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CLIENT & FRIENDS ALERT¹

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CONTENT REGULATION IN THE AGE OF MISINFORMATION
Part III: Plaintiffs at the Gates

Recent California jury verdict finding Meta Platforms and Google liable for social media addiction: legal, regulatory, and industry implications.

I. The Ides of March: Jury Verdicts Against Meta and Google.

On March 25, 2026, in the first jury trial of consolidated multi-district litigation cases in California (MDL 3047) alleging media platform addiction liability for minors, a Los Angeles jury found Meta (Instagram/Facebook) and Google (YouTube) liable under theories including negligence and failure to warn. The jury awarded approximately \$3 million in compensatory damages and an additional \$3 million in punitive damages.²

A pittance for the Big Tech Companies – but a warning, nonetheless. Importantly, Judge Kuhl ruled before the trial that while online content is protected by “Section 230” of the Communications Act of 1934,³ the statute does not shield the defendants from allegations that their platforms' algorithms, notifications, autoplay, and "infinite" scroll were designed to be addictive.

¹ While accurate to the best of our knowledge, this alert is not a legal opinion and is not to be treated as legal advice. Please contact us if you have any questions regarding this disclaimer.

² Jury Doubles Damages Against Meta, Google In LA Bellwether;
https://www.law360.com/telecom/articles/2452908?nl_pk=08ad4475-c663-49ae-b735-c56441d70f00&utm_source=newsletter&utm_medium=email&u%E2%80%A6

Reuters, ‘Jury reaches verdict in social media addiction trial against Meta and Google’ (March 2026); - The Guardian, ‘US jury finds Meta and YouTube liable in landmark social media addiction trial’ (March 2026);

³ 47 U.S.C. §230. For an in depth discussion of Section 230, its enactment, legislative purpose and currently controversial political application (misapplication?), see our alert at <https://wstelecomlaw.com/2020/10/the-2020-presidential-election-politics-and-telecommunications-the-death-of-the-good-samaritan-maybe/>.

Not having a good week, Meta, a day earlier (March 24, 2026), was hit with a \$375 Million verdict by a New Mexico jury for similar claims brought by the state attorney general.⁴ More cases will surely follow.

II. Key Takeaways.

The first takeaway is that Big Tech companies are not immune to social-media liability - *e.g.*, common law negligence, defective product design, failure to warn, and consumer protection claims (such as deceptive practices). Simply stated, the companies have exposure to common-law causes of action applied to social media addiction, much the same way they would apply to countless other torts.

But the other, perhaps more important, takeaway is what the cases did not reach: the liability shield protecting social media companies from content liability under “Section 230” of the Communications Act of 1934.

To recap, since October 2022, when the U.S. Supreme Court granted certiorari in *Gonzalez v. Google LLC*, the information industry has long anticipated a review of Section 230.⁵ Enacted in 1996, Section 230, also known as the “Liability Shield,” essentially immunizes online platforms such as Google, Twitter, and others from publisher or speaker liability for posting third-party content. That review has yet to happen. The U.S. Supreme Court remanded *Gonzalez* back to the 9th Circuit, leaving Section 230, along with its liability shield – at least for now – unchanged.

So, the plaintiffs in the Meta/Google case took a different approach. Rather than focusing on third-party content, the claims targeted platform design and functionality, potentially creating a pathway for liability outside traditional immunity protections. In other words, the plaintiffs are pursuing old-fashioned tort theories such as negligence in their attack on Google and Meta, essentially an end run around Section 230.

III. Implications.

What are the implications? Too early to say as the defendants have already announced their intention to appeal. But the verdict may signal increased willingness by courts and juries to treat social media platforms as products subject to traditional tort claims – not media content protected by Section 230.

And what happens next? Long term, these developments may stimulate Section 230 reform legislation or regulatory developments: Federal Communications Commission Chair Brendan Carr is an outspoken opponent of (in his view) Section 230’s expansive, sometimes political applications.

If upheld, the verdict will likely encourage additional litigation across jurisdictions. Common law tort claims are governed by state law. State Courts are typically more permissive

⁴ <https://www.law360.com/articles/2457141/meta-owes-375m-in-nm-trial-over-harm-to-teens>

⁵ 47 U.S.C. §230.

in allowing claims to proceed to trial and verdict (rather than to summarily dismiss them if questionable as federal courts are more likely to do). This verdict will also likely encourage forum shopping. Negligence claims, for instance, brought in consumer-friendly jurisdictions such as California (where the Meta/Google verdicts were handed down) may perhaps not fare as well in less “friendly” ones.

IV. Our Next Webinar.

Considering these important decisions – and the anticipated flood of similar litigation, we are planning our latest webinar in the “*Content Moderation in the Age of Misinformation*” series. Along with speakers – Jim Wholey, John Herman (invited), Josh Swiger, and Martyn Roetter⁶ – we will review the decisions from a legislative and a societal perspective, as well as “how to litigate” assessments from both a plaintiff’s and a defendant’s point of view.

And as a special guest speaker, we are pleased to have Robert Butler, an erstwhile colleague and then partner at Wiley Rein, who played an instrumental role in the enactment of Section 230, an important subsection of the Communications Decency Act (CDA) as part of the 1996 telecommunications reform legislation. Section 223(a)(d) of the CDA (criminalizing the knowing transmission and display of “indecent” and “patently offensive” communications to minors) was promptly reversed by the U.S. Supreme Court shortly thereafter, but Section 230 survived.⁷ We will share with you what was really intended by Section 230 and how it now intersects with the fallout from the Meta/Google verdicts.

Details will follow on our website (www.wstelecomlaw.com), on LinkedIn, and in future alerts. Stay tuned.

⁶ <https://phillipslytle.com/our-people/james-kevin-wholey/>; <https://www.hermanjones.com/john-herman>; <https://www.wwhgd.com/team/swiger-joshua>; <https://wstelecomlaw.com/attorneys-and-staff/martyn-roetter-d-phil-physics/>;

⁷ *Reno v. ACLU*, 521 U.S. 844 (1997) (holding that the 47 U.S.C. § 223(a), (d), violated the First Amendment as overly broad content-based restrictions on protected speech).