13 as a victim of cyberbullying with sensitive personal information that would humiliate
14 or embarrass minor child. A.C.’s sensitive and personal experiences were not the
15 result of any voluntary undertaking on her part, and neither the public, nor the
16 defendants, will be prejudiced by her identity remaining private.

17
18
19
20
21 24. At all relevant times Plaintiff A.O. has been a Pennsylvania resident. She
22 is 14 years old and began using YOLO in or around 2019. Before she began using
23 YOLO and LMK, A.O. downloaded onto her phone the YOLO and LMK apps that
24 Yolo and Lightspace designed, developed, manufactured, distributed, and delivered
25 to her. Plaintiff A.O. and her legal guardian Jane Doe 3 request that this Court permit
26
27
28

1 them to proceed under pseudonyms (“A.O.” and “Jane Doe 3” respectively). If
2 required by the Court, they will seek permission to proceed under the pseudonyms.
3
4 The use of pseudonyms is necessary to preserve privacy in a matter of sensitive and
5 highly personal nature given that the allegations detailed herein relate to A.O.’s
6 experience as a victim of cyberbullying with sensitive personal information that would
7 humiliate or embarrass minor child. A.O.’s sensitive and personal experiences were
8 not the result of any voluntary undertaking on her part, and neither the public, nor the
9 defendants, will be prejudiced by her identity remaining private.
10
11

12 25. Plaintiff Tyler Clementi Foundation (the Foundation) is a non-profit
13 organization registered in New York whose mission is to end online and offline
14 bullying, harassment and humiliation. The Foundation advocates for and educates
15 parents and children who struggle with cyberbullying and safety issues. The
16 Foundation has Youth Ambassador members across the country who work with the
17 Foundation to prevent bullying and cyberbullying within their schools and
18 communities. The Foundation brings this action on behalf of itself and on behalf of
19 its members, including several Youth Ambassador members from New York who
20 have used YOLO and LMK.
21
22
23

24 26. Defendant Yolo Technologies, Inc. (formerly Popshow, Inc.) is a
25 Delaware corporation with its headquarters and principal place of business in Los
26 Angeles, California. Yolo’s only operations in the United States are located in Los
27
28

1 Angeles, California. Yolo Technologies, Inc. is the developer of the app YOLO. Yolo
2 sells, transfers, and services its product, the YOLO app, to consumers in exchange for
3 their time, attention, and personal data. YOLO is an app designed to allow its users
4 to send messages to each other anonymously. Predominantly used by teens, YOLO
5 allows teens to chat, exchange questions and answers, and send polling requests to one
6 another on a completely anonymous basis—that is, the receiver of a message will not
7 know the sender’s account names, nicknames, online IDs, phone numbers, nor any
8 other identifying information unless senders “reveal” themselves by “swiping up” in
9 the app. Until YOLO was banned by Snap in 2021, YOLO operated on “Snap Kits,”
10 which allowed hundreds of millions of Snap users to access YOLO via Snapchat.
11

12
13
14
15 27. Each claim in this action that is brought against Yolo is also brought
16 against the Defendant Does 1-10, each of whom is the agent, servant, partner, joint-
17 venturer, co-venturer, “media partner,” principal, director, officer, manager,
18 employee, or shareholder of one or more of its co-defendant(s) who aided, abetted,
19 controlled, and directed or conspired with and acted in furtherance of said conspiracy
20 with one or more of its co-defendant(s) in said co-defendant(s) performance of the
21 acts and omissions described below. The plaintiffs sue each of these Doe defendants
22 by these fictitious names because plaintiffs do not know these defendants’ true names
23 and capacities. Despite reasonable efforts, the plaintiffs have not been able to ascertain
24 the identity of DOES 1-10.
25
26
27
28

1 28. Upon information and belief, Defendant Lightspace, Inc., is a Cayman
2 Island corporation that had its principal place of business in Palo Alto, California until
3 June 18, 2020. Lightspace is the owner and operator of the LMK app. Lightspace sells,
4 transfers, and services its product, the LMK app, to consumers in exchange for their
5 time, attention, and personal data. Predominantly used by teens, LMK is an
6 anonymous Question and Answer and polling app that integrates with Snapchat
7 through Snap Kit. LMK users can create and customize stickers and backgrounds
8 while sharing polls with their friends on Snapchat. Other users vote anonymously and
9 the user who posted the poll can share results on Snapchat.
10
11
12

13 29. Each claim in this action that is brought against Lightspace is also brought
14 against the Defendant Does 11-20, each of whom is the agent, servant, partner, joint-
15 venturer, co-venturer, “media partner,” principal, director, officer, manager,
16 employee, or shareholder of one or more of its co-defendant(s) who aided, abetted,
17 controlled, and directed or conspired with and acted in furtherance of said conspiracy
18 with one or more of its co-defendant(s) in said co-defendant(s) performance of the
19 acts and omissions described below. The plaintiffs sue each of these Doe defendants
20 by these fictitious names because the plaintiffs do not know these defendants’ true
21 names and capacities. Despite reasonable efforts, the plaintiffs have not been able to
22 ascertain the identity of DOES 11-20.
23
24
25
26
27
28

JURISDICTION AND VENUE

1
2 30. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §
3
4 1332(d)(2), because the matter in controversy, exclusive of interest and costs, exceeds
5 \$5,000,000, and is a class action in which some members of the class are citizens of
6 states different from the states where Defendants are citizens. All of the named
7 plaintiffs in this action are citizens of a different state than Yolo, which is a citizen of
8 California and/or Delaware, and a different state than Lightspace, which is a foreign
9 corporation that is a resident of California.
10

11
12 31. In addition, as to each of the named plaintiffs, there is subject matter
13 jurisdiction under 28 U.S.C. § 1332(a), because the value of each named plaintiff's
14 claims exceeds \$75,000, and there is complete diversity between each named plaintiff,
15 on the one hand, and Yolo and Lightspace, on the other hand.
16

17
18 32. There is general jurisdiction over Yolo, because Yolo's principal place
19 of business is in this District and, in fact, all of its United States-based operations and
20 employees are located in this District. There is also specific jurisdiction over Yolo,
21 because Yolo developed, marketed, created, and operated the YOLO app in this
22 District and connected to its users, including several of the plaintiffs, from its
23 operations in this District.
24

25
26 33. There was general jurisdiction over Lightspace in the Northern District
27 of California, where this action was originally filed, because Lightspace's principal
28

1 place of business is in the Northern District of California. Lightspace moved to
2 transfer the action to this District and therefore consented to this Court exercising
3 personal jurisdiction over it.
4

5 34. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1),
6 because Yolo resides in this District and Lightspace resides in the Northern District
7 of California. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(b)(2),
8 because many of the acts and transactions giving rise to this action occurred in this
9 District, where Yolo developed, manufactured, marketed, and operated YOLO.
10
11

12 **FACTUAL ALLEGATIONS**

13 **IT HAS LONG BEEN KNOWN THAT ANONYMOUS MESSAGING APP ARE INHERENTLY**
14 **AND UNREASONABLY DANGEROUS FOR MINORS**

15 35. For at least the past decade it has been known that anonymous online
16 messaging and communications pose significant risks and cause grave harms to
17 minors, with numerous teens committing suicide because they were bullied and
18 harassed on anonymous messaging apps. Those risks and harms have been widely
19 identified in news reports, academic studies, petitions from concerned parents, and
20 consumer reports to technology companies. And Yolo and Lightspace were aware of,
21 and should have been aware of, the problem that other anonymous apps had with
22 bullying when they launched their apps in 2019.
23
24
25
26
27
28

1 36. Studies have shown that anonymous communications increase the risk
2 of aberrant behavior and that such behavior is more likely to go unchecked due to the
3 same anonymity. When anonymity is involved in communications, it reinforces
4 depersonalization, which leads to an increase in antinormative behavior (like bullying
5 and harassment) and a decrease in bystander intervention. A well-regarded study
6 found that “the perceived anonymity of the bystander [was] negatively related to their
7 propensity to intervene.”⁴ And the perceived invisibility of the communicators often
8 leads to antinormative behavior” because the anonymity reinforces
9 “depersonalization” (*i.e.*, the inability to tell “who is who” online).
10 “[D]epersonalization” happens in “online environments in which people are
11 interacting with people they already know in a face-to-face context,” as opposed to the
12 traditional sense of anonymity where people may be complete strangers to one
13 another.⁵

14
15
16
17
18
19 37. Another study on anonymity and cyberbullying found that “[a]nonymity
20 has a more negative impact on the victim. Adolescents believed that the anonymous
21 situation is more serious and has more of a negative impact on the victim.”⁶ The
22
23

24
25 ⁴ N. Brody & A.L. Vangelisti, *Bystander Intervention in Cyberbullying*, COMMUNICATION
MONOGRAPHS, 83:1, 94 (2016).

26 ⁵ *Id.* (earlier version of the study available at
https://www.natcom.org/sites/default/files/pages/NCA_Anti-Bullying_Resources_Brody.pdf, p. 20.)

27 ⁶ B. Mascotto, *Exploring the impact of anonymity on cyberbullying in adolescents: an integrative
28 literature review*, UNIVERSITY OF VICTORIA (2015), available at

1 negative feelings that a victim feels is amplified when the bullying is anonymous,
2 because the aggressor's intentions and perceptions are even more difficult to
3 determine. Moreover, as the study explained, adolescents believe that anonymity
4 allows individuals to behave in ways they might not otherwise (*e.g.*, engage in
5 cyberbullying) since they can remain anonymous and have more power.⁷
6
7

8 38. Leading experts on the causes and effects of bullying have found that
9 anonymous apps are a “one-stop shop for the bully’ because everything they need is
10 there: an audience, anonymity, an emphasis on appearances, and channels that range
11 from public feeds to behind-the-back group chats.”⁸
12

13 39. The significant risks to minors have translated into major harms
14 whenever anonymous app has launched in the past, often with bullying and
15 harassment causing teenagers to take their own lives.
16

17 40. For example, in 2010, 17-year-old Alexis Pilkington of Long Island, New
18 York was cyberbullied on *Formspring.me*, an anonymous question and answer site,
19 and then ended her own life.⁹
20
21
22
23

24 https://dspace.library.uvic.ca/bitstream/handle/1828/5986/Mascotto_Brooke_MN_2015.pdf?sequence=1&isAllowed=y.

25 ⁷ *Id.*

26 ⁸ Katy Steinmetz, *Inside Instagram's War on Bullying*, TIME, July 8, 2019,
<https://time.com/5619999/instagram-mosseri-bullying-artificial-intelligence/>

27 ⁹ *Town angry over Net slurs at suicide victim*, NBC NEWS, March 26, 2010, at
28 <https://www.nbcnews.com/id/wbna36058532>

1 41. In 2011, 15-year-old Natasha MacBryde of Worcestershire, U.K., took
2 her own life shortly after receiving threatening anonymous messages on
3 *Formspring.me*, which her family believed to be a significant contributor to her death.¹⁰

4
5 42. In 2011, 14-year-old Jamey Rodemeyer of Buffalo, New York took his
6 life after receiving slurs on *Formspring.me* from anonymous senders.¹¹

7
8 43. In 2012, 13-year-old Ciara Pugsley of Leitrim, Ireland took her own life
9 after being cyberbullied on an anonymous website, *ask.fm*.¹²

10
11 44. In 2015, 18-year-old Elizabeth Long was recovering from an attempted
12 suicide and, while using the anonymous Yik Yak app, she received anonymous
13 messages telling her that she should kill herself. Seeing the danger of anonymous apps
14 first-hand, Ms. Long launched a petition on Change.org to have the anonymous app
15 Yik Yak removed from the Apple Store and Google Play. Her petition was signed by
16 83,363 individuals.¹³

17
18
19 45. Unfortunately, later that year, Jacob Marberger, another teenager who
20 was anonymously cyberbullied on Yik Yak, ended his own life. The “tipping point”
21

22
23 ¹⁰ *Natasha MacBryde: Rail death teen threatened online*, BBC.COM, July 21, 2011, at
<https://www.bbc.com/news/uk-england-hereford-worcester-14239702>

24 ¹¹ *Jamey Rodemeyer Suicide: Police Consider Criminal Bullying Charges*, ABC NEWS, September
25 21, 2011, at [https://abcnews.go.com/Health/jamey-rodemeyer-suicide-ny-police-open-criminal-](https://abcnews.go.com/Health/jamey-rodemeyer-suicide-ny-police-open-criminal-investigation/story?id=14580832#.UXfKtrU3uSo)
[investigation/story?id=14580832#.UXfKtrU3uSo](https://abcnews.go.com/Health/jamey-rodemeyer-suicide-ny-police-open-criminal-investigation/story?id=14580832#.UXfKtrU3uSo)

26 ¹² *Third suicide in weeks linked to Cyberbullying*, IRISH EXAMINER, Oct. 29, 2012, at
<https://www.irishexaminer.com/news/arid-20212271.html>

27 ¹³ *Shut Down the app “Yik Yak”*, CHANGE.ORG, at [https://www.change.org/p/tyler-droll-and-](https://www.change.org/p/tyler-droll-and-brooks-buffington-shut-down-the-app-yik-yak)
28 [brooks-buffington-shut-down-the-app-yik-yak](https://www.change.org/p/tyler-droll-and-brooks-buffington-shut-down-the-app-yik-yak)

1 for Jacob, who had been socially ostracized after making a sexual harassment
2 complaint against other students, was when students were anonymously bullying him
3 on Yik Yak.¹⁴
4

5 46. In 2017, George Hessay of Rawcliffe, East Yorks, U.K., took his own life
6 after suffering abuse on an anonymous messaging app called Sayat.me in which users
7 could seek anonymous feedback from others online. George took his own life just
8 days after he was told “to kill himself” by an anonymous user. His death led to the
9 closure of the site in the United Kingdom.¹⁵
10
11

12 47. Another app with anonymous messaging, Sarahah, came under public
13 scrutiny for the harassment and bullying teenagers faced on that app. In 2018, a parent
14 witnessed her 13-year-old daughter receive an anonymous message on *Sarahah* from
15 a user who wrote: “I hope she kills herself.” The parent started a *Change.org* petition
16 that was signed by 466,714 supporters. *Sarahah* was removed from Apple and Google
17 app stores after reported instances of severe cyberbullying became known to the
18 public.¹⁶
19
20
21
22

23 ¹⁴ *Student’s Suicide Prompts Investigation of College’s Culture, Yik Yak*, NBC
24 PHILADELPHIA.COM, Dec. 3, 2015, <https://www.nbcphiladelphia.com/news/local/task-force-washington-college-jacob-marberger-bullying-social-media-yik-yak/157654/>

25 ¹⁵ Paul Sims, *BULLIED TO DEATH Boy, 15, took own life after vile anonymous bully on Sayat.me app urged him to ‘kill himself’*, The Sun (Aug. 8, 2019),
26 <https://www.thesun.co.uk/news/9682834/boy-took-own-life-bully-sayat-me-app-rawcliffe/>

27 ¹⁶ *Ban apps like Sarahah where my daughter was told to “kill herself”*, CHANGE.ORG,
28 <https://www.change.org/p/app-store-google-play-ban-apps-like-sarahah-where-my-daughter-was-told-to-kill-herself?redirect=false>

1 48. When Yolo and Lightspace launched their anonymous messaging apps,
2 YOLO and LMK, in 2019, they were aware that this type of bullying and harassment
3 was prevalent on prior anonymous messaging apps and that efforts to prevent bullying
4 and harassment on those apps had been unsuccessful.

5
6 **THERE IS A DIRECT LINK BETWEEN THE TYPE OF CYBERBULLYING THAT ANONYMOUS**
7 **APPS FOSTER AND TEEN SUICIDE, BUT TEENS, SCHOOL OFFICIALS, AND PARENTS HAVE**
8 **DIFFICULTY STOP BULLYING THAT IS MASKED BY ANONYMITY**

9 49. The risks of anonymous messaging apps are severe for minors, because
10 there is a well-established link between cyberbullying and teen suicide, and also
11 because minors are ill-equipped to stop cyberbullying.

12
13 50. Students who experience cyberbullying and other bullying are nearly two
14 times more likely to attempt suicide as other students.¹⁷ And victims of cyberbullying
15 are at a greater risk than non-victims of both self-harm and suicidal behaviors.¹⁸
16
17
18
19
20
21
22

23 ¹⁷ Hinduja, Sameer & Patchin, *Bullying, Cyberbullying, and Suicide*. ARCHIVES OF SUICIDE
24 RESEARCH : OFFICIAL JOURNAL OF THE INTERNATIONAL ACADEMY FOR SUICIDE RESEARCH
(2010), available at

25 https://www.researchgate.net/publication/45289246_Bullying_Cyberbullying_and_Suicide.

26 ¹⁸ John A, Glendenning AC, Marchant A, Montgomery P, Stewart A, Wood S, Lloyd K, Hawton
27 K, *Self-Harm, Suicidal Behaviours, and Cyberbullying in Children and Young People: Systematic
28 Review*, J MED INTERNET RES (2018);20(4):e129
doi: 10.2196/jmir.9044

1 51. According to a Pew Research Center survey, 59% of U.S. teenagers have
2 been bullied or harassed online. And 80% of teenagers believe that online platforms
3 and messaging apps don't do enough to prevent bullying and harassment online.¹⁹

4
5 52. Despite the prevalence of cyberbullying, teens do not feel empowered to
6 stop it and they are poorly positioned to do so. This is because on anonymous apps
7 such as YOLO and LMK that mask the identities of aggressors, teens are unable to
8 identify their aggressors, leaving victims helpless, frustrated, isolated, anxious and
9 mentally tortured with the notion that their aggressors may be lurking anywhere.
10

11
12 53. While uncertain about the identity of their aggressors, teens feel uneasy
13 about reporting to adults and school officials, because they fear the reporting will cause
14 the bullying to exacerbate or that their aggressors will retaliate.²⁰ Teens also fear that
15 they will get into trouble themselves if they had already been warned to stay off
16 electronic devices or social media, and that adults will then restrict their access to their
17 mobile devices.²¹
18
19

20 54. The problem of cyberbullying and the lack of intervention are even
21 greater problems now that teens are spending much more time online than prior
22
23

24 ¹⁹ *A Majority of Teens have Experienced Some Form of Cyberbullying*, PEW RESEARCH CENTER
25 (Sept. 27, 2018), <https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>

26 ²⁰ *Id.*

27 ²¹ *Why Victims of Bullying Often Suffer in Silence* (Feb. 27, 2021), VERYWELL FAMILY,
28 <https://www.verywellfamily.com/reasons-why-victims-of-bullying-do-not-tell-460784>

1 generations. During the COVID-19 pandemic, as of June 2020, 62 percent of parents
2 of U.S. teens aged 14-17 years stated that their children were spending more than 4
3 hours per day on electronic devices, nearly a two-fold increase compared to the pre-
4 pandemic times when only 32 percent of parents of U.S. teens aged 14-17 years were
5 spending more than 4 hours per day on electronic devices.²² Upon information and
6 belief, YOLO and LMK thrived and their owners profited throughout the pandemic
7 because of the surge of users' time spent on their apps.
8
9

10 **WHEN YOLO APP LAUNCHED IN 2019, INSTEAD OF RESPONSIBLY WARNING ITS**
11 **USERS ABOUT THE GRAVE DANGER OF ANONYMOUS MESSAGING FOR MINORS, YOLO**
12 **MISLED ITS USERS ABOUT THE STEPS IT WOULD TAKE TO PROTECT THEM FROM**
13 **BULLYING AND HARASSMENT ON YOLO.**

14 55. As described above, historical and recent experience with anonymous
15 messaging apps has shown that such apps are inherently dangerous to minors, because
16 anonymity significantly incentivizes antinormative behavior like bullying and
17 harassment and disincentivizes intervention against such behavior. Despite the
18 apparent danger and obstacles to making anonymous messaging safe for minors, Yolo
19 and Lightspace nonetheless developed, manufactured, created, distributed, and
20 operated anonymous messaging apps that were not reasonably safe for minors and
21 provided them to millions of users.
22
23
24

25
26
27 ²² *Internet Demographics and Use*, STATISTA, <https://www.statista.com/statistics/1189204/us-teens-children-screen-time-daily-coronavirus-before-during/>
28

1 56. In May 2019, Yolo launched its anonymous messaging app in the
2 marketplace. The app's key features were very similar to prior anonymous messaging
3 apps that resulted in massive amounts of bullying: it allowed users to ask questions
4 and have users anonymously respond, to send polling requests on a completely
5 anonymous basis, and to chat with other users anonymously. Unless a sender of a
6 communication agreed to reveal her identity, other users would not know the sender's
7 account names, nicknames, online IDs, phone numbers, or any other identifying
8 information.
9
10

11
12 57. Like other anonymous messaging apps that quickly reached large
13 numbers of teens, in YOLO's first week it became the top downloaded app in
14 America,²³ and 11 months later the app had 10 million active users.²⁴
15

16 58. Despite the massive and rapid expansion of its userbase, Yolo stated in
17 a sworn declaration in this case that it had, as of 2021, fewer than 10 employees. *See*
18 *Henrion Declaration*, ECF No. 31-3. Yolo knew or should have known at that point,
19 and earlier in 2020 when Yolo reached 10 million daily active users, that it could not
20 possibly provide meaningful safeguards to so many active users—including the
21
22
23
24

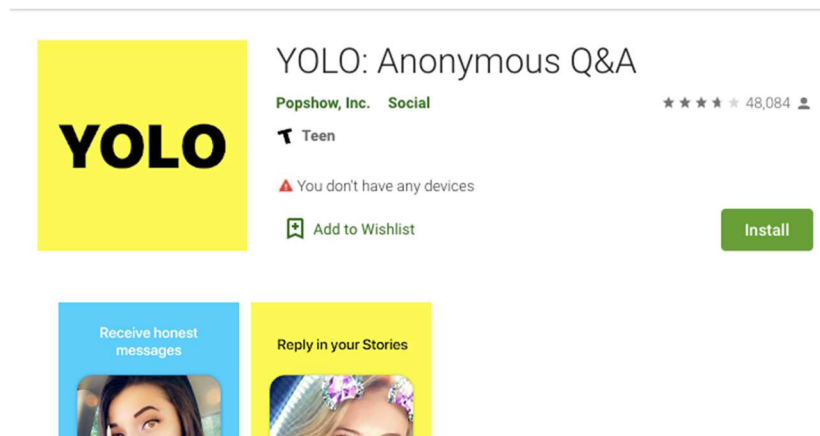
25 ²³ Josh Constantine, *#1 app YOLO Q&A is the Snapchat platform's 1st hit*, TechCrunch.com
26 (May 8, 2019), <https://techcrunch.com/2019/05/08/download-yolo-app/>.

27 ²⁴ Josh Constantine, *Teen hit Yolo raises \$8 million to let you Snapchat anonymously: Can it stop*
28 *the trolls?*, TechCrunch.com (February 28, 2020), <https://techcrunch.com/2020/02/28/anonymous-snapchat-group-chat-yolo/>.

1 safeguards Yolo told its users and users’ parents it would implement—given that it had
2 fewer than 10 employees.

3
4 59. When Yolo launched YOLO in May 2019, Yolo marketed YOLO to
5 minors and allowed minors to use the YOLO app without verifying or attempting to
6 verify the age of its users. And several months after launching, Yolo changed the age
7 rating for the YOLO app to 17 and older, again without doing anything to verify the
8 ages of its users.
9

10
11 60. On the Google Play store, YOLO is accompanied by a “Teen” content
12 rating, intentionally focusing its marketing and solicitation toward teenagers.²⁵
13 According to Google Play Help, the content ratings in the app store “are the
14 responsibility of the app developers.” And users are not required to input their date
15 of birth or engage in an age verification process when they sign up for YOLO.
16



25
26 ²⁵ Google Play Help, *Apps & Games Content Ratings on Google Play*:
27 https://support.google.com/googleplay/answer/6209544?p=appgame_ratings&visit_id=637560335067969325-3904586056&rd=1
28

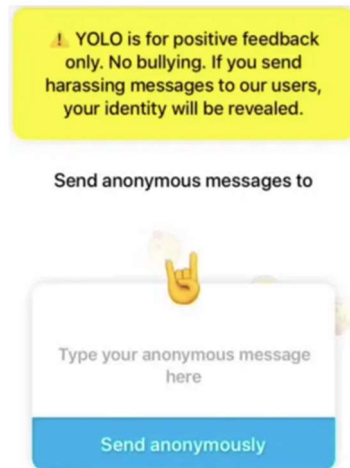
1 61. When Yolo launched YOLO it knew or should have known that
2 anonymous messaging would be inherently dangerous for minors, especially given the
3 history of suicide by teens who were bullied on anonymous messaging apps and the
4 prevalence of bullying on such apps, that there would be no feasible way to make
5 YOLO reasonably safe for minors at that time, and that that millions of minors' health,
6 safety, well-being, and lives would be placed in danger by using YOLO.
7

8
9 62. Because Yolo was aware of the inherent danger of anonymous messaging
10 for minors, it should have provided clear and conspicuous warnings to minors and
11 their parents of the potential dangers that they would encounter and experience by
12 using YOLO. But Yolo did not issue such a warning to minors when they signed up
13 for YOLO and it made no effort to warn those minors' parents of the same dangers.
14

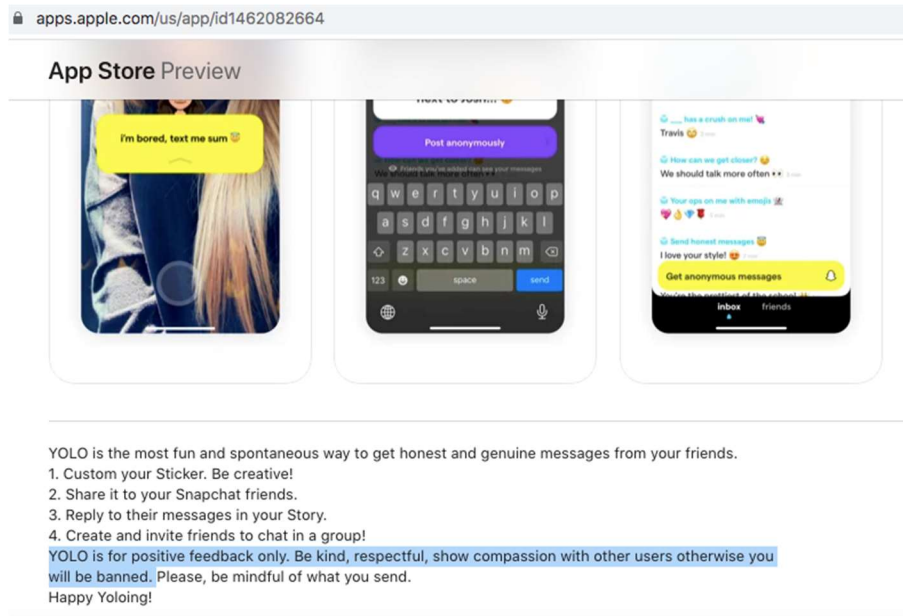
15
16 63. Instead of appropriately warning minors and their parents of the dangers
17 that YOLO posed to minors, Yolo made false and deceptive statements to users when
18 they signed up about the steps Yolo would take to make the app safer.
19

20 64. When a user first opens YOLO after downloading it from the Apple or
21 Google app store, a pop-up notice fills the screen and tells each prospective user:
22 "YOLO has no tolerance for objectionable content or abusive users. You'll be banned
23 for any inappropriate usage." Every user of YOLO, including Plaintiffs Carson Bride,
24 A.K., A.C., and A.O., read this statement and relied on it before they began using
25 YOLO.
26
27
28

1 65. On the first screen of the user’s interface with the YOLO app, YOLO
2 states: “YOLO is for positive feedback only. No bullying. If you send harassing
3 messages to our users, your identity will be revealed.” Every user of YOLO, including
4 Plaintiffs Carson Bride, A.K., A.C. and A.O. read this statement and relied on it
5 before they began using YOLO.
6
7



16 66. In a similar statement made prominently to all YOLO users when they
17 sign up for YOLO, YOLO’s App Store page also states: “Be kind, respectful, show
18 compassion with other users, otherwise you will be banned.” Upon information and
19 belief, every user of YOLO, including Plaintiffs Carson Bride, A.K., A.C. and A.O.
20 read this statement and relied on it before they began using YOLO.
21
22
23
24
25
26
27
28



67. Thus, in the most visible places when users signed up for YOLO, Yolo falsely represented that its app would take concrete actions to implement safety measures—namely that abusive users’ identities would be revealed and their accounts would be banned—and that there would be “no tolerance for objectionable content or abusive users.”

YOLO’S REPRESENTATIONS WERE FALSE AND YOLO WAS A HOTBED FOR CYBERBULLYING AND ABUSE OF TEENS

68. All of the representations by Yolo described in paragraphs 63 to 67 were false, misleading, and deceptive. Contrary to those representations, from the earliest days that YOLO was operational through the time that YOLO was banned by Snap, YOLO routinely did not reveal the identifies of abusive users, nor did YOLO ban those users, even after abusive users were reported to the app. And there was great

1 tolerance for such objectionable conduct as opposed to the “zero tolerance” that was
2 represented by Yolo.

3
4 69. In fact, when YOLO users reported other users who were sending
5 bullying or harassing messages, including to YOLO’s “Contact Us” email, YOLO
6 regularly did not respond to their inquiries or take any action in response to them.
7

8 70. The representations described above were material to each of the named
9 plaintiffs who used YOLO, because, among other things, they falsely created an
10 understanding of the specific things Yolo would do to protect their safety on the app
11 and they created a more general understanding that YOLO would be safe space. And
12 those representations were relied upon by each of the plaintiffs when they decided to
13 sign up for and use YOLO.
14

15
16 71. Yolo has routinely ignored requests by consumers to reveal the identity
17 of or ban users who engaged in harassing or bullying behavior, even when users have
18 reported death threats and suicidal thoughts in their reviews of YOLO on the app
19 store on which YOLO regularly updates its information. As user reviews of YOLO
20 from the Apple Store explain:
21

22
23 a. *****, 09/13/2020: “This app does not prevent bullying. It says above
24 every YOLO question that any user will get banned from the app if they say anything
25 considered as bullying. Well, I am very disappointed because I have seen more than
26 enough users’ telling children to “kill themselves.” I personally know one child that
27 had these messages coming in repeatedly for months, and is still getting them to this
28 day. The child had even had many suicidal thoughts and actions.”

1 b. *****, 05/16/2019: “I’ve gotten disgusting messages that I’ve reported
2 and waited to see whose name it would be so I know on my Snapchat who to delete
3 but how would I know if they don’t reveal the names instantly. When I reported this
4 issue I pressed the report button and the conversation deleted but no name shows up
5 so I still believe that whoever is on my Snapchat is still on my friends list . . .”

6 c. *****dove, 3/25/2020: “it says that only positive messages are allowed
7 and that if you bully or harass someone you will be banned from yolo. But I have
8 gotten messages where I have been bullied and that person was not banned. . .”

9 d. *****, 11/18/2019: “My daughter has been getting bullied on this app
10 and we report/block, and this bully keeps on going and it’s about suicide! . . . If
11 someone truly reports someone this nasty on the app, it should be dealt with
12 instantly!!”

13 e. Briggs *****, 02/17/2020: “At a time when suicide is the number 1 killer
14 of teens in America, we definitely don’t need apps like this where bullied haters can
15 hide behind a screen . . .”

16 f. Ieila*****: 01/14/2021: “Honestly, the hate and death threats . . . on this
17 app should be immediately taken care or when we report something someone has
18 anonymously said.”

19 g. Uhojsp***: 08/10/2020: “In a few group chats people have been using
20 the ghost messages to cyberbully people by calling them fat, ugly, gross and such and
21 sometimes even to kill themselves. . . I think it would be practical that if someone
22 sends an outrageous message like that, getting flags would result in a ban? . . . these
23 messages hurt. I am a pre-teen and I know kids my age are going to take these
24 comments personally. I just want everyone to stay safe.”

25 h. Nicole *****, 09/29/2019: “it’s teaching our youth that it’s okay to
26 hide behind a screen and bully. So if someone want to say something nice, they should
27 say it to them directly, not through an anon[ymous] messaging app where people are
28 constantly getting hurt and bullied[.]”

72. Although it was not possible for Yolo to have made YOLO reasonably
safe for minors, because of the inherent danger of anonymous messaging for minors

1 and the significant technological obstacles, Yolo’s regular failure to take the concrete
2 actions that it told its users it would take to unmask or ban abusive users increased the
3 risk that YOLO’s users would experience cyberbullying and harassment.
4

5 **LIGHTSPACE SIMILARLY MADE FALSE STATEMENTS TO CONSUMERS ABOUT THE**
6 **SAFETY OF LMK, WHERE HARASSMENT AND BULLYING WAS PREVALENT AND**
7 **UNABATED**

8 73. LMK is an anonymous Question and Answer and polling app that
9 integrates with Snapchat through Snap Kit. LMK users can create and customize
10 stickers and backgrounds while sharing polls with their friends on Snapchat. Other
11 users vote anonymously and the user who posted the poll can share results on
12 Snapchat.
13

14 74. Lightspace launched LMK in 2019, and its user-base eventually grew to
15 over 1 million users.
16

17 75. When Lightspace launched LMK in 2019, it marketed LMK to minors
18 and allowed minors to use the LMK app without verifying or attempting to verify the
19 age of its users.
20

21 76. On the Google Play store, LMK is accompanied by a “Teen” content
22 rating, intentionally focusing its marketing and solicitation toward teenagers.²⁶
23
24
25

26 ²⁶ Google Play Help, *Apps & Games Content Ratings on Google Play*:
27 [https://support.google.com/googleplay/answer/6209544?p=appgame_ratings&visit_id=6375603350](https://support.google.com/googleplay/answer/6209544?p=appgame_ratings&visit_id=637560335067969325-3904586056&rd=1)
28 [67969325-3904586056&rd=1](https://support.google.com/googleplay/answer/6209544?p=appgame_ratings&visit_id=637560335067969325-3904586056&rd=1)

1 According to Google Play Help, the content ratings in the app store “are the
2 responsibility of the app developers.” And users are not required to input their date
3 of birth or engage in an age verification process when they sign up for LMK.
4

5 77. When Lightspace launched LMK it knew or should have known that
6 anonymous messaging would be inherently dangerous for minors, especially given the
7 history of suicide by teens who were bullied on anonymous messaging apps and the
8 prevalence of bullying on such apps, that there would be no feasible way to make
9 LMK reasonably safe for minors at that time, and that that hundreds of thousands of
10 minors’ health, safety, well-being, and lives would be placed in danger by using LMK.
11

12 78. Because Lightspace was aware of the inherent danger of anonymous
13 messaging for minors, it should have provided clear and conspicuous warnings to
14 minors and their parents of the potential dangers that they encounter and experience
15 by using LMK. But Lightspace did not issue such a warning to minors when they
16 signed up for LMK and it made no effort to warn those minors’ parents of the same
17 dangers.
18

19 79. Instead of appropriately warning minors and their parents of the dangers
20 that LMK posed to minors, Lightspace made false and deceptive statements to users
21 about the steps LMK would take to make the app safer.
22

23 80. For example, in LMK’s Guidelines for users, Lightspace stated that
24 LMK does “not tolerate any sexually explicit content. This includes content in the
25
26
27
28

1 form of text, photo, and video.” It also stated that “Reports of stalking, threats,
2 bullying, or intimidation, are taken very seriously and may be reported to law
3 enforcement.”
4

5 81. Likewise, Lightspace represented that it would “go to great lengths to
6 protect our community from ‘inappropriate users’ by implementing various
7 technology and moderation practices including: Artificial intelligence technology to
8 identify potentially inappropriate content within text . . . human moderation to assess
9 whether content or user violates our Community Guidelines.”²⁷
10
11

12 82. But these representations were false. When Lightspace made these
13 statements, it knew that harassment and bullying would be prevalent on LMK or that
14 it was already prevalent, that Lightspace was unable or unwilling to detect behavior
15 that constituted bullying, harassing, and inappropriate comments, and that Lightspace
16 would not or did not regularly report such behavior to law enforcement. For example,
17 Lightspace never reported to law enforcement the bullying and harassment that
18 Carson Bride experienced on LMK.
19
20

21 83. Lightspace also admitted in a sworn statement to this Court that it only
22 had seven employees as of 2021, including engineers, product specialists, and user
23
24
25

26 ²⁷ *What is LMK doing to ensure safety within the app?*, LMK Support Center,
27 [https://lmk.zendesk.com/hc/en-us/articles/360047469394-What-is-LMK-doing-to-ensure-safety-](https://lmk.zendesk.com/hc/en-us/articles/360047469394-What-is-LMK-doing-to-ensure-safety-within-the-app-)
28 [within-the-app-](https://lmk.zendesk.com/hc/en-us/articles/360047469394-What-is-LMK-doing-to-ensure-safety-within-the-app-)

1 safety employees, and that all of them were in China. Despite having more than one
2 million users, Lightspace did not invest in more robust safety, because they were
3 concerned about the company's profits.
4

5 84. Although it was not possible for Lightspace to have made LMK
6 reasonably safe for minors, because of the inherent danger of anonymous messaging
7 for minors and technological obstacles, Lightspace's regular failure to take the
8 concrete actions that it told its users it would take to detect, stop, and report abusive
9 users increased the risk that LMK's users would experience cyberbullying and
10 harassment.
11
12

13 **CARSON BRIDE EXPERIENCED SEVERE CYBERBULLYING ON YOLO AND LMK,**
14 **WHICH LED TO HIS DEATH AT THE AGE OF 16**

15 85. According to his family and friends, Carson Bride was a teenager who
16 had "an infectious smile that would brighten everyone's day." When he passed away
17 from suicide on June 23, 2020, he was 16 years old and had just completed his
18 sophomore year in high school. He was a caring and compassionate teenager who
19 taught ski classes to children during winters.
20
21

22 86. Carson took his own life by hanging himself at his home on the morning
23 of June 23, 2020.
24

25 87. On or about July 4, 2020, it was revealed that Carson had been bullied
26 on YOLO and LMK prior to his suicide.
27
28

1 88. After Carson ended his life, two psychologists who provided care to
2 Carson and his family opined that Carson’s suicide was likely triggered by
3 cyberbullying.
4

5 89. Carson’s parents did not consent, nor were present, when their son
6 Carson downloaded the Defendants’ apps. To the extent that Yolo or Lightspace
7 asserts that it entered into any contract or agreement with Carson Bride, a minor who
8 lacked capacity to enter into a contract or agreement with Yolo and Lightspace at that
9 time, Carson’s mother, Kristin Bride, on behalf of her deceased son Carson Bride,
10 hereby disaffirms any such contract or agreement between her son and Yolo and
11 Lightspace. All of the other minor plaintiffs in this action likewise disaffirm any
12 contract or agreement with Yolo or Lightspace.
13
14
15

16 90. From January 23, 2020 to June 22, 2020, Carson received at least 105
17 messages via the YOLO app. The anonymous messages Carson received surged from
18 June 7, 2020 to June 22, 2020, just prior to his death, during which time Carson
19 received 57 messages from anonymous users on the YOLO app.
20

21 91. Of these 105 anonymous messages, 62 messages included content that
22 was meant to humiliate Carson, often involving sexually explicit and disturbing
23 content.
24

25 92. On May 31, 2020, messages sent to Carson included the following
26 threats: “Remember when someone threatened to push u [Carson] into the Grand
27
28

1 Canyon, that shit was so funny” and “I’m gonna push u [Carson] into the Grand
2 Canyon.”

3
4 93. Later, on June 7, 2020, Carson received the following messages after an
5 incident where he had fainted during his biology class: “When u passed out in Biology
6 I put my balls in ur mouth” and “When you passed out I ate your ass.”

7
8 94. Upon information and belief, 27 out of 105 YOLO messages involved
9 catfishing, a deceptive activity where a person creates a fake identity on a social
10 platform, usually targeting a specific victim for abuse. These messages are also sexually
11 explicit in nature, such as “are you a virgin”; “I WANT YOUR WEINER
12 NOWWWW” and “Sometimes I print ur face out and throw darts at it . . . but others
13 I just want ur tender love in the night.” Upon information and belief, on June 7, 2020,
14 after receiving numerous abusive, harassing, and upsetting messages on YOLO,
15 Carson searched YOLO’s website and other websites searching for “YOLO reveal,”
16 “YOLO username reveal hacks,” and other keyword searches in an effort to find out
17 who was sending abusive messages to him.

18
19
20
21
22 95. Carson relied on YOLO’s representation that Yolo would reveal the
23 identities of abusive users and ban them when he signed up to use YOLO.

24
25 96. In responding to numerous abusive messages, Carson asked the
26 anonymous users sending him abusive messages to voluntarily “S/U” (Swipe Up) to
27 reveal their identities. None of the users chose to reveal themselves.

1 102. On June 21 to 22, 2020, Carson received the following messages on
2 LMK: “Ayo where is the horse cock bb”; “Yes daddy harder daddy”; “hi babygirl do
3 you wanna have a threesome sometime?”; “My WiFi sucks so I just flick the bean to
4 ur Bitmoji”; “Do them every week pls daddy I got a hard on for your reply’s just let
5 my gf watch u and flick her bean.”
6
7

8 103. On June 21, 2020, Carson stated in a private message to his friend on
9 LMK: “for some reason whenever I do one of these [posts]” people send messages
10 containing sexually explicit and harassing comments, such as “beanflickers.”
11

12 104. Upon information and belief, Carson relied on Lightspace’s
13 representations that it would not tolerate sexually explicit content and that it would
14 take serous reports of stalking, threats, bullying, or intimidation when he decided to
15 sign up for and use LMK.
16

17 **YOLO REFUSED TO RESPOND TO KRISTIN BRIDE’S REQUEST TO UNMASK AND BAN**
18 **CARSON’S ABUSERS OR HER INQUIRIES ABOUT HER SON’S DEATH**

19 105. On or around July 6, 2020, two weeks after Carson’s death, his parents
20 Kristin and Tom Bride contacted Yolo. Using the Contact Us form on YOLO’s
21 Customer Support page, Kristin and Tom wrote about the cyberbullying that occurred
22 on YOLO and their son’s resulting death.
23
24

25 106. In the message to YOLO, Kristin and Tom Bride conveyed the urgency
26 about this topic, expressing that YOLO must reveal the abusive users’ identities to
27
28

1 protect other children against the same bullying and harm that her son experienced
2 on the YOLO app.

3
4 107. To date, YOLO has not responded.

5 108. On September 26, 2020, approximately three months after Carson's
6 death, Carson's parents again sent an email entitled "Our Son's Suicide - Request for
7 Help" to the law enforcement email address (lawenforcement@onyolo.com) provided
8 by YOLO for reporting emergencies. Carson's parents expected that sending an email
9 to the "law enforcement" address might prompt a timely response.
10

11
12 109. In the email, Carson's parents included details about the abusive
13 messages that anonymous users had sent to Carson on YOLO prior to his death. In
14 addition, Carson's parents wrote:
15

16 Clearly, no one was policing YOLO when my son received hundreds of
17 abusive messages during the first 3 weeks of June. These offenders may
18 very well be continuing their bullying practices, especially now that they
19 know the power of their words. For this reason, we are requesting the
20 contacts of every SnapChat/YOLO anonymous user who sent a message
21 to my son's SnapChat account [] during the month of June 2020 . . . If
22 you create an app which provides a platform for the anonymous bullying
23 of vulnerable teens, the very least you can do is take accountability and
24 assist the parents of your app's victims so that more YOLO deaths do
25 not occur.

26
27 110. The email that Kristin and Tom Bride sent to the
28 lawenforcement@onyolo.com address immediately bounced back and displayed the

1 following error message: “The following recipient(s) cannot be reached” due to
2 “invalid address.”
3

4 111. Yolo again misrepresented and/or implied that it would provide users a
5 way to contact them to report any issues that relate to law enforcement, when, in fact,
6 YOLO did not even maintain such an email account.
7

8 112. Kristin Bride simultaneously sent the same message to YOLO’s
9 Customer Support, but her email was returned with an automated response, stating
10 “We’re currently checking your message and will respond as soon as we can.”
11

12 113. To date, no one from YOLO’s Support Team has responded.

13 114. On December 16, 2020, Kristin once again tried to reach YOLO’s team
14 through the help of Josh Golin, Executive Director of the Campaign for a
15 Commercial-Free Childhood, who directly contacted Gregoire Henrion (the Co-
16 founder and CEO of YOLO) through LinkedIn, a social media site for professional
17 networks, demanding that YOLO provide a response to Kristin and Tom Bride.
18
19

20 115. To date, no one from YOLO has responded.

21 116. On December 30, 2020, Kristin again contacted YOLO’s team through
22 YOLO’s “Contact Us” form and email (lawenforcement@onyolo.com).
23

24 117. To date, no one from Yolo has responded.
25
26
27
28

1 118. Contrary to its representations in its Terms of Use and other policies,
2 Yolo failed to protect, communicate, and respond to reports from its teen users and
3 their parents.
4

5 119. Reasonably relying on the misrepresentations of Yolo with respect to its
6 protection of users, Kristin Bride used Yolo’s service and as a result suffered an injury.
7

8 120. Kristin Bride is therefore entitled to compensatory damages for physical
9 and emotional pain and distress in the amount that the jury may determine fair and
10 reasonable.
11

12 121. Kristin Bride is also entitled to injunctive relief and punitive damages for
13 the gross, continued, and callous misrepresentations and non-response of Yolo even
14 after being notified of Carson’s death multiple times.
15
16

17 **A.K.’S EXPERIENCE WITH YOLO AND LMK**
18

19 122. A.K. started using YOLO during or around September 2019, when she
20 was a minor, and used YOLO until it was suspended by Snap in May 2021.
21

22 123. A.K. relied on YOLO’s representation that Yolo would reveal the
23 identities of the aggressors and ban abusive users when she signed up to use YOLO.
24

25 124. A.K. received numerous bullying anonymous messages on YOLO. The
26 messages included statements like “[A.K.] does drugs,” which is false; “I hope you
27 die”; and “I’m gonna kill you.”
28

1 125. In addition, after A.K. shaved her head to donate her hair to Locks for
2 Life, an organization that makes wigs for people who have lost their hair during cancer
3 treatment, numerous YOLO users posted anonymous messages to create a false
4 rumor that she had cancer. And other users mocked her for her appearance—
5 messages such as “Mr. Clean,” “Weird shaped head” and “Bald”—and accused her of
6 shaving her head and “faking cancer” just “for attention.”
7

8
9 126. A.K. tried to identify the people who bullied her on YOLO, because she
10 wanted to confront them. But because the YOLO messages were anonymous, it was
11 impossible for her to find out who sent those messages.
12

13 127. A.K. sent a request to Yolo via the YOLO Contact Us form in which she
14 asked Yolo to unmask the people who bullied her, but she never received a response
15 to her inquiry and request. This caused A.K. frustration and emotional suffering.
16

17 128. A.K. began using LMK in early 2020 and used it during 2020.
18

19 129. On LMK, A.K. received “rate our friendship” polls where everyone gave
20 her a “one star,” indicating that they did not consider her to be a friend.
21

22 130. A.K. also received harassing messages on LMK including ones telling her
23 to “go kill yourself.”
24

25 131. According to A.K., the anonymous messages that A.K. received on
26 YOLO and LMK made her consider whether she should kill herself and give into
27 what other people were saying about her. It lowered her self-esteem for years. It altered
28

1 her eating habits. And it made her feel worthless and like a waste of space and a life.
2 A.K.'s emotional and psychological harm was caused by Yolo and Lightspace's
3 inherently dangerous apps and their misrepresentations, including Yolo's failure to
4 fulfill its promise of unmasking the people who bullied A.K.
5

6 **A.C.'S EXPERIENCE WITH YOLO**
7

8 132. A.C. started using YOLO during or around August 2019, when she was
9 only 13 years old.
10

11 133. A.C. relied on Yolo's representation that Yolo would reveal the identities
12 of the aggressors and ban abusive users when she signed up to use YOLO.
13

14 134. In 2020, six teenagers from A.C.'s school district, including her older
15 brother and his close friend, had taken their own lives. Teenagers in her area would
16 encourage or threaten one another to kill themselves on social media and messaging
17 apps.
18

19 135. A.C. suffered the fatal loss of her 16-year-old brother, who took his own
20 life on January 2, 2020, causing A.C. and her family excruciating pain and grief.
21

22 136. After her brother's death, A.C. posted a story on Snapchat where she
23 was depicted spending time with her friends. Immediately after that posting, A.C.
24 received anonymous messages on YOLO that stated: "You look happy without your
25 brother - you should go kill yourself too."
26
27
28

1 150. In addition to the Foundation’s flagship bullying-prevention and
2 education program #Day1, the Foundation runs other programs including the
3 Upstander Pledge, Upstander Speaker Series, Tyler’s Suite, and True Faith Doesn’t
4 Bully, a public education campaign that fights religious bullying.
5

6 151. The Foundation has engaged in extensive advocacy efforts propelling the
7 introduction of bills in Congress that would prevent bullying and cyberbullying.
8

9 152. The Foundation organizes research and education programs on
10 cyberbullying harms and prevention, including but not limited to gathering and
11 maintaining statistics on bullying, educating the public about online civility, creating
12 campaigns and toolkits for online and offline bullying prevention (#Day1), and
13 collaborating with Youth Ambassadors to create and connect with a community of
14 Upstanders.
15
16

17 153. By researching and creating the 2020 Cyber Safety Guides and cyber
18 safety campaigns such as “#Keepitcool,” the Foundation helps the public to
19 understand the importance of safety on social media and online platforms and de-
20 escalating incivility that occurs. According to the Foundation’s research, “84 percent
21 of Americans have experienced incivility first-hand and 69 percent believe that social
22 media and the internet are to blame.”²⁸
23
24
25

26
27 ²⁸ *Keep it Cool by Building Online Civility*, TYLER CLEMENTI FOUNDATION, July 18, 2017, at
28 <https://tylerclementi.org/bullying-prevention-through-building-online-civility/>

1 154. The Foundation’s cyberbullying prevention work includes conducting
2 the Survey of New York City Teens developed in collaboration with AT&T’s
3 Corporate Social Responsibility initiative in 2016 and 2018.²⁹ That survey was
4 comprised of 500 teens, 500 parents of teens, and 500 millennial parents of younger
5 children in New York City. In 2016, the Foundation worked with teenagers in New
6 York City in collaboration with AT&T and the All-American High School Film
7 Festival to educate people about the effects of bullying and cyberbullying.

8
9
10
11 155. Between 2015 and 2020, the Foundation’s founders and staff devoted
12 time and resources to speak at more than 180 nationwide events, educating and
13 advocating on behalf of minors and parents about combatting bullying and
14 cyberbullying.

15
16 156. Most recently, the Foundation has engaged in survey and data collection
17 efforts to investigate the impact of social media platforms and anonymity-based
18 platforms like YOLO and LMK on teenagers’ mental health. The time spent on
19 preparing the survey, sharing the survey, and following up with the youth ambassadors
20 amounts to approximately 75 hours of the Foundation’s time. This time and labor
21 investigating the problem of anonymous platforms could have been used for other
22
23
24

25
26 ²⁹ *Tyler Clementi Foundation Emphasizes Early Bullying Prevention Efforts Following AT&T*
27 *Survey on Cyberbullying, Online Behavior*, TYLER CLEMENTI FOUNDATION, Nov. 28, 2018, at
28 <https://tylerclementi.org/tyler-clementi-foundation-emphasizes-early-bullying-prevention-efforts-following-att-survey-on-cyberbullying-online-behavior/>

1 traditional organizational purposes, such as counseling victims of bullying, had it not
2 been for anonymous apps such as YOLO and LMK.
3

4 157. Because Yolo and Lightspace launched and operated dangerous
5 anonymous messaging apps that posed a threat to minors and teens, and engaged in
6 various legal violations in doing so, the Foundation was compelled to divert resources
7 towards identifying and combatting the harms caused by the defendants' actions, and
8 the Foundation's mission was consequently frustrated by those actions.
9

10 158. If the defendants were to permanently cease their unlawful conduct
11 alleged herein, the Foundation would no longer have to divert part of its organizational
12 resources to educate the consumers and the public about the danger and harms arising
13 from the defendants' anonymous apps, and the Foundation could redirect these
14 resources to other projects to better advance its mission.
15
16

17 CLASS ALLEGATIONS

18
19 159. The plaintiffs bring this action as a class action under Ruler 23 of the
20 Federal Rules of Civil Procedure and seek to certify the following National Class under
21 Rule 23(a) and (b)(3):
22

23 All people who used YOLO or LMK from May 2019 to May 2021 when
24 they were 13 to 17 years old, and all people who will use YOLO or LMK
25 in the future when they are within the same age range (should YOLO or
26 LMK renew its operations) through the date of judgment in this action.
27
28

1 **Rule 23(a)**

2 167. The proposed National Class and Subclasses satisfy the requirements of
3 Rule 23(a).
4

5 168. The proposed National Class and Subclass are so numerous that the
6 individual joinder of all its members, in this or any action, is impracticable. There are
7 at least hundreds of thousands of members of the National Class who are located
8 throughout the nation, and at least thousands of members of each Subclass, thereby
9 making joinder impractical.
10

11 169. Common questions of fact and law exist as to all Class Members. These
12 include, but are not limited to, the following:
13

14 (a) Whether Yolo and Lightspace owed a duty of care to its users to design
15 a product or service that does not pose an unreasonable risk of injury or harm to
16 consumers?
17

18 (b) Whether Yolo and Lightspace breached their duty of care by designing
19 YOLO and LMK to include anonymous messaging?
20

21 (c) Whether Yolo and Lightspace had an obligation to warn their minor
22 users of the danger that an anonymous messaging app like Yolo and LMK would pose
23 to minors?
24

25 (d) Whether Yolo and Lightspace failed to warn their minor users of the
26 danger that an anonymous messaging app like Yolo or LMK would pose to them?
27

1 (e) Whether Yolo represented that it would reveal the names of users who
2 engage in harassing or bullying behavior and ban those them, and whether Yolo and
3 LMK represented that they had zero tolerance for such inappropriate conduct.

4 (f) Whether these representations were material?

5 (g) Whether these representations were false, misleading, or deceptive?

6 (h) Whether Yolo and Lightspaces's conduct caused harm to the members
7 of the National Class; and

8 (i) Whether the plaintiffs and members of the National Class members are
9 entitled to an injunction, damages, restitution, equitable relief and other relief deemed
10 appropriate, and the amount and nature of such relief.

11 170. The plaintiffs' claims are typical of the claims of the putative class
12 members. The plaintiffs and all putative Class Members were subjected to the same
13 negligently designed YOLO and LMK apps, the same failure to warn by Yolo and
14 LMK, and the same false and misleading representations that Yolo and Lightspace
15 made. The plaintiffs and all putative Class Members bring the same types of legal
16 claims, based on the common pattern or practice of Yolo and Lightspace, and they
17 assert the same legal theories, against the defendants.

18 171. The plaintiffs and their counsel satisfy the adequacy requirement. The
19 plaintiffs will be adequate representatives of the proposed class because they are

1 putative class members and they do not have interests that conflict with the interests
2 of the putative Class Members.

3
4 172. The plaintiffs' counsel are experienced in class action litigation and have
5 litigated lawsuits of this complexity. They intend to prosecute this action vigorously for
6 the benefit of the proposed Class.
7

8 **Rule 23(b)(3)**

9 173. This action satisfies Rule 23(b)(3)'s predominance requirement. The
10 central factual and legal questions regarding whether Yolo and Lightspace designed
11 YOLO and LMK with a defect by making the app anonymous, whether they failed to
12 warn of YOLO and LMK's danger, and whether they made misrepresentations about
13 their safety precautions predominate over any individual questions in this litigation.
14
15

16 174. This action also satisfies Rule 23(b)(3)'s superiority requirement. A class
17 action is the superior method available for the efficient adjudication of this litigation,
18 because the claims of the individual National Class members are relatively small
19 compared to the burden and expense that would be required to individually litigate
20 their claims against the defendants. Thus, it would be impracticable for the members
21 of the Class to individually seek redress for the defendants' wrongful conduct. Class
22 action treatment avoids the waste and duplication inherent in potentially thousands of
23 individual actions and conserves the resources of the courts. In addition, the
24 prosecution of separate actions by individual members of the Class would create a
25
26
27
28

1 foreseeable risk of inconsistent or varying adjudications, which would establish
2 incompatible results and standards for Yolo.

3
4 175. This is the only action of which the plaintiffs are aware in which Yolo
5 and LMK users are bringing claims against Yolo or LMK concerning the danger of
6 anonymous messaging, the failure to warn of the dangers of the anonymous messaging,
7
8 misrepresentations about the defendants' safety measures, or any related claims.

9
10 176. It is desirable to concentrate the litigation against Yolo and LMK in this
11 District, because there is jurisdiction over Yolo and LMK, there is proper venue in
12 this District, and a single class action here will be more efficient than pursuing separate
13 actions in other jurisdictions.

14
15 177. This action is manageable as a class action.

16 **CLAIMS**

17 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

18 Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O., on behalf of the National
19 Class against Yolo; Plaintiffs Estate of Carson Bride and A.K. on behalf of the
20 National Class against Lightspace

21 178. The plaintiffs adopt and incorporate by reference all allegations
22 contained in the foregoing paragraphs as though fully set forth herein.

23
24 179. Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O. bring this claim
25 for strict liability-design defect against Yolo on behalf of themselves and the National
26 Class.
27

1 180. Plaintiffs Estate of Carson Bride and A.K. bring this claim for strict
2 liability-design defect against Lightspace on behalf of themselves and the National
3 Class.
4

5 181. Under Restatement (Second) of Torts § 402(a), “One who sells any
6 product in a defective condition unreasonably dangerous to the user or consumer or
7 to his property is subject to liability for physical harm thereby caused to the ultimate
8 user or consumer, or to his property, if (a) the seller is engaged in the business of
9 selling such a product, and (b) it is expected to and does reach the user or consumer
10 without substantial change in the condition in which it is sold.”
11

12 182. As described above, Yolo and Lightspace each developed, designed,
13 manufactured, marketed, sold, and distributed to at least hundreds of thousands of
14 minors, their products, anonymous messaging apps, that were unreasonably
15 dangerous because their key feature of anonymity causes significant and foreseeable
16 mental and physical harm minor users without substantial change in the condition in
17 which they were sold.
18

19 183. In a strict liability action based on defective design, a product is
20 considered defective when the benefits of the challenged design do not outweigh the
21 risk of danger inherent in such design.
22

1 184. When Yolo and Lightspace designed and launched YOLO and LMK,
2 the benefits of making the YOLO and LMK’s messaging anonymous did not outweigh
3 enormous risk of danger inherent to minors in anonymous messaging.
4

5 185. As described above, when designing and launching YOLO and LMK
6 and thereafter, Yolo and Lightspace knew, or in the exercise of reasonable care should
7 have known, that making anonymity the key feature in a messaging app would pose a
8 serious danger of emotional and physical harm to the hundreds of thousands to
9 millions of minors to which they provided their apps, especially since the feature of
10 anonymity had made prior anonymous messaging apps a hotbed for bullying and
11 harassment of minors and had led to the death of numerous children. As described
12 above, Research and years of experience with prior anonymous messaging apps has
13 shown that anonymous communications significantly increase the risk of aberrant
14 behavior among minors, such as bullying and harassment, reduces the extent to which
15 bystanders and victims intervene to stop such behavior, and intensifies the injury that
16 minors feel when they are bullied and harassed.
17
18
19
20
21

22 186. Yolo and Lightspace could have developed, manufactured, created,
23 distributed, and sold a messaging app that performed the same or similar functions as
24 YOLO and LMK without any anonymous features, but instead chose to include
25 anonymous features that Yolo and Lightspace knew or should have known would pose
26 an unreasonably dangerous risk of injury or harm to minor users.
27
28

1 187. By taking these actions, Yolo and Lightspace failed to exercise the duty
2 of care that it owed to the plaintiffs and other minor users of YOLO and LMK to
3 design products that are not unreasonably dangerous.
4

5 188. Given the long track-record of anonymous messaging apps causing
6 severe mental distress for minors and the significant number of teen suicides resulting
7 from anonymous messaging, the gravity of the danger posed by anonymous messaging
8 was severe, and the likelihood that such danger would occur was high. Moreover, it
9 was eminently feasible for Yolo and Lightspace to have developed a messaging app
10 that involved similar questions and polls without anonymity, it would not have
11 increased Yolo or Lightspace's costs to exclude anonymous messaging from its app,
12 and consumers would have lost little, if any, benefit from the exclusion of anonymity.
13
14
15

16 189. Given the certainty that anonymity would increase bullying and
17 harassment and the potential for teen suicides and other extreme forms of mental
18 distress and physical harm, the likelihood of the harm from anonymous messaging on
19 YOLO and LMK and the gravity of that harm strongly outweighed the minimal to
20 nonexistent burden on Yolo and Lightspace to take precautions to avoid these harms,
21 namely removing anonymity from its app.
22
23

24 190. As described above, it was not possible for Yolo or Lightspace to design
25 an anonymous messaging app that would not be unreasonably dangerous for minors
26 when it launched YOLO and LMK in 2019.
27
28

1 191. As a proximate cause of Yolo and Lightspace’s dangerous and defective
2 design of YOLO and LMK, Carson Bride suffered severe mental harm, leading to
3 physical injury and his death, from his use of YOLO and LMK and his unsuccessful
4 attempts to get Yolo to reveal the identifies of the people who harassed and bullied
5 him. As a proximate cause of Yolo and Lightspace’s dangerous and defective design
6 of YOLO and LMK, Carson Bride also suffered wrongful death, emotional distress,
7 and pain and suffering.
8
9

10
11 192. As a proximate cause of Yolo’s dangerous and defective design of
12 YOLO, plaintiffs A.K., A.C., and A.O. suffered emotional harm from their use of
13 YOLO and their inability to learn of the identities of the people who bullied and
14 harassed them on YOLO.
15

16 193. As a proximate cause of Yolo and Lightspace’s dangerous and defective
17 design of YOLO and LMK, members of the National Class suffered emotional harm
18 from their use of YOLO and/or LMK.
19

20 194. The Estate of Carson Bride, plaintiffs A.K., A.C., and A.O., and
21 members of the National Class are therefore entitled to compensatory damages for
22 physical and emotional pain and distress, and the Estate and Kristin Bride are entitled
23 to pecuniary loss and loss of society, companionship, and services to Carson Bride’s
24 parents, and the cost of burial and memorial services, as the jury may determine fair
25 and reasonable.
26
27
28

1 195. The plaintiffs and National Class are entitled to punitive damages based
2 on the willful and wanton design of their products that were intentionally marketed,
3 sold, and distributed to underage users, whom Yolo knew would be harmed through
4 their use of YOLO and LMK.
5

6 **COUNT II - STRICT PRODUCT LIABILITY (Failure to Warn)**

7 Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O. on behalf of the National
8 Class against Yolo; Plaintiffs Estate of Carson Bride and A.K. on behalf of the
9 National Class against Lightspace

10 196. The plaintiffs adopt and incorporate by reference all allegations
11 contained in the foregoing paragraphs as though fully set forth herein.
12

13 197. Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O. bring this claim
14 for strict liability/failure to warn against Yolo on behalf of themselves and the National
15 Class.
16

17 198. Plaintiffs Estate of Carson Bride and A.K. bring this claim for strict
18 liability/failure to warn against Lightspace on behalf of themselves and the National
19 Class.
20

21 199. Yolo’s product, YOLO, and Lightspace’s product LMK, are defective
22 due to inadequate instructions or warnings, because the foreseeable risks of harm
23 posed by the products could have been reduced or avoided by the provision of
24 reasonable instructions or warnings by the manufacturer, and the omission of the
25 instructions or warnings renders the products not reasonably safe. This defective
26
27
28

1 condition rendered the defendants' product unreasonably dangerous to persons or
2 property, existed at the time the products left Yolo and Lightspace's control, reached
3 the user or consumer without substantial change in the condition in which it was sold,
4 and was a cause of the plaintiffs' injuries.

5
6 200. Yolo's product, YOLO, and Lightspace's product LMK, are
7 unreasonably dangerous and defective, because they contain no warning to users about
8 the well-known and foreseeable dangers of anonymous messaging for minors.

9
10 201. Before Yolo and Lightspace designed and launched YOLO and LMK
11 in May 2019, and thereafter too, Yolo and Lightspace knew, or in the exercise of
12 reasonable care should have known, that YOLO and LMK's key feature of anonymity
13 would increase the likelihood of bullying, harassment, and other harmful conduct and
14 pose a serious danger of mental and physical harm to minors, including the risk of
15 teen suicide, as other anonymous messaging apps had done. Yet Yolo and Lightspace
16 failed to warn users about the dangers of anonymous messaging. And, even worse,
17 Yolo and Lightspace made false and misleading statements about steps that they would
18 take to make their apps safer.

19
20 202. As a proximate cause of Yolo and Lightspace's failure to warn of the
21 dangers of YOLO and LMK, Carson Bride suffered severe mental harm, leading to
22 physical injury and his death, from his use of YOLO and LMK.

1 Plaintiffs Estate of Carson Bride, A.K., A.C., A.O., on behalf of the National Class
2 and Kristin Bride against Yolo; Plaintiffs Estate of Carson Bride and A.K. on behalf
3 of the National Class against Lightspace

4 208. The plaintiffs adopt and incorporate by reference all allegations
5 contained in the foregoing paragraphs as though fully set forth herein.

6 209. Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O. bring this claim
7 for negligence against Yolo on behalf of themselves and the National Class.
8

9 210. Plaintiffs Estate of Carson Bride and A.K. bring this claim for negligence
10 against Lightspace on behalf of themselves and the National Class.
11

12 211. At all relevant times, Yolo and Lightspace had a duty to exercise
13 reasonable care and caution in designing, maintaining, and distributing their product
14 to minors and to protect users from an unreasonable risk of harm arising out of the
15 use of their apps, YOLO and LMK.
16

17 212. In addition, because Yolo and Lightspace's affirmative acts placed minor
18 users in a worse position, created a foreseeable risk of harm from other users, and
19 increased the risk that minors would suffer mental and physical harm on Yolo's app,
20 YOLO, and Lightspace's app, LMK, Yolo and Lightspace had a duty to take
21 reasonable care and caution in protecting users from an unreasonable risk of harm
22 arising out of the use of YOLO and LMK. Yolo and Lightspace marketed to,
23 encouraged, and invited teenagers, including minors, to use its anonymous messaging
24 on YOLO and LMK's virtual digital premises. And Yolo and Lightspace enticed those
25
26
27
28

1 children to enter—and in some cases enticed their parents to permit them to enter—
2 their digital space by telling them that YOLO and LMK would be a place where there
3 is no tolerance for objectionable conduct or abusive users, that Yolo would reveal the
4 identifies of and ban abusive users, and that LMK would take very seriously such
5 abuse. Yolo and Lightspace did this with knowledge that many of those minors would
6 be harassed or bullied, because anonymity increases the frequency of such
7 antinormative conduct and reduces the likelihood of intervention against it, and it was
8 foreseeable that many of those minors would consequently suffer severe mental or
9 physical harm.

10
11
12
13 213. Yolo and Lightspace also owed a duty to exercise reasonable care and
14 caution to minor users, because the minor users are of tender age, are particularly
15 vulnerable to being bullied and harassed online, and are not fully able to protect
16 themselves against such bullying and harassment. By inviting and allowing hundreds
17 of thousands of minors to enter Yolo and Lightspace’s digital spaces where they would
18 lack parental supervision and by telling minor users (and in some cases their parents)
19 that YOLO and LMK would be a place where there is no tolerance for objectionable
20 conduct, Yolo and Lightspace assumed a special duty and relationship to prevent
21 harm to those minors.
22
23
24
25
26
27
28

1 214. Furthermore, by inviting their users into their digital space in which Yolo
2 and Lightspace had exclusive control, Yolo and Lightspace, as business owners, had a
3 similar duty of care that physical business owners have to their business invitees.
4

5 215. Yolo and Lightspace were negligent, grossly negligent, reckless, and/or
6 careless in that they failed to exercise ordinary care and caution for the minor users
7 like Carson Bride, A.K., A.C., and A.O., which foreseeably created an unreasonable
8 risk of injury to those minor users, including because Yolo and Lightspace engaged in
9 the following acts or omissions:
10

11 • Yolo and Lightspace failed to provide adequate warnings about the
12 dangers associated with the use of anonymous messaging, and about how the
13 purported safeguards against such dangers (such as monitoring, reporting, banning,
14 and revealing identities of users) are not effective to stop bullying and harassment on
15 anonymous messaging apps. Instead Yolo and Lightspace falsely represented the
16 safety of their products and falsely described YOLO and LMK's alleged intolerance
17 for objectionable conduct by users.
18

19 • Yolo and Lightspace failed to remove the dangerous feature of
20 anonymity from their apps, YOLO and LMK, and otherwise failed to use reasonable
21 care to prevent the danger of anonymous messaging.
22

1 • Yolo and Lightspace marketed and solicited teenagers to use YOLO and
2 LMK, while knowing that bullying and harassment would proliferate and was
3 proliferating on YOLO and LMK.
4

5 • Yolo and Lightspace did not attempt to verify the ages of their users to
6 prevent minors from using YOLO or LMK.
7

8 216. As a proximate cause of Yolo and Lightspace’s negligence, Carson Bride
9 suffered severe mental harm, leading to physical injury and his death, from his use of
10 YOLO. Yolo and Lightspace’s negligence was, at a minimum, a substantial factor in
11 causing Mr. Bride’s mental and physical injuries, including his death.
12

13 217. As a proximate cause of Yolo’s negligence, A.K., A.C., and A.O. suffered
14 emotional harm from their use of YOLO.
15

16 218. As a proximate cause of Lightspace’s negligence, A.K. suffered
17 emotional harm from their use of LMK.
18

19 219. As a proximate cause of Yolo and Lightspace’s negligence, members of
20 the National Class suffered emotional harm from their use of YOLO and/or LMK.
21

22 220. The Estate of Carson Bride, A.K., A.C., and A.O., and members of the
23 National Class are therefore entitled to compensatory damages for physical and
24 emotional pain and distress, and the Estate of Carson Bride and Kristin Bride are
25 entitled to pecuniary loss and loss of society, companionship, and services to Carson
26
27
28

1 Bride's parents, and the cost of burial and memorial services, as the jury may
2 determine fair and reasonable.

3
4 221. The plaintiffs and National Class are entitled to punitive damages based
5 on Yolo and Lightspace's willful and wanton actions.

6
7 222. The plaintiffs reserve the right to supplement their specifications of
8 negligence as to each defendant after conducting reasonable and necessary discovery.

9
10
11 **COUNT IV - FRAUDULENT MISREPRESENTATION**

12 Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O. on behalf of the National
13 Class against Yolo, and Kristin Bride against Yolo

14
15 223. The plaintiffs adopt and incorporate by reference all allegations
16 contained in the foregoing paragraphs as though fully set forth herein.

17
18 224. Plaintiffs Estate of Carson Bride, A.K., A.C., and A.O., bring this claim
19 for fraudulent misrepresentation against Yolo on behalf of themselves and the
20 National Class. Kristin Bride brings this claim for fraudulent misrepresentation against
21 Yolo.

22
23 225. Yolo engaged in the common law tort of fraud or fraudulent
24 misrepresentation.

25
26 226. A defendant engages in fraudulent representation when it (1) made a
27 false representation, (2) in reference to a material fact, (3) that the defendant made

1 with knowledge of its falsity, (4) with an intent to deceive, and (5) reliance was taken
2 based on the representation.

3
4 227. As described above, when YOLO’s users were signing up for YOLO,
5 Yolo made material representations that it would take concrete actions to implement
6 safety measures, namely that abusive users’ identities would be revealed and their
7 accounts would be banned, and that there would be “no tolerance for objectionable
8 content or abusive users.”
9

10
11 228. As described above, those representations were false. From the earliest
12 days that YOLO was operational through the time that YOLO was banned by Snap
13 in 2021, YOLO routinely did not reveal the identifies of abusive users, nor did YOLO
14 ban those users, even after abusive users were reported to Yolo. And there was great
15 tolerance for such objectionable conduct, as opposed to the “zero tolerance” that was
16 represented by Yolo. In fact, when YOLO users reported users who were sending
17 bullying and harassing messages, including to YOLO’s “Contact Us” email, YOLO
18 regularly did not respond to their inquiries or take any action in response to them
19
20

21
22 229. Yolo knew that those representations were false at the time they were
23 made, when users signed up for, downloaded, and started to use YOLO.

24
25 230. Yolo made these false representations with an intent to deceive Carson
26 Bride, A.K., A.C., A.O., and members of the National Class into joining,
27 downloading, and using YOLO.
28

1 231. Yolo knew that Carson Bride, A.K., A.C., A.O., and members of the
2 National Class would reasonably rely on these false representations in making the
3 decision to join, download, and use YOLO. In particular, Yolo knew from news
4 reports and customer reviews that representations identifying the specific measures
5 that YOLO would take to prevent harassment and bullying would influence the
6 decisions of teen users to join, download, and use YOLO, and the decision of parents
7 to allow their children to use YOLO.
8
9

10 232. Carson Bride, A.K., A.C., and A.O., and members of the National Class
11 reasonably relied on Yolo’s false representations in deciding to join and use YOLO.
12 And they were deceived into believing that Yolo would take the steps that Yolo had
13 represented it would take. For instance, in the months before his death, Carson Bride
14 sought to have Yolo reveal the identifies of the people who had bullied and threatened
15 him anonymously.
16
17

18 233. Yolo also falsely represented that it had a system in place to respond to
19 users’ complaints about violations of its policies. In setting up a “Contact Us” form
20 and a “law enforcement” email address, Yolo represented to its users and others,
21 including parents, that Yolo would respond to complaints about objectionable conduct
22 on its platform. But this representation was false, because Yolo routinely did not
23 respond to such inquiries and the “law enforcement” email address was not even
24 active. And when Yolo made these statements, it knew that it did not have a system in
25
26
27
28

1 place or the resources to regularly perform the actions that Yolo stated it would
2 undertake, such as revealing and banning users who bullied or harassed other users.

3
4 234. Yolo made this representation with knowledge of its falsity and with an
5 intent to deceive users and other people, such as parents like Kristin Bride, into
6 believing that Yolo would respond to their inquiries. And those persons did
7 reasonably rely on Yolo's representations: they sent messages to the YOLO Contact
8 Us form and the "law enforcement" email. For instance, A.K. sent a request to Yolo
9 via the YOLO Contact Us form in which she asked Yolo to unmask the people who
10 bullied her, but she never received a response to her inquiry and request. And Kristin
11 Bride sent multiple inquiries to the Contact Us form and the "law enforcement" email
12 seeking to unmask the people who had bullied and harassed her son Carson on Yolo.
13 But YOLO did not respond to her inquiries.

14
15
16
17 235. Yolo's fraudulent misrepresentations proximately caused harm to
18 Carson Bride, A.K., A.C., A.O., Kristin Bride, and members of the National Class.

19
20 236. Through these false representations, Yolo caused Carson Bride, A.K.,
21 A.C., A.O., and the National Class to use a product, YOLO, that was filled with
22 bullying, harassment, and other objectionable conduct that Yolo had promised it
23 would remove, including such misconduct that occurred even after users informed
24 YOLO of it, and Yolo denied information to its users that would have helped them
25 to identify and stop harassers and bullies.

1 237. In investigating who was sending him the abusive messages and trying to
2 learn their names, Carson Bride felt emotional distress and frustration.

3
4 238. Yolo’s misrepresentations about the Contact Us form and the “law
5 enforcement” email caused Kristin Bride to engage in a painstaking, frustrating effort
6 to learn the identities of abusive users sending harassing messages. Kristin suffered
7 grief, frustration, anger, and helplessness.
8

9 239. Yolo’s fraudulent misrepresentations directly contributed to Carson
10 Bride’s wrongful death and contributed to Carson’s and Kristin’s emotional harm.
11

12 240. The Estate of Carson Bride, Kristin Bride, plaintiffs A.K., A.C., and
13 A.O., and members of the National Class are therefore entitled to compensatory
14 damages for physical and emotional pain and distress, and the Estate of Carson Bride
15 and Kristin Bride are entitled to pecuniary loss and loss of society, companionship,
16 and services to Carson Bride’s parents, and the cost of burial and memorial services,
17 and services to Carson Bride’s parents, and the cost of burial and memorial services,
18 as the jury may determine fair and reasonable.
19

20 241. The plaintiffs are entitled to punitive damages based on Yolo’s willful
21 and wanton actions in making these fraudulent misrepresentations.
22

23 **COUNT IV - NEGLIGENT MISREPRESENTATION**

24 Plaintiffs Estate of Carson Bride, A.K., A.C., A.O., on behalf of the National Class
25 against Yolo, and Kristin Bride Against Yolo

26 242. The plaintiffs adopt and incorporate by reference all allegations
27 contained in the foregoing paragraphs as though fully set forth herein.
28

1 243. Plaintiffs Estate of Carson Bride, A.K., A.C., A.O. bring this claim for
2 negligent misrepresentation against Yolo on behalf of themselves and the National
3 Class. Kristin Bride brings this claim for negligent misrepresentation against Yolo.
4

5 244. The Defendants committed the tort of negligent misrepresentation, the
6 elements of which claim are that: (1) the defendant made a false statement or omission
7 of a material fact, (2) the defendant was without reasonable grounds for believing the
8 statement to be true, (3) the defendant intended the plaintiff to rely on it (4) the
9 plaintiff did reasonably relied on the false information, and (5) the defendant's
10 challenged conduct proximately caused the plaintiff's harm.
11

12 245. As described in the prior count, Yolo made false representations that
13 were material to Carson Bride, A.K., A.C., A.O., Kristin Bride, and the National
14 Class; Yolo intended its users and other persons to rely on those statements in
15 deciding to join, download, and use Yolo and to submit inquiries to Yolo; Carson
16 Bride, A.K., A.C., A.O., Kristin Bride, and the National Class reasonably relied on
17 those misrepresentations, and they experienced damages that were proximately
18 caused by the defendants' misrepresentations.
19

20 246. In addition, as described above, Yolo lacked reasonable grounds for
21 believing that the statements were true, and thus violated Yolo's duty of reasonable
22 care to provide accurate information to its users. When Yolo made these statements,
23 it knew or should have known that it did not have a system in place or the resources
24
25
26
27
28

1 to regularly perform the actions that Yolo stated it would take, such as revealing and
2 banning users who bullied or harassed other users.

3
4 As described in the prior count, the plaintiffs who bring this count and the
5 National Class are entitled to compensatory and punitive damages based on Yolo's
6 misrepresentations.
7

8 **COUNT V - UNJUST ENRICHMENT**

9 Plaintiffs Estate of Carson Bride, A.K., A.C., A.O., on behalf of the National Class
10 against Yolo; Plaintiff Estate of Carson Bride and A.K. against Lightspace on behalf
of the National Class

11 247. The plaintiffs adopt and incorporate by reference all allegations
12 contained in the foregoing paragraphs as though fully set forth herein.

14 248. Plaintiffs Estate of Carson Bride, A.K., A.C., A.O. bring this claim for
15 unjust enrichment against Yolo on behalf of themselves and the National Class.
16

17 249. Plaintiffs Estate of Carson Bride and A.K. bring this claim for unjust
18 enrichment against Lightspace on behalf of themselves and the National Class.
19

20 250. Plaintiffs Estate of Carson Bride, A.K., A.C., A.O., and the putative
21 National class, conferred a tangible economic benefit upon Yolo by signing up as a
22 user to and downloading its app, sacrificing privacy rights and privileges, consuming
23 advertisements, and providing their personal data.
24

25 251. Through the profits gained by the sale of personal and non-personal
26 information of YOLO and LMK's users, Yolo and Lightspace reaped profits from
27
28

1 their dangerous and defectively designed products and services, misrepresentations,
2 and deceptive trade practices. Upon information and belief, instead of collecting users'
3 private data to monitor, detect and stop unlawful and inappropriate conduct on its
4 platform, as Yolo and Lightspace told their users they would do, Yolo and Lightspace
5 were enriched by their collection of minor users' private data and sold the data for
6 advertisements and other profitable uses. The users of YOLO and LMK lost their
7 privacy with no benefit in exchange, and they were exposed to harm as a result.
8
9

10
11 252. Under these circumstances, it would be against equity and good
12 conscience to permit Yolo and Lightspace to retain the ill-gotten benefits that it
13 received from Plaintiffs and members of the National Class.
14

15
16 **COUNT VI - OREGON Unlawful Trade Practices Act**

17 Plaintiff Estate of Carson Bride on behalf of the Oregon Subclass and Kristin Bride
18 against Yolo and Lightspace

19 253. The plaintiffs adopt and incorporate by reference all allegations
20 contained in the foregoing paragraphs as though fully set forth herein.
21

22 254. Plaintiff Estate of Carson Bride brings this claim under the Oregon
23 Unlawful Trade Practices Act, Oregon Revised Statute § 646.605, on behalf of the
24 Oregon Subclass against Yolo and against Lightspace. And Kristin Bride brings the
25 same claim against Yolo and Lightspace.
26
27
28

1 255. The Oregon Unlawful Trade Practices Act (UTPA), ORS §646.605 *et*
2 *seq.*, protects persons who obtain real estate, goods or services primarily for personal,
3 family or household purposes from fraudulent and unfair business practices.
4

5 256. The UTPA generally prohibits the false representation or false
6 advertising of goods and services, including false representations about the
7 characteristics, uses, benefits, and qualities of good or services. ORS § 646.608(1)(e).
8

9 257. The defendants’ apps and services were marketed, provided, and sold to
10 Yolo and LMK’s customers primarily for personal, family or household purposes.
11

12 258. As described above, the defendants made false and material statements
13 to their users, including Carson Bride, and their users’ parents, including Kristin
14 Bride, about the specific steps they would take to improve the safety of their
15 anonymous messaging apps, and they failed to inform their users and their users’
16 parents about the inherent dangers, risks, and negative effects of using their
17 anonymous messaging apps, and that their apps lacked adequate safeguards to prevent
18 bullying and harassment from proliferating.
19
20

21 259. Among those false statements, Yolo made the misrepresentations that it
22 would reveal the identifies of users who engage in inappropriate and bullying conduct
23 and ban them, and that it would respond to complaints or inquiries through its Contact
24 Us form and “Law Enforcement” email.
25
26

1 260. Among those false statements, Defendant Lightspace made the
2 misrepresentation that LMK would “not tolerate any sexually explicit content. This
3 includes content in the form of text, photo, and video,” and that “Reports of stalking,
4 threats, bullying, or intimidation, are taken very seriously and may be reported to law
5 enforcement.”
6

7
8 261. The unlawful trade practices alleged herein caused an ascertainable loss
9 of injury to Plaintiffs and the subclass, including a loss of money and property. Because
10 of the emotional distress and death that Carson Bride suffered as a result of the
11 defendants’ conduct, he has lost his earning capacity and income. And Carson Bride
12 and his mother Kristin Bride also incurred funeral expenses as a result of Carson’s
13 death that was caused by the defendants’ conduct. Carson Bride and members of the
14 Oregon Subclass also lost their personal property by providing Yolo, Lightspace, and
15 Snap their personal information and data due to the defendants’ misrepresentations.
16
17

18
19 262. Pursuant to ORS § 646.638(1), the plaintiffs and each Oregon subclass
20 member is entitled to a \$200 minimum statutory penalty due to the unlawful trade
21 practices alleged herein.
22

23 263. The plaintiffs and the Oregon subclass are entitled to their reasonable
24 attorneys’ fees and costs pursuant to ORS § 646.638(3).
25

26 264. The plaintiffs and the Oregon subclass are entitled to injunctive and
27 equitable relief, and any other relief that is appropriate under the UTPA.
28

1 **COUNT VII - NEW YORK GENERAL BUSINESS LAW § 349**

2 Plaintiff Tyler Clementi Foundation on behalf of its New York members and the
3 New York Subclass against Yolo and Lightspace

4 265. The plaintiffs adopt and incorporate by reference all allegations
5 contained in the foregoing paragraphs as though fully set forth herein.

6 266. Plaintiff Tyler Clementi Foundation brings this claim under the New
7 York State General Business Law § 349 on behalf of its New York-based members
8 and the New York Subclass against Yolo against Lightspace.

9 267. The Foundation, the New York Subclass members and the defendants
10 are “persons” under N.Y. Gen. Bus. Law § 349(h), the New York Deceptive Acts and
11 Practices Act (NY DAPA).

12 268. Plaintiff Tyler Clementi Foundation has youth ambassador members
13 who belong to the New York subclass and have used the defendants’ apps.

14 269. Defendants’ actions occurred in the conduct of trade or commerce
15 under the NY DAPA.

16 270. The NY DAPA makes unlawful “[d]eceptive acts or practices in the
17 conduct of any business, trade or commerce.” N.Y. Gen. Bus. Law § 349.

18 271. The defendants’ conduct constitutes deceptive acts or practices under
19 this section, including by making false or misleading statements.

20 272. As described above, the defendants made false and material statements
21 to their users and their users’ parents about the specific steps they would take to
22

1 improve the safety of their anonymous messaging apps, and they failed to inform their
2 users and their users’ parents about the inherent dangers, risks, and negative effects of
3 using their anonymous messaging apps, and that their apps lacked adequate safeguards
4 to prevent bullying and harassment from proliferating.
5

6 273. Among those false statements, Yolo made the misrepresentations that it
7 would reveal the identifies of users who engage in inappropriate and bullying conduct
8 and ban them, and that it would respond to complaints or inquiries through its Contact
9 Us form and “Law Enforcement” email.
10

11 274. Among those false statements, Lightspace made the misrepresentation
12 that LMK would “not tolerate any sexually explicit content. This includes content in
13 the form of text, photo, and video,” and that “Reports of stalking, threats, bullying, or
14 intimidation, are taken very seriously and may be reported to law enforcement.”
15
16

17 275. The defendants’ false statements were intended to mislead consumers in
18 New York and induce them to reasonably believe that the apps would take the actions
19 that the defendants promised to undertake, including enforcing their zero-tolerance
20 policy against bullying and harassing behavior, revealing the bad actors’ identities, and
21 banning them.
22
23

24 276. The defendants’ statements were material to the Plaintiffs’ and New York
25 Subclass members’ decision to sign up for, download, and use the defendants’ apps,
26 and they relied on those statements in signing up for, downloading, and using the apps
27
28

1 and giving their personal information to the defendants, who used that information to
2 make a profit.

3
4 277. The defendants knew or should have known that their conduct violated
5 the NY DAPA.

6
7 278. Defendants' unfair and deceptive acts were likely to, and did in fact,
8 deceive regulators and reasonable consumers, including the Foundation and the New
9 York Subclass members.

10
11 279. Defendants' violations present a continuing risk to the Foundation, the
12 New York Subclass members, and the general public.

13
14 280. The Foundation and New York Subclass members are entitled to all
15 injunctive relief, actual and statutory damages and punitive damages to the extent
16 available under the law, reasonable attorneys' fees and costs, and all other just and
17 appropriate relief available under the NY DAPA.

18
19 281. The defendants' unlawful acts and practices complained of herein affect
20 the public interest.

21
22 282. The Foundation and the New York Subclass members suffered
23 ascertainable loss and actual damages as a direct and proximate result of the
24 defendants' actions, including the loss of property and a diversion of the Foundation's
25 resources.
26
27
28

1 283. The defendants have an ongoing duty to all customers and the public to
2 refrain from unfair and deceptive practices under the NY DAPA. As a result of the
3 defendants' ongoing unlawful acts, the Foundation and all the New York Subclass
4 members are suffering ongoing harm.
5

6 284. As a result of the foregoing willful, knowing, and wrongful conduct of the
7 defendants, the Foundation and the New York Subclass members have been damaged
8 in an amount to be proven at trial, and seek all just and proper remedies, including
9 but not limited to actual damages or \$50, whichever is greater, treble damages up to
10 \$1,000, punitive damages to the extent available under the law, reasonable attorneys'
11 fees and costs, an order enjoining the defendants' deceptive and unfair conduct, and
12 all other just and appropriate relief available under the NY DAPA.
13
14
15

16 **COUNT VIII: NEW YORK GENERAL BUSIENSS LAW § 350**

17 Plaintiff Tyler Clementi Foundation on behalf of its New York members and the
18 New York Subclass against Yolo and Lightspace

19 285. Plaintiff Tyler Clementi Foundation brings this claim under the New
20 York State General Business Law § 350 on behalf of its New York-based members
21 and the New York Subclass against Yolo and Lightspace.
22

23 286. The plaintiffs adopt and incorporate by reference all allegations
24 contained in the foregoing paragraphs as though fully set forth herein.
25
26
27
28

1 287. The defendants engaged in the “conduct of business, trade or
2 commerce,” within the meaning of N.Y. Gen. Bus. Law § 350, the New York False
3 Advertising Act (NY FAA).
4

5 288. The NY FAA makes unlawful “[f]alse advertising in the conduct of any
6 business, trade or commerce.” N.Y. Gen. Bus. Law § 350. False advertising includes
7 “advertising, including labeling, of a commodity . . . if such advertising is misleading
8 in a material respect,” taking into account “the extent to which the advertising fails to
9 reveal facts material in light of . . . representations [made] with respect to the
10 commodity,” N.Y. Gen. Bus. Law § 350-a.
11

12 289. The defendants caused to be made or disseminated through New York,
13 through advertising, marketing, and other publications, statements and omissions that
14 were untrue or misleading, and that were known by the defendants, or that through
15 the exercise of reasonable care should have been known by the defendants, to be
16 untrue and misleading.
17

18 290. The defendants made numerous material and affirmative
19 misrepresentations and omissions of fact with an intent to mislead and deceive
20 concerning their purported zero-tolerance for bullying and harassing users using their
21 apps, as well as their use of personally identifiable information, including all of the
22 false statements and misrepresentations described in the prior Count and further
23 above.
24
25
26
27
28

1 291. The Foundation and the New York Subclass suffered harm from the
2 defendants' misrepresentations and omissions, as described in the prior count,
3 including emotional harm and a diversion of resources.
4

5 292. The Foundation and New York Sub-Class are entitled to all injunctive
6 relief, actual and statutory damages, and punitive damages to the extent available under
7 the law, reasonable attorneys' fees and costs, and all other just and appropriate relief
8 available under the NY FAA.
9

10 **COUNT IX: COLORADO CONSUMER PROTECTION ACT**

11 Plaintiff A.K. on behalf of the Colorado Subclass against Yolo and Lightspace
12

13 293. The plaintiffs adopt and incorporate by reference all allegations
14 contained in the foregoing paragraphs as though fully set forth herein.
15

16 294. Plaintiff A.K. brings this claim under the Colorado Consumer Protection
17 Act, Colorado Rev. Stat. § 6-1-10 *et seq.*, against Yolo and Lightspace on behalf of the
18 Colorado Subclass.
19

20 295. The Colorado Consumer Protection Act makes it unlawful to engage in
21 deceptive trade practices, which include using deceptive representations in connection
22 with goods or services, knowingly making a false representation as to the
23 characteristics, uses, or benefits of services, or representing that goods or services are
24 of a particular style or model if they know or should know they are of another. *See*
25 Colo. Rev. Stat. § 6-1-105.
26
27

1 296. Yolo and Lightspace violated these prohibitions by knowingly making
2 the false, misleading, and deceptive statements about their goods and services, as
3 described above, to A.K. and other users and parents of users in Colorado, with an
4 intent that they rely on those statements in deciding to sign up for, download, and use
5 YOLO and LMK. Upon information and belief, A.K. and other members of the
6 Colorado Subclass did reasonably rely on Yolo and Lightspace’s statements about its
7 goods and services. Yolo’s misrepresentations proximately caused harm to A.K. and
8 the Colorado Subclass, including emotional harm and lost property, among other
9 things.
10

11
12
13 297. Yolo and Lightspace engaged in these deceptive trade practices in the
14 course of their business in which they provided and sold goods and services to A.K.
15 and other users in Colorado.
16

17 298. Yolo and Lightspace’s unlawful acts and practices complained of herein
18 affect the public interest.
19

20 299. A.K. and the Colorado Subclass are entitled to all forms of available legal
21 or equitable relief, including their actual damages, statutory damages, civil penalties,
22 restitution, punitive damages, declaratory relief, injunctive relief, and attorneys’ fees
23 and costs. *See* Colo. Rev. Stat. § 6-1-110, § 6-1-112, § 6-1-113.
24
25
26
27
28

1 **COUNT X: PENNSYLVANIA UNFAIR TRADE PRACTICES LAW**

2 Plaintiff A.O. on behalf of the Pennsylvania Subclass against Yolo

3 300. The plaintiffs adopt and incorporate by reference all allegations
4 contained in the foregoing paragraphs as though fully set forth herein.
5

6 301. Plaintiff A.O. brings this claim under the Unfair Trade Practices and
7 Consumer Protection Law, 73 Pa. Stat. Ann § 201-1 *et seq.*, on behalf of the
8 Pennsylvania Subclass against Yolo.
9

10 302. Pennsylvania law prohibits “[u]nfair methods of competition and unfair
11 or deceptive acts or practices in the conduct of any trade or commerce,” including
12 making deceptive representations in connection with goods or services, representing
13 that goods or services have characteristics, uses, benefits, or qualities that they do not
14 have, and representing that goods or services are of a particular standard, quality or
15 grade when they are of another. *See* 73 Pa. Stat. § 201-2, 201-3.
16
17

18 303. Yolo violated these prohibitions by making the false, misleading, and
19 deceptive statements about its goods and services, as described above, to A.O. and
20 other users and parents of users in Pennsylvania, with an intent that they rely on those
21 statements in deciding to sign up for, download, and use YOLO. A.O. and other
22 members of the Pennsylvania Subclass did reasonably rely on Yolo’s statements about
23 its goods and services, and as a result were harmed, suffering emotional harm and
24 losing property, among other things.
25
26
27
28

1 been misled, deceived, or damaged thereby, is enjoined as provided in section
2 325F.70.”

3
4 309. Yolo violated these prohibitions by making false and material statements
5 about its goods and services, as described in detail above, to A.C. and other users and
6 parents of users in Minnesota, with an intent that they rely on those statements in
7 deciding to sign up for, download, and use YOLO. A.C. and other members of the
8 Minnesota Subclass did rely on Yolo’s statements about its goods and services and as
9 a result were harmed, including suffering emotional harm and losing property, among
10 other things.
11
12

13 310. Yolo sold merchandise to its users within the meaning of Minn. Stat. §
14 325F.68. By transferring the YOLO app to users and allowing them to communicate
15 on YOLO in exchange for the time, attention, and personal data of its users, Yolo
16 sold goods and services to its users within the meaning of Minn. Stat. § 325F.68.
17
18

19 311. Yolo’s unlawful acts and practices complained of herein affect the public
20 interest.
21

22 312. A.C. and the Minnesota Subclass are entitled to all forms of available
23 legal or equitable relief under Minnesota Stat. § 325F.69, including their actual
24 damages, civil penalties, restitution, declaratory relief, injunctive relief, and attorneys’
25 fees and costs. *See* Minn. Stat. § 8.31(3); *id.* § 325F.70.
26
27
28

1 and their users’ parents, including Kristin Bride, about the specific steps they would
2 take to improve the safety of their anonymous messaging apps, and the defendants
3 failed to inform their users and their the parents of their users about the inherent
4 dangers, risks, and negative effects of using their anonymous messaging apps, and that
5 their apps lacked adequate safeguards to prevent bullying and harassment from
6 proliferating.
7

8
9 318. Among those false statements, Yolo made the misrepresentations that it
10 would reveal the identifies of users who engage in inappropriate and bullying conduct
11 and ban them, and that it would respond to complaints or inquiries through its Contact
12 Us form and “Law Enforcement” email.
13

14
15 319. Among those false statements, Lightspace made the misrepresentation
16 that LMK would “not tolerate any sexually explicit content. This includes content in
17 the form of text, photo, and video,” and that “Reports of stalking, threats, bullying, or
18 intimidation, are taken very seriously and may be reported to law enforcement.”
19

20 320. The defendants made these misrepresentations with an intent that users
21 and the parents of users would rely on those statements in deciding to sign up for,
22 download, and use YOLO. The plaintiffs and the members of the National Subclass
23 did rely on Yolo and Lightspace’s statements about its goods and services and as a
24 result were harmed, suffering emotional harm and losing property, including giving up
25 personal data and privacy to Yolo, Lightspace, and Snap, among other things.
26
27
28

1 A.O., and the Tyler Chimenti Foundation as Class and Subclass
2 Representatives; and appointing the undersigned to serve as class counsel.

3
4 B. For notice of class certification and of any relief to be disseminated to all
5 Class Members, and for such other further notices as this Court deems
6 appropriate under Fed. R. Civ. P. 23(d)(2).

7
8 C. For an order mandating that YOLO and LMK continue to be banned
9 from Snap and that they be banned from operating on other platforms.

10
11 D. For an order restraining the defendants or their owners from marketing,
12 selling, operating, and otherwise replicating their services, specifically,
13 anonymous messaging features, in the form of a different corporate entity and
14 service.

15
16 G. For an order granting declaratory and injunctive relief to the plaintiffs as
17 permitted by law or equity, including: enjoining the defendants from continuing
18 the unlawful practices as set forth herein, and directing the defendants to
19 identify, with Court supervision, victims of its conduct and pay them, restitution
20 and disgorgement of all monies acquired by the defendants by means of any act
21 or practice declared by the Court to be wrongful;

22
23
24 H. For an award of compensatory damages in the amount exceeding
25 \$5,000,000, to be determined by proof of all injuries and damages described
26 herein and to be proven at trial;

1 I. For an award to the plaintiffs, the National Class members, and the
2 Subclass members of appropriate relief, including actual and statutory damages;

3
4 J. For an award to the plaintiffs, the National Class members, and the
5 Subclass members of punitive damages to the extent allowable by law, in an
6 amount to be proven at trial;

7
8 K. For an award of restitution and disgorgement of the defendants' revenues
9 to the plaintiffs and the proposed Class and Subclass members;

10
11 L. For a order for the defendants to engage in a corrective advertising
12 campaign;

13
14 M. For compensation to Plaintiff Estate of Carson Bride for the physical and
15 emotional pain and distress which Plaintiff Carson Bride suffered during
16 months preceding his death from the use of the defendants' apps, for his
17 wrongful death, for the pecuniary loss and loss of society, companionship and
18 services to the parents of Carson Bride, including punitive damages against Yolo
19 for the gross, continued, and callous misrepresentations and non-response of
20 Yolo toward Kristin Bride and the Estate of Carson Bride, even after being
21 notified of the Carson's death multiple times, and expenses incurred for
22 services rendered to Carson Bride, decedent, including charges for burial and
23 memorial services.

24
25
26
27 N. For an award of reasonable attorney's fees and costs, including expert
28

1 witness fees;

2 O. For an award of pre-judgment and post-judgment interest; and

3
4 P. Any other relief as may be just and proper.

5
6 **DEMAND FOR JURY TRIAL**

7 The plaintiffs hereby demand a trial by jury for all issues a jury may properly
8 decide and for all of the requested relief that a jury may award.

9
10 June 27, 2022

Respectfully submitted,

11 /s/ Juyoun Han

12 Juyoun Han (*pro hac vice*)

13 Eric Baum (*pro hac vice*)

14 **EISENBERG & BAUM, LLP**

24 Union Square East, PH

15 New York, NY 10003

16 Tel: (212) 353-8700

17 Fax: (212) 353-1708

18 jhan@eandblaw.com

ebaum@eandblaw.com

19 Peter Romer-Friedman (*pro hac vice*)

20 Robert Friedman (*pro hac vice*)

21 **GUPTA WESSLER PLLC**

2001 K Street, NW, Suite 850

22 Washington, DC 20006

202.888.1741 (office)

23 718.938.6132 (cell)

24 peter@guptawessler.com

robert@guptawessler.com

25
26 John K. Buche (CA Bar No. 239477)

BUCHE & ASSOCIATES, P.C.

27 2029 Century Park E., Suite 400N

1 Los Angeles, CA 90067
2 Tel: (310) 593-4193
3 Fax: (858) 430-2426
4 jbuche@buchelaw.com

5 *Attorneys for Plaintiffs*
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28