

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION**

MDL No. 3047

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Defendants New York City Administration for Children’s Services and the City of New York (the City of New York) in the action listed on Schedule A (*Mizell*) move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring *Mizell* to MDL No. 3047. Alternatively, they ask the Panel to separate and remand the claims against the City of New York to the Southern District of New York. Defendant Meta Platforms, Inc. (Meta), opposes the motion to vacate and, alternatively, supports the alternative request for separation and remand. Plaintiff and the remaining defendants¹ did not respond to the motion.

After considering the arguments of counsel, we find that transfer under 28 U.S.C. § 1407 will neither serve the convenience of the parties and witnesses, nor promote the just and efficient conduct of the litigation. MDL No. 3047 involves factual questions arising from “allegations that defendants’ social media platforms are defective because they are designed to maximize user screen time, which can encourage addictive behavior in adolescents. Plaintiffs allege defendants were aware, but failed to warn the public, that their platforms were harmful to minors.” *See In re Social Media Adolescent Addiction/Personal Injury Prods. Liab. Litig.*, 637 F. Supp. 3d 1377, 1378 (J.P.M.L. 2022). The MDL actions share questions of fact concerning whether social media platforms encourage addictive behavior, fail to verify users’ ages, encourage adolescents to bypass parental controls, and inadequately safeguard against harmful content and/or intentionally amplify harmful and exploitive content. *See id.*

Plaintiff in the *Mizell* action alleges that a fifteen-year-old girl (R.H.) in foster care in New York City used the Instagram platform to harass his daughter, Emery. After several weeks of harassment, R.H. stabbed and killed Emery on her way home from school. Plaintiff alleges that the City of New York failed to: adequately supervise R.H., provide appropriate mental health services, monitor her behavior, or otherwise protect the public from her conduct. Plaintiff alleges the building where the attack took place had a history of criminal activity and dangerous conditions. He alleges the cyberbullying was reported to Meta, which failed to take adequate action to stop the harassment. He also alleges Meta is aware that bullying is prevalent on its

* Judge Karen K. Caldwell did not participate in the decision of this matter.

¹ 11P LLC, L.D. Property Management Inc. (together, the premises defendants), and John and Jane Doe.

platform, and Instagram is defective because it is deliberately designed to be addictive to teenagers and to facilitate and amplify bullying, harassment, and harmful content.

We recently declined to transfer an action to this MDL when the overlapping claims regarding social media addiction were “too peripheral to the alleged resulting injury.” Order Vacating CTO (*Doe*), MDL No. 3047 (J.P.M.L. June 5, 2026), ECF No. 788 at 2. That is the case here. While plaintiff alleges that Instagram is designed to be addictive to teenage users, he does not allege that R.H. or Emery were themselves addicted to Instagram or that any such addiction caused the unfortunate events at issue. Rather, plaintiff alleges that Instagram’s addictive design features “facilitated bullying and harassment among teenage users.” *Mizell* Compl. at ¶¶ 89-90. Meta’s alleged conduct in designing Instagram to be addictive to teenage users, therefore, “has a somewhat tenuous connection to [plaintiff’s] claims.” Order Denying Transfer (*Seitz*), MDL No. 3047 (J.P.M.L. June 3, 2026), ECF No. 784 at 3.

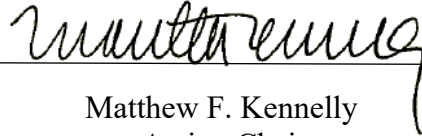
Given the marginal overlap between *Mizell* and the MDL actions, the presence of several unique claims and parties weighs against transfer. No party disputes that there is some overlap between this action and the MDL actions. But the core allegations in *Mizell* are that (1) Meta knew that its platform facilitated bullying and failed to appropriately respond when Emery’s harassment was reported; (2) the premises defendants failed to provide appropriate security where the attack occurred; and (3) the remaining defendants failed to properly supervise and monitor R.H. Transfer of *Mizell* would “inject unrelated claims and additional parties into the litigation and further complicate an already complex MDL.” Order Vacating CTO (*Doe*), MDL No. 3047, ECF No. 788 at 2.

As in *Doe*, we do not find separation and remand of the claims against the City of New York to be appropriate here. We have found that “[w]hether Section 1407(a) remand is available turns on a highly specific inquiry about how each complaint is pled.” *In re MOVEit Customer Data Sec. Breach Litig.*, 699 F. Supp. 3d 1402, 1406 n.6 (J.P.M.L. 2023). Section 1407(a) grants the Panel authority to “separate any claim,” but it “does not authorize the Panel to transfer one issue raised by a claim ... while remanding another issue raised by the same claim.” *In re Nat’l Prescription Opiate Litig.*, 576 F. Supp. 3d 1378, 1381 (J.P.M.L. 2021) (quoting *In re Air Crash Disaster at Duarte, Cal. on June 6, 1971*, 346 F. Supp. 529, 530 (J.P.M.L. 1972)). While we occasionally have separated and remanded cases on a per-defendant basis, we have found that, where the claims appear indivisible, transfer of them may be “impracticable.” *See id.* at 1380; *In re Soc. Media*, 637 F. Supp. 3d at 1379 (“Opposing defendants alternatively request the Panel separate and remand the claims against them to their transferor courts. We decline to do so, as plaintiffs allege common indivisible injuries from multiple products, and severance and remand would complicate the litigation by multiplying each plaintiff’s claims across different courts.”). Here, plaintiff has brought two claims against all defendants for wrongful death and conscious pain and suffering. Though they allege additional separate claims against each defendant group, plaintiff alleges that the conduct of each resulted in his daughter’s harassment and, ultimately, her death. Separation and remand is thus an impracticable solution here.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-79" is vacated as to the action listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "Matthew Kennelly", is written over a horizontal line.

Matthew F. Kennelly
Acting Chair

David C. Norton
Madeline Cox Arleo
Richard Seeborg

Dale A. Kimball
M. Casey Rodgers

**IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION**

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SCHEDULE A

Southern District of New York

MIZELL v. THE CITY OF NEW YORK, ET AL., C.A. No. 1:26-03631