

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Case No. 4:22-md-03047-YGR

MDL No. 3047

This Document Relates to:
ALL CASES

CASE MANAGEMENT ORDER NO. 7

TO ALL PARTIES AND COUNSEL OF RECORD:

The Court held a further case management conference in the above-captioned matter on December 13, 2023. This order memorializes and expands upon the deadlines set and findings made by the Court during that conference.

I. Adjustments to the Dismissal Briefing Schedule

The Court is in receipt of parties' joint stipulation to adjust the dismissal briefing schedule set forth in Case Management Order No. 6. (Dkt. No. 451.) As stated on the record at the conference, the stipulation is accepted. The Court **ORDERS** as follows:

- Plaintiffs shall file the Second Amended Personal Injury Master Complaint withdrawing the Identified Counts¹ and incorporating by reference the allegations against defendant Meta from certain State Attorneys General complaints² by no later than Friday, December 15, 2023;

¹ As set forth in parties' most recent joint case management statement, the "Identified Counts" are Count 6 (Negligent Undertaking), Count 11 (Violations of 18 U.S.C. §§ 1595 & 1591), Count 13 (Violations of 18 U.S.C. §§ 2252A(f) and 1446A), and Count 15 (Violations of 18 U.S.C. §§ 2252B and 2258A) as to all defendants; and Count 12 (Violations of 18 U.S.C. §§ 2255 and 2252) and Count 14 (Violations of 18 U.S.C. §§ 2255 and 2252A(5)(b)) as to all defendants other than the Meta Defendants.

² Parties are **ORDERED** to meet and confer regarding the incorporation by reference of allegations in the State Attorneys General complaints, including the State of New Mexico's complaint.

- By virtue of plaintiffs' withdrawal of the Identified Counts from the Master Complaint, any such counts asserted in Short-Form Complaints are deemed withdrawn; and by virtue of plaintiffs' incorporation by reference of certain allegations against defendant Meta, such allegations are deemed asserted in Short-Form Complaints already filed;
- Any individual plaintiffs presently asserting the Identified Counts in their Short-Form Complaints who wish to maintain those causes of action after the Second Amended Master Complaint is filed shall file amended Short-Form Complaints re-asserting those counts (and any supporting allegations) by no later than Tuesday, January 2, 2024.³ If an amended complaint is not filed, individual plaintiffs are deemed to stand on their earlier filed individual Short-Form Complaints;
- The parties shall submit a revised proposed Short-Form Complaint that removes the Identified Counts from the list of counts plaintiffs may select when completing Short-Form Complaints, along with a revised proposed Short-Form Complaint Implementation Order, by no later than Tuesday, January 2, 2024;
- Defendants' motion to dismiss the Identified Count(s) asserted in individual Short-Form Complaints, if any, shall be consolidated as to all such complaints and shall be filed on January 12, 2024 with a page limit of 25 pages;
- Individual Plaintiffs shall file a consolidated opposition to any motion to dismiss by no later than February 5, 2024 with a page limit of 25 pages;
- Defendants' consolidated reply shall be filed by February 26, 2024 with a page limit of 12.5 pages.
- The schedule for (and page limits applicable to) the motion to dismiss briefing as to all counts other than the Identified Counts shall remain as set by Case Management Order No. 6, at 2-3, except for two modifications. First, the page limits applicable to the Track 2 briefing shall be reduced to 35 pages (opening motion), 35 pages (opposition), and

³ Plaintiffs' liaison counsel is **ORDERED** to file a notice on the docket by no later than January 8, 2024 listing those cases in which plaintiffs have elected to reassert the Identified Counts and specifying which counts are reasserted.

17.5 pages (reply). Second, the deadline for the opening motions to dismiss in Tracks 1, 2, and 4 (as identified by Case Management Order No. 6) shall be extended from December 18, 2023 to December 22, 2023. All other dates remain.

II. Plaintiffs' Individual Fact Sheets

The Court understands parties are in the process of finalizing plaintiffs' individual fact sheets in the JCCP ("Judicial Council Coordination Proceedings"). Once approved by Judge Kuhl, parties shall submit such fact sheets, as well as any related documentation and a proposed form of implementation order, to this Court for consideration.

III. Discovery Proceedings Before Magistrate Judge Kang

In anticipation of their discovery conference before Magistrate Judge Kang tomorrow, December 14, 2023, parties shall prepare and file an annotated case management statement or proposed agenda that identifies outstanding discovery-related disputes and updates Judge Kang on the status of these and the JCCP.

IV. Defendants' Pending Motions

The Court is in receipt of defendants' motion for interlocutory appeal. (Dkt. No. 473.) The motion is set for argument at the next case management conference on January 26, 2024 at 2:30 p.m.⁴ Briefing on the motion shall be subject to the following deadlines:

- Plaintiffs' Opposition & State Attorneys General's Opposition: January 9, 2024
- Defendants' Reply: January 19, 2024

Separately, defendants request leave to file letter briefs on strategies to facilitate early resolution of the issue of general causation relative to the individual plaintiffs' Master Complaint. The Court agrees to consider such briefs and sets the following deadlines:

- Simultaneous Opening Letter Briefs: January 15, 2024
- Simultaneous Rebuttal Letter Briefs: January 19, 2024

⁴ As indicated in Case Management Order No. 6, the Court is scheduled to be in trial on January 26, 2024. If the Court is not in trial, every effort will be made to advance the conference to the morning. The Court will provide sufficient notice of any schedule change in the form of an entry on the docket.

1 The simultaneous opening letter briefs shall not exceed five single-spaced pages. Parties'
2 rebuttal letter briefs shall not exceed two single-spaced pages.⁵ To the extent the State Attorneys
3 General wish to respond to the above-referenced letter briefs, they may request leave to do so at the
4 next case management conference.

5 **IT IS SO ORDERED.**

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8 Dated: December 13, 2023


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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⁵ Parties are reminded that, as set forth in the Court's Standing Order for Civil Cases at Section
28 21(a), "[f]ootnotes shall be used sparingly, should never be less than 12-point font, and must
include a single paragraph space in between individual footnotes."