Meta and Google verdict offers roadmap for future liability claims

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When a California jury handed down a $6 million verdict against Meta and Google in March 2026 finding both companies negligent and at-fault for a young woman's use of Meta's Instagram platform and Google's YouTube platform, the case was immediately hailed as both a landmark decision and bellwether.

But the real attention-grabber was not the damages awarded (which were a small fraction compared to the companies' respective annual revenue — Meta reported $200.97 billion in revenue for 2025, and Google reported $402.84 billion), but the liability itself which provides a potential roadmap for future claims not only of a like-kind, but for technology litigation more generally.

Unlike certain recent cases involving technologies and platforms, this case did not attempt to take old statutes, such as the Electronic Communications Privacy Act of 1986, the Video Privacy Protection Act of 1988, or the California Invasion of Privacy Act, and impute liability for modern technology uses. It also did not require a Ph.D. in engineering or dozens of technical experts for the jury to understand the issues.

Instead, it took the centuries-old, bedrock legal principle that all individuals and companies have a duty to act reasonably under the circumstances they face and applied it to the relatable, everyday use case of platform users, presenting two key questions: When does a company fail to design their technology platform using reasonable care, and under what circumstances does a company have a duty to warn about the potential for their technology to be addictive?

In the California lawsuit styled *K.G.M. v. Meta Platforms, Inc., et al*, a teen user of Instagram and YouTube and her mother alleged that the design of both platforms was negligent because it caused the user to become addicted to the platforms and use the platforms compulsively starting at a young age.

The claims also alleged that the platforms targeted minor users and failed to warn users and parents of teen and child users of known potential, negative impacts of the platforms, borrowing from products liability theories.

Notably absent from the user's claims were any allegations that content on the platform caused or contributed to the injuries. This is significant, and likely intentional, because it shifted the focus away from the content on the platforms, to the conduct of the platforms and users. It also took away key defenses from the platforms that frequently formed the prior playbook in technology litigation.

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In the past, technology companies often relied on defenses available under Section 230 of the Communications Decency Act. Section 230 provides immunity for providers of platforms for most user content posted on their platforms, which often allows lawsuits against technology platforms and providers to be dismissed in the early stages of litigation.

But this defense is irrelevant when the allegations center on conduct, not content, as was the case here. Thus, instead of litigating the issue of whether the platforms could be liable for the statements of third parties, the inquiry in this case shifted to the conduct of the platforms, whether such conduct was reasonable, and whether the platforms' conduct caused the injuries alleged.

With Section 230 defenses aside, from the outset, causation was at the heart of the issues: Did Meta and Google's platform design cause the user's alleged injury, or did factors in the user's own life and background cause her injury?

With respect to causation, it is easy to overlook that negligence liability does not turn on whether the party was the *sole* cause of the harm, but rather whether the party was a substantial

factor or substantial cause of the harm. Therefore, in this case, even if the user or user's surroundings caused some of her injuries, as long as the platforms also caused her injuries, the platforms could be found liable.

Beyond causation, the case also highlights the circumstances in which platforms and other technology companies may have duties to act, or refrain from acting, in certain ways. To this end, another key aspect of the allegations surrounded whether the platforms were negligently designed, and whether the companies negligently failed to warn users and parents of teen users about potential impacts of their platforms.

Inherent in these allegations is the question of whether the companies had a duty to design the platforms in a certain manner, and in particular, with safety in mind. Relatedly, the circumstances in which platforms and technology companies have a duty to warn users about potential negative impacts of their platforms were highlighted. Internal documents and studies conducted by Meta about child and teen users were key pieces of evidence for these allegations.

Using these documents, including an internal study conducted by Meta called "Project Myst," the plaintiffs argued that Meta and YouTube concealed known harms to teen and child users. Many of these internal documents indicated that Meta was on notice of the potential negative impacts its platform had on certain subsets of users. This allowed the plaintiffs to argue that Meta had a duty to disclose known, harmful effects to them and other users.

Internal documents and memoranda have long been the bane of litigators' existence because they are often discoverable in litigation, and can be an Achilles heel, as this case aptly demonstrates. However, it is not always feasible for companies to refrain from documenting certain known risks in the current regulatory environment.

Internal documents and risk assessments that analyze the risk of products, technologies and tools, and their potential impact on subsets of users or specific use cases are increasingly required by regulations that impact technology uses and companies. For example, most state consumer privacy laws require a privacy impact assessment before undertaking certain activities. Similarly, statutes and regulations that govern the use of AI technologies often require companies to document and maintain documentation about certain risks of AI technologies and use cases.

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As this case demonstrates, when companies choose to or are required to document known harms of technologies, as organizations increasingly are through various regulatory schemes, the existence and content of these documents can arm plaintiffs with additional arguments and easily create potential paths to liability.

How technology companies and plaintiffs will adapt their arguments with this new blueprint remains something to watch, as this case highlights key legal issues for plaintiffs and defendants who seek to impute or avoid liability.

About the author

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