Expert Witnesses Were Key in $6M Verdict Against Meta and Google in Bellwether Social Media Addiction Trial

Alexis Keenan *Published April 15, 2026*

An influential bellwether case in California against Meta and Google has pierced Big Tech's nearly ironclad social media liability shield by attacking the companies' platform designs to claim the tech giants caused addiction in young users and harmed their mental health.

Expert witnesses in the closely watched trial, *K.G.M. v. Meta Platforms* – who specialized in psychiatry, neuroscience, pediatrics and media – played a pivotal role in the Los Angeles County Superior Court jury's $6 million verdict that's shaping a blueprint for pursuing and defending social media-based addictive design claims.

"This is a new frontier in terms of arguments," said Joseph McNally, a former federal prosecutor who is now director of emerging litigation at Los Angeles-based McNicholas & McNicholas.

Consequential rulings from LA Superior Court Judge Carolyn Kuhl allowed the jury to hear testimony from various experts asserting a link between the platforms' designs and the plaintiff's psychological struggles.

That exponentially widened the plaintiff's chance to prove causation, after another consequential ruling permitted the claim to survive the companies' defenses using the First Amendment and Section 230 of the federal Communications Decency Act.

Judge Kuhl said the plaintiff's medical and neuroscience experts were trusted to evaluate how platform design might drive compulsive use. Negligent platform design rather than user-generated content, the plaintiff alleged, caused the harm.

Developments on this new frontier of litigation are already underway. In another bellwether case, a New Mexico jury sided with the state attorney general against Meta over claims that the company's social media app design choices and algorithmic recommendations failed to protect minors from exploitation.

On Friday, Massachusetts' Supreme Judicial Court paved the way for an unfair business practice claim against Meta, brought by the state's attorney general Andrea Joy Campbell. In a unanimous decision, the court held that Meta is not protected from the AG's suit alleging the company designed its Instagram platform to induce compulsive use by children and deliberately misled the public about the platform's safety.

And last week, a five-judge panel in New York's appellate division questioned TikTok's assertion that the First Amendment and Section 230 shield it from addictive platform design claims waged by New York Attorney General Letitia James.

The disputes pile onto thousands of actions where juries could hear expert testimony linking social media use to mental harm. Currently there are about 2,400 actions pending in California's

federal multidistrict litigation, more than 10,000 individual filings nationwide and 800 school district claims.

What's coming, according to McNally and other product liability experts, is a wave of litigation that turns on how well psychological experts explain nebulous causal connections to judges and jurors.

Addiction diagnoses, McNally said, aren't fully defined in the mental health field, where there is ongoing scientific debate about where normal use of a product ends and where compulsion begins. "So it's all that more important to have experts who are capable of playing that teaching role that they play in any trial," McNally said.

A 20-year-old from Washington state, identified in court as K.G.M., testified in the bellwether trial that she began using Meta's Instagram at 9 and YouTube at 6, and that the platforms' respective algorithms, automatic video, notifications, rewards and infinite scrolling feeds all contributed to her mental illness.

Mental health experts testified that design choices made by both companies played a role in causing K.G.M.'s depression, anxiety, body dysmorphia and other conditions. Internal documents from the tech giants showed they knew their platforms could fuel addiction-type behavior.

The jury awarded $3 million in compensatory damages and $3 million in punitive damages, attributing 70% fault to Meta and 30% to Google.

Veteran plaintiffs' lawyer Mark Lanier, who led the trial on behalf of K.G.M., said in a statement following the trial, "These companies made deliberate choices that prioritized engagement and profit over the well-being of the young people using their products."

Meta and Google did not respond to CEB's request for comment.

'Subjective' causation

"*K.G.M.* and a crop of pending negligent design claims are based on the argument that there's an addictive nature to the structure of social media platforms or the services that they offer," said Matthew Malinowski, a partner with Hollingsworth LLP.

The allegations depart from traditional product liability theories that mostly blame physical, tangible products for causing physical, tangible injuries.

"And it's just going to keep growing," Malinowski said. The successful theory largely rests on psychological evidence that "requires you to get really deep into the science," he explained.

"Many lawyers struggle with the task or incorrectly assume a jury is not intelligent or capable enough to understand it," he said. Nonetheless, "You have to spoon feed it to the [judge] and [jury] and make it as simple as you can."

Malinowski said a big challenge for defendants is that well-chosen neuropsychological experts tend to bolster plaintiffs' cases, because the evidence they offer to explain an alleged victim's state of mind is amorphous. Unlike a radiology report, for example, a psychological report isn't as straightforward as an image of a physical injury tied to a fall.

"It's subjective," Malinowski said. "And it's hard to get a right or wrong answer." And that, he said, makes it hard to attack under the federal *Daubert* standard and Rule 702 of the Federal Rules of Evidence.

Product liability attorney Brittnie Panetta, a lawyer with Matthews & Associates in Salinas, California, described the *K.G.M.* case as a "huge breakthrough" for plaintiffs, given that addiction science is still developing and not fully codified in the Diagnostic and Statistical Manual (DSM-5) – the gold standard for evaluating mental health.

"Causation depends on connecting emerging science with legal standards," she said, "and *K.G.M.* [said] plaintiffs can survive early evidentiary challenges by forming their experts' opinions around analogies to established conditions...rather than basing their case on a formally recognized diagnosis."

The judge's leeway allowed the plaintiff to etch out a workable evidentiary structure for addictive platform design claims, Panetta said.

She noted that the court appeared focused on whether the plaintiffs' experts formed their opinions using reliable methodologies and observable behavioral patterns consistent with forms of compulsive, addictive behavior.

That approach, she said, aligns with a more flexible application of admissibility under California's *Sargon* framework, which emphases methodological reliability rather than categorical acceptance within the medical community.

Similar to Rule 702 and *Daubert* at the federal level, the 2012 case, *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, established judges' duty to decide whether expert testimony is admissible, especially in cases involving damages or technical opinions.

"Shifting experts"

Despite the traction that the *K.G.M.* case model has gained for plaintiffs, there's still a lot of work to do before an expert playbook is fully written.

As San Francisco managing partner at Crowell & Moring and a former federal prosecutor, Warrington Parker said that although he anticipates a surge of social media addiction claims after the *K.G.M.* verdict, the bench of experts will take time to establish.

That's what happened in the mass tort cases that targeted Johnson & Johnson's talcum-containing baby powder, which was linked to certain cancers, he said.

"There will be a shifting set of experts until the defense feels that they have the right experts," Parker said, "And my hunch is that most defense counsel will also be testing before mock juries different ways of approaching the defense."

Malinowski echoed the prediction.

"There's going to be adjustments," he said, especially because the defense experts in the *K.G.M.* trial were not as effective as the defendants would have wanted. Once adjustments are made, he expects to see verdicts in favor of the defense.

Moreover, Malinowski said, lawyers won't want to rely on the same witnesses over and over if they can avoid it. "It's not a good look" in front of a jury when plaintiffs' lawyers point out that defendants are repeatedly paying the same pricey experts to testify, he said.

Malinowski expects a deeper bench of psychological experts for still another reason. With thousands of pending cases across the country, many of which will go forward simultaneously,

there's no way to use just one set of experts, he explained.

Crowell & Moring partner Joanna Rosen Forster said that even if both sides attract more experts who are skilled at testifying before judges and juries, the deck may be stacked against defendants.

Even if a jury is skeptical that a young plaintiff's mental health issues are linked to using social media, "a jury may be predisposed to be sympathetic to the plaintiff, given their vulnerable position as minors," she said.

Compounding that challenge, Forster and Parker said, is that judges are unlikely to get in the way of these types of cases going to trial, except in extreme circumstances. And plaintiffs don't have to prove platforms are 100% the cause of their alleged injury.

"They can prove that it contributed to the issues and there would still be liability," Parker said. Defense counsel, on the other hand, "has to have an expert debunk it all."

"It's going to be a delicate dance" for defendants to debunk causation, Forster said, leaving room for defendants to prevail – "Which, I think, probably can be done."

Malinowski agreed that there's room for defendants to improve, in part because he expects to see variety in judges' future evidentiary rulings.

"I don't think anyone should expect the exact same rulings going forward, even in that same courtroom," Malinowski said. "That's not to say another judge may not allow the same or similar testimony."

He stressed judges' affirmative duty fairly screen expert evidence, and that it's the defense lawyers' job to hold them to it. In later cases, he said, defense challenges could lead judges to further tailor expert testimony.

McNally said he thinks certain jurors will exercise skepticism when they consider the plaintiffs' experts.

"You still have to prove causation," McNally said. "Even if you assume there was some harm, [plaintiffs] must show the platform caused specific injuries to a specific plaintiff." He added that

jurors might wonder whether there was something else going on in the plaintiff's life that contributed to the harm they suffered.

Section 230 and the First Amendment

The *K.G.M.* case was also remarkable for the plaintiff's success in pushing digital products into the product liability realm, which has previously been dominated by claims over tangible goods.

In the two decades before *K.G.M.*, most cases that alleged social media-induced harm ended before any expert ever testified. Defendants routinely and successfully prevailed on motions to dismiss, invoking Section 230 of the Communications Decency Act, which bars treating platforms as the "publisher or speaker" of any user-generated platform content.

Judges so broadly applied the Act, dismissing the cases on a Section 230 basis, that they almost never reached the question of whether expert testimony on the cause of a plaintiff's alleged harm was sound enough to admit.

Social media defendants also routinely raise the First Amendment when asking judges to dismiss platform use-based claims, arguing that the claims target their constitutionally protected editorial judgement.

In *K.G.M.*, Judge Kuhl sided with the plaintiff, ruling that while Section 230 did protect the social media defendants from being sued for what *users* say on their sites, it did not protect them from claims alleging harmful platform design.

The judge also rejected the First Amendment argument, drawing a distinction between the defendants' editorial decisions and their platforms' design features.

Other suspect defendants

The onslaught of claims that are now likely to get in front of a jury using the *K.G.M.* playbook is the biggest issue for defendants, Forster said, not the expert witnesses either side will deploy in litigation.

K.G.M. and the thousands of pending cases like it are fueling what product liability experts are describing as a new mass tort era that will target defendants beyond social media and streaming platforms.

"These are toxic tort cases. That's how I see them," Parker said. "They are going to sweep the country."

Parker, Malinowski and Forster said the claims could also extend to online gaming companies and streaming services.

What could move the needle now is the defense's response to the offensive, Malinowski said, emphasizing that the playbook isn't in its final form. "The defense bar is going to adjust," he said. "That's what we do."

He pointed to changes made in the recently concluded Roundup mass tort litigation, which began with two major plaintiffs' verdicts, then followed with a string of defense wins.

"Often in serial litigation, in first trials, the plaintiffs get a good hit because no one's seen the playbook yet," Malinowski said. Plus, he said, a seasoned plaintiff's lawyer like Mark Lanier, who argued K.G.M.'s case, tends to pick the strongest plaintiff first.

"Usually, it's going to take numerous trials for this to play out," he said.

Photo: Meta CEO Mark Zuckerberg leaves LA Superior Court after testifying in K.G.M. v. Meta Platforms on Feb. 18, 2026 in Los Angeles, California. (Photo by Wally Skalij/Getty Images)

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