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10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 **DESHECA JACKSON, an individual; and MA,**
 14 **a minor child by and through her guardian,**
 15 **DESHECA JACKSON,**

16 **Plaintiffs,**

17 **v.**

18 **EPIC GAMES, INC.,**
 19 **ROBLOX CORPORATION,**
 20 **MICROSOFT CORPORATION,**
 21 **JOHN DOES 1-50, and**
 22 **JOHN DOE CORPORATIONS 1-50,**

23 **Defendants.**

24 **COMPLAINT FOR DAMAGES**

- 25 1. **Strict Product Liability-Design Defect**
- 26 2. **Strict Product Liability-Failure to Warn**
- 27 3. **Negligent Design**
- 28 4. **Negligent Failure to Warn**
1. **Intentional Misrepresentation**
2. **Negligence-Ordinary**
3. **Intentional Misrepresentation**
4. **Negligent Misrepresentation**
5. **Fraud**
6. **Strict Product Liability-Design**
7. **Strict Product Liability-Failure to Warn**
8. **Negligent Design**
9. **Negligent Failure to Warn**
10. **Negligence-Ordinary**
11. **Intentional Misrepresentation**
12. **Negligent Misrepresentation**
13. **Fraud**
14. **Punitive Damages**

29 **DEMAND FOR JURY TRIAL**

30 **COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

1 Plaintiff DESHECA JACKSON, as guardian for and on behalf of the minor child MA, hereby
2 brings this action against Defendants Epic Games, Inc.; Roblox Corporation; Microsoft Corporation;
3 and Does 1-50, (hereinafter collectively referred to as “Defendants”), to recover damages, pursuant to
4 and under the laws of the State of California, arising from the severe injuries sustained because of
5 MA’s use of Defendants’ products. In support thereof, Plaintiff alleges and states:

6 **I. NATURE OF THE ACTION**

7 1. Many modern video games are fun and engaging adventures that allow individuals to
8 immerse themselves in the world of games. This litigation is not a war on fun. Nor does it seek to
9 curtail the creation and enjoyment of entertaining video games.

10 2. Modern video games that are the subject of this litigation are not traditional arcade-style
11 video games. Instead, the video game products subject to this litigation are created with “operant
12 conditioning” to weaponize a video game for the unethical, reckless, and/or negligent application of
13 this psychological technique to encourage a negative response as to the gamer and the positive
14 outcome of increased revenue for the defendants. This litigation seeks to hold each Defendant
15 accountable for its use of behavioral modification systems for which it did not warn nor provide
16 appropriate safeguards, instead exposing minors to the known risks associated with continuous and
17 excessive video game product use for the sake of increased profits.

18 3. Each Defendant enlisted licensed psychologists and psychiatrists to incorporate the
19 cognitive behavioral technique of operant conditioning into its video game products, thereby exposing
20 minor children to the same psychological techniques used by casinos without adequate warning,
21 contrary to the standards applicable to those licensed mental health professionals that require informed
22 consent.

23 4. Each Defendant is aware that the behavior modification systems it uses results in
24 continuous and excessive use of its video game products.

25 5. Each Defendant is aware that continuous and excessive use of video game products
26 increases its revenue, as the more time a player spends its products, the greater the likelihood that
27 player will make in-game purchases.

1 6. Each Defendant is also aware of the established science regarding video game
2 addiction¹ and supporting that prolonged use of video games, particularly by minors, can result in
3 detrimental physiological and psychological impacts that manifest in impaired brain development and
4 function, cognitive decline, disordered behavior, and other physical and emotional deficits.²

5 7. One such condition, Internet Gaming Disorder (“IGD”), comes with a myriad of
6 symptoms that include addiction, social isolation, depression, withdrawal symptoms that are often
7 misdiagnosed as ADHD, exacerbation of ADHD and anxiety, all of which contribute to increased risk
8 of suicide.

9 8. Defendants knew of the risks of IGD and the other accompanying medical conditions
10 yet continued to market Roblox and Fortnite as “educational” despite being fully aware of these risks,
11 and marketed their respective games and products to minors, even at most times without parental
12 knowledge or consent in a school setting.

13 9. Rather than mitigate the risks to minors, Defendants employed subversive operant
14 conditioning behavior modification systems and marketed their video game products to children
15 without introducing safeguards such as parental controls, age verification, warnings, or limitations on
16 time or money spent in-game.

17 10. While Defendants have profited from the addiction and disordered behavior caused by
18 behavior medication systems they employ, generating billions of dollars of profits, the gamers —
19 particularly minors — have been left to bear the burden of the damages resulting from this public
20 health crisis.

21 11. Minors exposed to Defendants’ behavior medication systems not only experience
22 physical and psychological effects but also endure the resulting consequences including worsened
23 academic performance, social and familial relationships, employment prospects, and employability,
24 among other things.

25 _____
26 ¹ MD Griffiths; Halley de Oliveira Miguel Pontes, *A History and Overview of Video Game Addiction*, The Oxford
27 Handbook of Digital Technologies and Mental Health (Oct. 8, 2020)
<https://doi.org/10.1093/oxfordhb/9780190218058.013.2>.

28 ² Livny, Weinstein, and Weizman, *New Developments in Brain Research of Internet and Gaming Disorder*, 75 *Neurosci. Biobehav. Rev.* 314 (Apr. 2017).

1 12. Roblox, Fortnite, and the Xbox video game platform,³ are often the first video game
2 products children are exposed to, and thereby serve as the gateway, or catalyst, to the addiction cycle
3 and disordered behavior.

4 13. As set forth more fully below, MA played Roblox and Fortnite on the Xbox system,
5 beginning when she was a minor child. As foreseen and intended by each Defendant, MA's exposure
6 to the behavior modification systems in the Defendants' products resulted in continuous and excessive
7 game play which triggered the expected physiological and psychological results and resulted in a
8 disordered relationship with, and addiction to, video games. As a result, MA suffers from video game
9 addiction, severe emotional distress, anxiety, depression, diminished social interactions, lack of interest
10 in other hobbies, and withdrawal symptoms such as rage, anger, and physical outbursts, and a suicide
11 attempt.

12 14. Through this lawsuit, Plaintiff seeks to hold Defendants accountable for their decisions
13 to place profits over safety, which directly and proximately resulted in MA's significant harm.

14 **II. PARTIES**

15 **A. PLAINTIFFS**

16 1. Plaintiff DeSheca Jackson, and at all times relevant to this action was, a citizen and
17 resident of the State of Louisiana.

18 2. Plaintiff DeSheca Jackson is the mother of MA, a minor, and she serves as MA's
19 guardian and representative in this lawsuit.

20 3. MA, a minor, is, and at all times relevant to this action was, a citizen and resident of the
21 State of Louisiana. MA is fifteen (15) years old at the time of filing this lawsuit.

22 4. MA began playing video games and using Defendants' Products at approximately nine
23 (9) years old. Since that time, MA has used and/or continues to use Defendants' Products at an
24 increasing, uncontrollable, compulsive, and/or addictive pace. MA has been injured and damaged, and
25 continues to be injured and damaged, as a result of MA's use of, and addiction caused by MA's use of,
26

27 ³ Hereinafter, "Xbox platform" collectively refers to all Xbox consoles (including Xbox 360, Xbox One, Xbox One S, and
28 Xbox One X) and Xbox online game platforms (including the Xbox Network, Xbox Game Pass, Xbox Store, and Xbox
Cloud Gaming).

1 Defendants' defective Products.

2 **B. DEFENDANTS**

3 **Defendant Epic Games, Inc.**

4 5. Defendant Epic Games, Inc. ("Epic Games") is a Maryland corporation with its
5 principal place of business at 620 Crossroads Blvd, Cary, North Carolina 27518.

6 6. Epic Games is a video game developer and publisher who, at all times material hereto,
7 designed, developed, tested, patented, assembled, manufactured, published, packaged, labeled,
8 prepared, distributed, marketed, supplied, and/or sold the Fortnite video game series and platform,
9 either directly or indirectly, to members of the general public within the State of California and the
10 State of Louisiana, including to MA.

11 **Defendant Microsoft Corporation**

12 7. Defendant Microsoft Corporation ("Microsoft") is a Washington corporation with its
13 principal place of business at 1 Microsoft Way, Redmond, WA, 98052.

14 8. Microsoft created the Xbox consoles (including Xbox 360, Xbox One, Xbox One S, and
15 Xbox One X) and Xbox online game platforms (including the Xbox Network, Xbox Game Pass, Xbox
16 Store, and Xbox Cloud Gaming) and marketed them to users in the State of California and State of
17 Louisiana, including to MA.

18 **Defendant Roblox Corporation**

19 9. Defendant Roblox Corporation ("Roblox Corp.") is a Delaware corporation with its
20 principal place of business at 910 Park Pl., San Mateo, California 94403.

21 10. Roblox Corp. is a video game developer and publisher who, at all times material hereto,
22 designed, developed, tested, patented, assembled, manufactured, published, packaged, labeled,
23 prepared, distributed, marketed, supplied, and/or sold its video game and platform, Roblox, either
24 directly or indirectly, to members of the general public within the State of California and State of
25 Louisiana, including to MA.

26 11. The true names and capacities of the Defendants, JOHN DOES 1-50 and JOHN DOE
27 CORPORATIONS 1-50, are unknown to Plaintiff at the time of filing this Complaint and Plaintiff,
28

1 therefore, sues said Defendants by fictitious names and will ask leave of court to amend this Complaint
2 to show their true names or capacities when the same have been determined. Plaintiff is informed and
3 believes and thereon alleges that each of these fictitiously named Defendants are responsible in some
4 manner for the occurrences alleged herein, and that MA’s injuries and damages as alleged and set forth
5 herein were proximately caused by such fictitiously named Defendants.

6 **III. JURISDICTION AND VENUE**

7 12. Plaintiff realleges and incorporates by reference all of the foregoing allegations as if
8 repeated in full here.

9 13. This suit alleges causes of action seeking relief arising under the laws of the State of
10 California, including but not limited to the allegation that as a direct and proximate result of the
11 Defendants’ products described above and Defendants’ negligent, deceptive, willful, immoral,
12 reckless, and unlawful actions and inactions, representations and misrepresentations, including by
13 omission, Plaintiff suffered and continues to suffer injuries and damages. MA has suffered and
14 continues to suffer both injuries and damages that exceed the sum or value of \$75,000, exclusive of
15 interest and costs.

16 14. This Court has original subject matter jurisdiction over the claims pursuant to 28 U.S.C.
17 § 1332(a) because the controversy is between citizens of different states and the amount in controversy
18 exceeds \$75,000.00.

19 15. This Court has general personal jurisdiction over Defendant Roblox Corp. because
20 Roblox Corp. has its principal place of business in this District and because its continuous contact with
21 this District renders it “at home” in this District. Defendant Roblox Corp. maintains its principal place
22 of business in the San Mateo County, California.

23 16. This Court has specific personal jurisdiction over Defendants Epic Games, and
24 Microsoft because they have each established sufficient minimum contacts in, to, or with California
25 because each transacted business in California and regularly conducted business in California from
26 which they respectively derive substantial revenue. Defendants do substantial business in the State of
27 California and within the Northern District of California, advertise in this district, and receive

1 substantial compensation and profits from their Products within this District. Furthermore, Defendants
 2 purposefully and intentionally directed their activities to the residents of California, and purposefully
 3 and intentionally availed themselves to the benefits and protections of the laws of the state of
 4 California, and the market of the state of California, and continue to avail themselves in that manner.
 5 The controversy in this action is directly affiliated with, related to, and arises from Defendants’
 6 contacts with the state of California such that the exercise of jurisdiction over each Defendant by this
 7 Court is consistent with traditional notions of fair play and substantial justice and is both reasonable
 8 and proper.

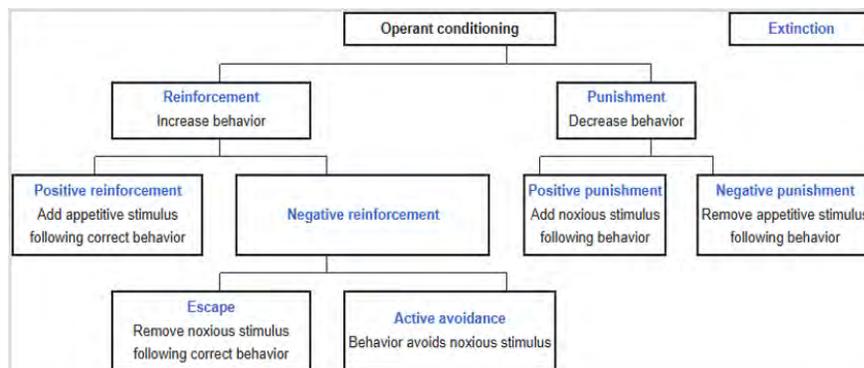
9 17. Defendants expected or should have expected that their business activities could or
 10 would have could or would have consequences within the State of California, as well as throughout the
 11 United States.

12 18. Venue is proper in this District pursuant to 28 U.S.C. § 1391, because, among other
 13 things: (a) each Defendant directed its activities at residents in this District; (b) each Defendant
 14 conducted substantial business in this District; (c) a substantial part of the counts giving rise to this
 15 action occurred in this District; and (d) Defendant Roblox is a resident of this District and citizen of
 16 this State.

17 **IV. GENERAL FACTUAL ALLEGATIONS**

18 **A. OPERANT CONDITIONING AS BEHAVIORAL MANIPULATION.**

19 25. The games subject to this litigation have incorporated techniques known in psychology
 20 as “operant conditioning.” Operant conditioning is a type of psychological treatment also
 21 called **instrumental conditioning**, in which voluntary behaviors are modified by association with the
 22



1 addition (or removal) of reward or aversive stimuli. The frequency or duration of the behavior may
2 increase through reinforcement or decrease through punishment or extinction.⁴

3 26. The American Psychological Association adopted a Code of Conduct that recognizes
4 and requires that legal informed consent is required to deploy operant conditioning, and behavioral
5 psychologists must take reasonable steps to protect a patient or subjects individual rights and welfare.⁵

6 27. Instrumental conditioning is psychological treatment traditionally used to address or
7 treat excessive maladaptive behaviors that a patient wishes to extinguish such as smoking and
8 overeating,⁶ or alternatively to increase a behavior that is not occurring enough, such as eating enough,
9 lack of focus to study and correcting lack of personal hygiene.

10 **Traditional Operant Conditioning**

11 28. Ethical use of operant conditioning, in compliance with the APA Code of Conduct is
12 used to reduce unwanted and undesirable behaviors, such as eating disorders, chain smoking, and
13 autism treatment to extinguish negative behavior.⁷

14 29. The problem behavior is first observed and recorded as it naturally occurs in a variety of
15 settings, and no attempt is made to modify the behavior. The therapist may conduct the observation
16 and record the behavior. This part of the behavior modification program, is called baseline observation,
17 provides a record of where and when the behavior occurred including duration and intensity.
18 Behavioral measures are often plotted on a graph to provide a visual record of behavior. The baseline
19 data are used to define the problem or target behavior as precisely as possible. The client and therapist
20 also define the desired changes in this target behavior and set up specific behavioral goals to be met
21 during treatment.

22 30. This degree of precision in behavior analysis is rarely found in traditional
23 psychotherapy. Behavioral observation continues throughout the treatment phase of the behavior
24 modification program and changes from the baseline level are recorded. Examination of this ongoing

25 _____
26 ⁴ https://en.wikipedia.org/wiki/Operant_conditioning

27 ⁵ American Psychological Association: Ethical Principles of Psychologists and Code of Conduct (adopted August 21, 2002
effective June 1 2003); chrome extension://efaidnbmnnnibpcajpcgglefndmkaj/https://www.apa.org/ethics/code/ethics-
code-2017.pdf

28 ⁶ <https://www.ebsco.com/research-starters/health-and-medicine/operant-conditioning-therapies>

⁷ *Id.*

1 record of behavioral progress allows both therapist and client to evaluate the effectiveness of the
2 treatment throughout the treatment process. If behavior is not changing in the desired direction or pace,
3 the treatment program can be altered or adjusted.

4 31. A licensed therapist must follow the applicable standards, including the APA Code of
5 Conduct guidelines, in crafting an operant conditioning model to change a person's behavior which
6 must include the informed consent of the subject patient that is having their own behavior modified.⁸

7 **Defendants' Reckless, Negligent and/or Unethical Application of Operant Conditioning**

8 32. In contrast to traditional use of operant conditioning to extinguish negative behavior or
9 promote positive behavior, the Defendants have utilized the unethical, reckless, and/or negligent
10 behavioral psychologists to change human behavior by utilizing operant conditioning in game design,
11 with the intent of promoting the dangerous and maladaptive behavior of "Continuous Video Game
12 Play" without warning or obtaining the informed consent of parents, schools or gamers.⁹

13 33. Ethical rules require knowledge, participation and informed consent of the subject
14 whose behavior is being changed.

15 34. Defendants each employed licensed psychologists and/or psychiatrists to create operant
16 conditioning behavior modification systems for their products without warning that such psychological
17 techniques were being used or of the risks associated with that use, failing to obtain meaningful
18 informed consent to exposure to these systems.

19 35. The use of operant conditioning in gaming goes beyond increasing sales. Instead, the
20 application of operant conditioning is used with the primary goal of increasing sessions and length of
21 time of video game play. The goal was continuous game play to the detriment of gamers.

22 36. Defendants, with the assistance of behavior therapists and psychologists, used beta
23 versions of Roblox and Fortnite, and the systems used in the Xbox platform, with children as game
24 testers to incorporate operant conditioning behavior modification systems into their products' design to
25 ensure the continuous play was achieved at game launch.

26 _____
27 ⁸ American Psychological Association: Ethical Principles of Psychologists and Code of Conduct (adopted August 21, 2002
effective June 1 2003); chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.apa.org/ethics/code/ethics-
code-2017.pdf

28 ⁹ *Id.*

1 37. The psychologist hired by the Defendants had a conflict between their applicable
2 standards, including the APA Code of Conduct, because the Defendants used the assistant of
3 psychologists to elicit the behavior of continuous game play, which did harm many gamers and no
4 steps were taken to inform gamers of the operant conditioning, the targeted behavior or protect the
5 gamers from the harm of video game addiction.

6 38. APA Code of Conduct mandates that a conflict between organizational demands of a
7 psychologists require acknowledgement of the conflict and “under no circumstances may this standard
8 be used to justify or defend violating human rights.”¹⁰

9 39. Likewise, the duty of care owed by each Defendant precludes violating human rights or
10 facilitating the violation of human rights, particularly to increase profit.

11 40. Parents, gamers, and schools are not aware that operant conditioning is being used on
12 the players and no steps, such as disclosure of operant conditioning, disclosure that the targeted
13 behavior was continuous play nor adequate tracking of game play hours was utilized in game design to
14 protect gamers from the harm of addiction and the sequelae of addiction.

15 41. In sharp contrast to traditional therapeutic uses of operant conditioning, the Defendants
16 have used unethical, reckless, and/or negligent methods of creating negative maladaptive behaviors in
17 children.

18 42. The behaviors Defendants have sought to elicit do not pass muster under any applicable
19 standards, including ethical standards binding on licensed therapists, because operant conditioning,
20 intended to treat maladaptive behavior, was instead twisted to promote and increase maladaptive
21 behaviors.

22 43. The traditional operant conditioning procedures were inverted so that the behavior of
23 gamers was studied and recorded to create excessive maladaptive behaviors, including but not limited
24 to video game addiction, impulsivity, decreased ability to focus in class, inability to track or
25 conceptualize time spent in a video game, inability to finish tasks and prioritize important tasks, and
26

27 _____
28 ¹⁰ *Id.*

1 increased social isolation leading to anxiety and depression, increasing the suicide risk for extreme
2 gamers.

3 44. The behavior being reinforced in Roblox, Fortnite, and on the Xbox platform, is
4 continuous game play, which by ethical and social policy considerations is a negative behavior,
5 especially in younger school-age children.

6 45. Defendants monetarily incentivized the willing participation, and disregard of their
7 ethical standards, of licensed psychologists in this reckless, negligent, and unethical abuse of treatment
8 modality.

9 46. Quoting an article published in the American Psychological Association:

10 Psychologist Tim Nichols, PhD, loved video games as child. “Like any
11 red-blooded American kid, I was playing on my Nintendo back in the
12 1980s and was a Sega guy in the '90s,” he remembers. Now he gets paid
13 to play. As “user research lead” at **Microsoft Studios**, Nichols is one of a
14 growing number of psychologists in the video game industry. With the
15 number of games and platforms exploding, companies that design and
16 develop video games are increasingly turning to psychologists for help
17 analyzing data and making sure their products are as effective as they can
18 be. Some psychologists are even launching consulting businesses to assist
19 game manufacturers or creating games of their own.¹¹

17 47. Upon information and belief, the APA with full backing by the Defendants and the
18 Entertainment Software Association (“ESA”) supported suppression and identification of video game
19 addiction instead opting to call the addiction “Internet Gaming Disorder.” This patient abandonment
20 has led to a lack of diagnosis and treatment for children suffering from video game addiction.

21 **B. OPERANT CONDITIONING BEHAVIOR MODIFICATION SYSTEMS IN GAMES.**

22 **Historical Development and Modernization of Video Games**

23 48. The term “video game” is defined by California Civil Code §§ 1746-1746.5 as “any
24 electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry
25 and its own monitor, or is designed to be used with a television set or a computer monitor, that
26

27 ¹¹ <https://www.apa.org/gradpsych/2012/01/hot-careers>; Rebecca Clay Video Game Design and Development: Video Game
28 Companies are increasingly tapping psychologists’ expertise to make games even more compelling, challenging and fun.
American Psychological Association

1 interacts with the user of the device.”

2 49. Video games were first developed in or around the 1950s.

3 50. Initially, games were only available to be played by the general public in arcades.
4 Beginning in the 1970s, however, the first at-home video game devices (“consoles”) appeared on the
5 market.

6 51. By the late 1990s and early 2000s, there were multiple at-home video game consoles,
7 such as Xbox, PlayStation, and Nintendo’s Wii, making video games easily accessible to most users
8 from the comfort of their living room. Over the next ten years, video games moved to mobile devices
9 and tablets, once again increasing accessibility to gameplay.

10 52. Many video games – including Roblox and Fortnite – can now be played on multiple
11 different consoles, mobile devices, and tablets, including the Xbox platform.

12 53. Moreover, video games can be delivered to these consoles, mobile devices, and tablets
13 in several diverse ways, such as physical discs, digital downloads, school laptops, online gaming
14 networks, and cloud gaming services.

15 54. In 2024, there are 1.17 billion gamers online, and global gaming revenues are at least
16 \$176.06 billion.¹²

17 55. As the sophistication of gaming devices and game delivery methods has increased, so
18 too has the sophistication of the design of games themselves.

19 56. Unlike their predecessors, many modern-day games are enormous in scale, providing
20 countless hours of non-repetitive, unique gameplay that allows players to become immersed in the
21 world of the game.

22 57. The ways in which game developers monetize their games have also changed over time.
23 In the past, game developers earned revenue primarily through the one-time sale of their games.
24 Although some game developers still follow this model, others – including Defendants – allow their
25 games to be downloaded for no or minimal cost and generate revenue through purchases made within
26 the game.

27 _____
28 ¹² Jasmine Katatikarn, *Online Gaming Statistics and Facts: The Definitive Guide (2024)*, Acad. of Animated Art (Jan. 16, 2024), <https://academyofanimatedart.com/gaming-statistics/>.

1 58. In-game purchases can include, but are not limited to, cosmetic customizations for the
2 player's character (e.g., hats, uniforms, hair styles), "boosters" that help their character perform better
3 or progress faster within the game, and "season passes" that allow players to access exclusive in-game
4 content.

5 59. Many of these in-game purchases are relatively low cost, leading to them being termed
6 "microtransactions."

7 60. In-game items available for purchase are often heavily advertised to players through
8 means such as in-game pop-up advertisements during gameplay, loading screens while users wait for
9 gameplay to start, and in-game stores.

10 61. Many games also offer game-branded products such as toys, energy drinks, apparel,
11 bedding, home goods, board games, and more.

12 62. Game developers that offer their games at no or low cost, such as Roblox and Fortnite
13 rely on these microtransactions to turn a profit. Indeed, the design and marketing strategy associated
14 with such games is rooted, in part, in the theory that the revenue from the on-going microtransaction
15 system will outweigh the revenue from a one-time-purchase game. That is because microtransaction
16 spending can easily add up to hundreds, or even thousands, of dollars from an individual user.

17 63. Accordingly, modern gaming companies are enlisting PhD behavioral psychologists and
18 using research to implement programming into their games that will addict players with a goal of
19 increasing the amount of playtime, thereby prolonging their exposure to in-game marketing for in-
20 game purchases in order to improve the odds players will engage with microtransactions that generate
21 profits for the game developer.

22 **C. OPERANT CONDITIONING SYSTEMS AVAILABLE IN ROBLOX AND FORTNITE**

23 64. Roblox uses a compelling core loop, a robust game progression system and a gaming
24 community to reinforce coming back to the game.

25 65. The Roblox core loop uses behavior techniques of immediate fun engaging players
26 within the first five minutes of gameplay. Then Optimal Pacing is used to ensure the game is balanced
27 in difficulty to the skill of the player to avoid feelings of inadequacy or difficulty creating a desire to
28

1 continue playing and a false sense of achievement. Immediate feedback is provided to trigger positive
2 reinforcement of the desired behavior of increased gameplay. To keep the continued play going an
3 element of randomness which includes random events, new challenges or loot-drop system is deployed
4 to lure in gamers.

5 66. Fortnite was designed with numerous operant conditioning tactics to take advantage of
6 the chemical reward system of a user’s brain (especially a minor or neurodivergent person) and to
7 create addictive engagement.

8 67. One tactic used by Epic Games is a psychological trick of “lose by a little, win by a lot”
9 or “near miss” effect. This is an operant conditioning tactic used to reward the player when they win,
10 and when a player loses a round, they lose by only a slight margin, compelling them to play another
11 round because they were just a few moves away from winning. When players lose, they rationalize
12 their defeat and often tell themselves that what topped them from winning was the smallest mistake.
13 As a result, players are conditioned to keep trying under the mistaken belief that they are ever closer to
14 winning.

15 **Rewards Reinforce Negative Behavior - Continuous Video Game Play**

16 68. In the context of gaming products, rewards act as positive reinforcement, encouraging
17 gamers to keep playing. Consider the satisfaction of leveling up, finding a rare item, or achieving a
18 high score. Each of these milestones provides a reward, which triggers a dopamine release in the
19 brain—the internal “feel-good” chemical. This surge of dopamine reinforces the behavior, making it
20 more likely that a gamer will come back to the game in search of that same pleasure.¹³

21 69. Famed psychologist B.F. Skinner’s research on reinforcement also emphasized the
22 power of variable rewards—rewards that come at unpredictable times or intervals. In his experiments
23 with pigeons, Skinner found that animals were more motivated to perform a task when they were
24 rewarded on a variable schedule rather than at regular intervals. This concept translates well to games,
25 where rewards are often distributed unpredictably. Think of loot drops in adventure games or rare
26
27

28 ¹³ Skinner, B. F. (1938). *The behavior of organisms: an experimental analysis*. Appleton-Century.

1 cards in a deck-building game. The uncertainty of when and what reward will be given keeps players
2 engaged, eager to discover what's next.

3 70. All Defendants built operant conditioning into their respective games by positively
4 reinforcing and rewarding continued video gameplay time and punishing users when they do not play
5 or otherwise fail to conform to the desired behavior of increased play time and increased purchasing of
6 microtransactions.

7 **Game Flow Keeps Player Connected to the Operant Conditioning**

8 71. When a game's difficulty level is balanced just right—not too easy, but not too hard—it
9 can lead to what psychologist Mihaly Csikszentmihalyi calls the “flow state.” This is a state of deep
10 focus where the player is completely absorbed in the activity, often losing track of time.¹⁴ Games use
11 incremental challenges to create flow, gradually increasing difficulty to keep players in the zone, fully
12 engaged but not overwhelmed. Achieving flow is inherently rewarding, encouraging repeat play as
13 players seek to experience it again.

14 **Social Identity in Gaming—Operant Conditioning**

15 72. Games don't just offer individual rewards; they often fulfill social needs as well.
16 Research has shown that social interactions in games, such as cooperation, competition, and team-
17 based activities, are strong motivators for repeat play. According to Social Identity Theory, people
18 derive a sense of self and belonging from their group affiliations.¹⁵ When players form teams, clans, or
19 guilds, they start to see themselves as part of a community, which encourages loyalty and continued
20 participation.

21 73. In a survey conducted by the Entertainment Software Association (ESA) in 2024, 73%
22 of U.S. gamers said they play games to connect with friends, while 73% noted that playing with others
23 increases their enjoyment of the game (ESA, 2024). Social games that involve interaction with friends
24 or online communities make the experience richer and more satisfying, which reinforces the desire to
25 keep playing.¹⁶

26 ¹⁴ Csikszentmihalyi, Mihaly. (1990). *Flow: The Psychology of Optimal Experience*.

27 ¹⁵ Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin, & S. Worchel (Eds.),
The social psychology of intergroup relations (pp. 33-37). Monterey, CA: Brooks/Cole.

28 ¹⁶ <https://www.theesa.com/video-games-remain-lifelong-source-of-entertainment-for-190-6-million-americans/>

1
2 **Psychology of Progress—Operant Conditioning Tool**

3 74. Games are known for their use of achievements, badges, and progress indicators—
4 elements that symbolize advancement and status. These features draw on the Goal-Setting Theory,
5 which posits that specific, challenging goals lead to higher performance and greater motivation.¹⁷
6 When players see a clear path to progression, such as leveling up or earning achievements, they are
7 motivated to reach those milestones, which enhances engagement and repeat play.¹⁸

8 **Badge Effect and Status**

9 75. Badges, trophies, and leaderboards add an additional layer of motivation by appealing
10 to players' desire for recognition and status. Psychologists refer to this as extrinsic motivation—the
11 drive to earn rewards or recognition from external sources.¹⁹ This is particularly powerful in social
12 games, where players can see each other's achievements, creating a sense of friendly competition. The
13 desire to achieve status among peers often keeps players coming back, striving for new achievements
14 and recognition.

15 **D. CONTINUOUS VIDEO GAME PLAY ORIGINATING FROM OPERANT**
16 **CONDITIONING RESULTS IN VIDEO GAME ADDICTION**

17 76. Operant conditioning is a behavior modification system serving as the architecture of
18 video game design that many of today's video games utilize. The use of operant conditioning towards a
19 gamer can be one of the factors contributing towards video game addiction; operant conditioning is the
20 strategy while video game addiction can be the by product or operant conditioning.²⁰

21 77. Once engaged in the game, the player sets asides their rules for their daily life and
22 accepts the rules of the game as the new way to live life.²¹

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24 _____
25 ¹⁷ Locke, Edwin & Latham, Gary. (1991). A Theory of Goal Setting & Task Performance. The Academy of Management
Review. 16. 10.2307/258875.

26 ¹⁸ *Id.*

27 ¹⁹ Deci, E. L., & Ryan, R. M. (1985). Intrinsic Motivation and Self-Determination in Human Behavior. New York, NY:
Plenum.<https://doi.org/10.1007/978-1-4899-2271-7>

28 ²⁰ Daniel Vu. "An Analysis of Operant Conditioning and its Relationship with Video Game Addiction" ART 108:
Introduction to Games Studies (2017).

²¹ *Id.*

1 Attention Deficit Disorders Exacerbated with Video Game Addiction

2 78. A three-year longitudinal study by Gentile et al. demonstrated that the more time a child
3 spends playing video games the more problems they have with attention span.²² In fact, children with
4 attention span problems such as ADHD, are more attracted to video games and find those kids neglect
5 activities that would have otherwise demanded their control and attention such as homework, sports
6 and household chores.²³

7 79. The sequelae of video game addiction causes anxiety, impulsivity, low self-esteem,
8 poor school performance, emotional and social intelligence deterioration, social isolation, cognitive
9 decline, exacerbation of ADHD, visual problems, seizures, orthopedic injuries, depression, addiction,
10 orthopedic injuries from overuse injuries of controllers, suicide attempts and suicide.²⁴

11 E. ABUSE OF OPERANT CONDITIONING TO INCREASE GAMEPLAY

12 80. By creating their games in this manner, Defendants' goal was not healthy gaming, but
13 rather it has always been continuous video game play for profit.

14 81. Defendants did not implement measures to allow parents and teachers to monitor and
15 control video game play time. Parental controls are defective in most games.

16 82. Each Defendant is accountable for failing to warn that operant conditioning is being
17 used in Fortnite and Roblox for the goal of continuous video game play. Additionally, Defendants
18 failed to include available safeguards, such as accurate time tracking in cross platform, game sharing
19 and educational versions, as well as defective and/or non-existent parental controls.

20 83. Defendants' suppression of the diagnosis and treatment of video game addiction
21 coupled with the failure to warn of continued video game play carried a risk of video game addiction
22 and the sequelae flowing from the addiction demonstrates a reckless disregard for the safety and well-
23 being of children, including MA.

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25 _____
26 ²² Gentile D.A., Swing E.L., Lim C.G., Khoo A. Video game playing, attention problems, and impulsiveness: Evidence of
bidirectional causality. *Psychol. Pop. Media Cult.* 2012;1:62–70. doi: 10.1037/a0026969.

27 ²³ *Id.*

28 ²⁴ Lérica-Ayala V, Aguilar-Parra JM, Collado-Soler R, Alférez-Pastor M, Fernández-Campoy JM, Luque-de la Rosa A.
Internet and Video Games: Causes of Behavioral Disorders in Children and Teenagers. *Children (Basel)*. 2022 Dec
31;10(1):86. doi: 10.3390/children10010086. PMID: 36670637; PMCID: PMC9856521.

1 84. Furthermore, Defendants are aware that science has shown that prolonged use of video
2 games by minors can result in lack of full development of the prefrontal cortex, cognitive decline, and
3 inability to reach full educational potential.²⁵

4 85. Internet gaming disorder comes with a myriad of symptoms that include addiction,
5 social isolation, depression, withdrawal symptoms that are often misdiagnosed as ADHD, exacerbation
6 of ADHD and anxiety, all of which contribute to increased risk of suicide.

7 86. Defendants knew of the risks of IGD and the other accompanying medical conditions
8 yet continued to market their games as “educational” despite being fully aware of these risks,
9 Defendants marketed their respective games and products to minors, even at most times without
10 parental knowledge or consent in a school setting.

11 **F. EXCESSIVE VIDEO GAME PLAY AND EFFECTS ON ADOLESCENT BRAINS**

12 87. For almost two decades, research on the interaction between video game usage and the
13 adolescent brain has shown that extensive usage has a severe impact on the adolescent brain, including
14 loss of grey matter, which leads to severe physical and mental effects on the child. Many of these
15 effects are indicators or consequences of IGD, which is the addiction to video gaming.

16 88. One of the ways that the impact of video game usage is studied is research about the
17 role dopamine plays in the brain during gameplay.

18 89. Video games can and do cause an intense dopamine release in the user that is similar in
19 magnitude to that experienced by substance abuse or gambling. Dopamine is a neurotransmitter made
20 in the brain that acts as a chemical messenger that communicates messages between nerve cells in the
21 brain, as well as between the brain and the body. Dopamine serves as the brain’s all-important “reward
22 center” and, in addition, plays a critical role in several body functions including attention, mood,
23 pleasurable reward and motivation, sleep, learning, and movement. The release of dopamine causes
24 demonstrable physical, mental, and emotional responses in the human brain and body. This is
25 especially true in minors, and particularly neurodivergent minors, whose brains are still developing.

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27 _____
28 ²⁵ Livny, Weinstein, and Weizman, *New Developments in Brain Research of Internet and Gaming Disorder*, 75 *Neurosci. Biobehav. Rev.* 314 (Apr. 2017).

1 Increased frequency of dopamine releases can lead to withdrawal symptoms, including anger,
2 irritability, or physical outbursts when the game is made unavailable.

3 90. Video game addiction has been suggested to be as addictive as heroin.²⁶

4 91. In minors, the creation of this level of dopamine high at such a young age is difficult to
5 overcome.

6 92. The repetitive release of dopamine creates, reinforces, and strengthens a dysregulated or
7 dopaminergic neural pathway that propels the user to hyperfocus on using the video games more and
8 more, first at an increasing rate and then with compulsive desire until the impulse to use the video
9 games develops into a disordered use or addiction.

10 93. This dopaminergic response triggers impulsive behaviors outside of the gaming world
11 consisting of life-altering impulsivity and inability to control behaviors that can and do cause a myriad
12 of catastrophic physical, mental, and emotional disorders, symptoms, and injuries, including other
13 addictions, significant withdrawal symptoms, maldevelopment of the brain's frontal lobe, dissociative
14 behaviors, social isolation, damage and/or negative consequences to cognitive processes, attention
15 disorders, severe depression, morbid obesity, malnutrition and/or undernutrition, risk of suicide, risk of
16 harming others and other harmful effects, all to the severe detriment and damage to the minor, and to
17 the severe emotional detriment and pecuniary or economic damage to their families and caretakers.²⁷

18 94. Additional research on the impact of video games reports physical changes to the brain
19 and brain matter as a result of gameplay.

20 95. Research has shown that prolonged use of video games affects the prefrontal cortex of
21 the user, causing a loss of grey matter, lower cognitive function, and an inability to regulate impulse
22 control. The operant conditioning techniques utilized in video games rewards impulsivity, which
23 causes a lack of development in the prefrontal cortex. Instead, the regions of the brain that create
24 impulsivity are overutilized and fed while executive function is starved leading to a lack of brain

25 _____
26 ²⁶ <https://abc13.com/post/fortnite-can-be-as-addictive-as-heroin-health-experts-say-/4410795/>

27 ²⁷ E. Suárez-Soto, A. Peris-de la Hoz, A. Sanchez-Fernandez-Quejo, E. Rodriguez-Toscano, N. Lagunas, B. Reneses, A. De
28 la Torre-Luque, Problematic gaming use and psychological distress among Spanish young adults: A comprehensive study,
The European Journal of Psychiatry, Volume 39, Issue 1,2025,100279, ISSN 0213-
6163,<https://doi.org/10.1016/j.ejpsy.2024.100279>.

1 development in the prefrontal cortex. Research has also concluded that such use of video games may
2 lead to negative effects like stress, aggressive behavior, verbal memory deficiency, depression,
3 lowered cognitive abilities, sleeping disorders, anxiety, and behavioral addiction disorders.

4 96. Clinical evidence has shown that users addicted to online games experience
5 biopsychological symptoms and complications, including symptoms traditionally associated with
6 substance abuse and addiction, such as hangovers, changes in mood, ability to adapt, withdrawal,
7 conflict, and recurrence symptoms.

8 97. Empirical studies indicate that gaming disorders are associated with detrimental health-
9 related outcomes.²⁸

10 98. Brain imaging studies have shown that excessive use of video games negatively affects
11 the brain regions responsible for reward, impulse control, and sensory-motor coordination.

12 99. Other studies have shown that disordered and/or excessive use of video games leads to
13 negative consequences on cognitive processes, including multi-second time perception, inhibition, and
14 decision-making. Gamers lack time awareness of how long they have played a game.

15 100. During adolescence, the prefrontal cortex—the locus of judgment, decision-making, and
16 impulse control—is still developing and undergoing major reorganization. This region of the brain
17 does not reach maximum capacity until the age of 25 to 30. The executive control center of the
18 prefrontal cortex is essential to one’s ability to healthfully weigh risks and rewards and for pausing the
19 pursuit of immediate rewards in favor of more adaptive longer-term goals. The lack of full
20 development of the prefrontal cortex is arguably why young people are more likely to engage in hours
21 of use while ignoring basic needs like food, sleep, and hygiene. Without mature frontal lobes, minors
22 are less able to weigh potential negative consequences and curb potentially harmful behavior like
23 excessive use of video games, which further impacts frontal lobe development.

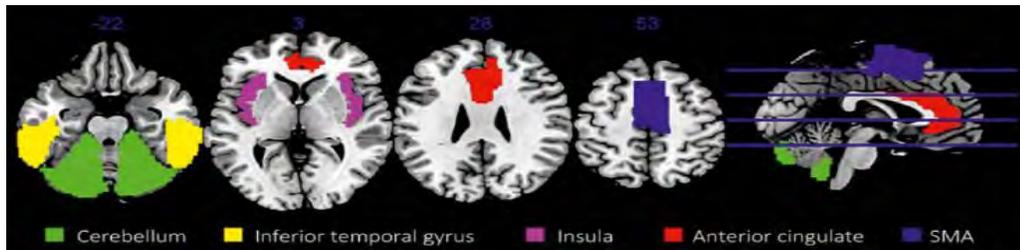
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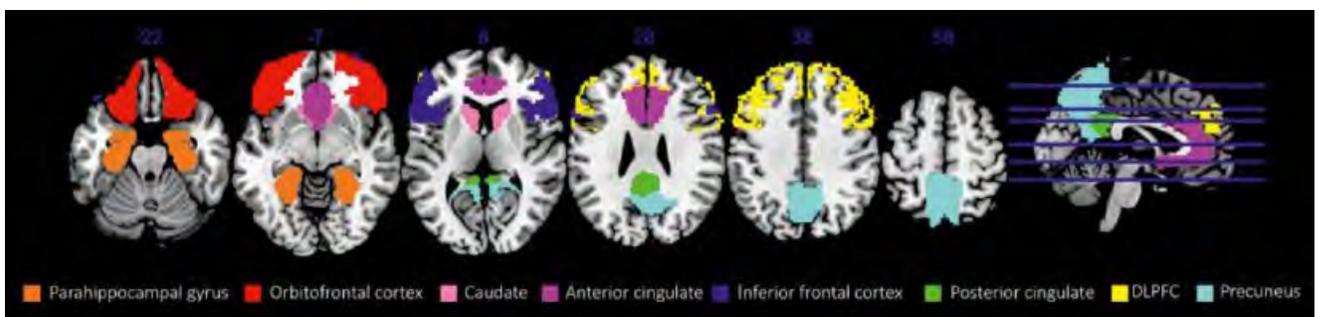
27 ²⁸ Pierpaolo Limone, Benedetta Ragni, Giusi Antonia Toto, The epidemiology and effects of video game addiction: A
28 systematic review and meta-analysis, *Acta Psychologica*, Volume 241, 2023,104047, ISSN 0001-6918,
<https://doi.org/10.1016/j.actpsy.2023.104047>.

1 101. Brain imaging studies related to IGD have shown structural changes in the brain,
 2 particularly a reduction in white-matter density (consisting mostly of cells and axons that transmit
 3 signals from the cerebellum to other brain regions) and grey-matter volume (associated with emotions,
 4 perception, memory, and motor control). Specifically, studies showed several regions of the brain
 5 demonstrated reduction in grey-matter volume in gaming disorder participants, as depicted here:²⁹



6
 7
 8
 9
 10 102. Brain activation studies have shown that the use of video games causes changes in the
 11 reward and impulse control regions of the brain, and that engaging with video games activates regions
 12 of the brain in a manner similar to the way the brain is activated in response to cue-exposure to drugs
 13 (whereby addicts are exposed to relevant drug cues to extinguish conditioned responses).

14 103. Additional brain activation studies have shown that individuals with gaming disorders
 15 have impaired inhibitions, and that video game cues activate craving, attention, and executive function
 16 areas of the brain. Those cognitive, sensory-motor, and emotional processes may be associated with
 17 long-term changes to the brain because of prolonged use of video games. Regions that showed
 18 activation in response to video game cues in gaming disorder participants in more than two studies are
 19 depicted in the following image:³⁰



26
 27 ²⁹ Livny, Weinstein, and Weizman, *New Developments in Brain Research of Internet and Gaming Disorder*, 75 *Neurosci. Biobehav. Rev.* 314 (Apr. 2017).

28 ³⁰ Aviv Weinstein et al., *Neurobiological Mechanisms Underlying Internet Gaming Disorder*, 22(2) *DIALOGUES CLIN. NEUROSCI.* (2020).

1 104. Structural studies of the brain have shown alterations in the volume of the ventral
2 striatum (a critical component of motor and reward systems in the brain) are possible because of
3 changes in reward regions of the brain. One comparison study of young adults with a mean age of 24
4 revealed that individuals who engage in excessive use of video games tend to have lower cognitive
5 function, particularly in areas of verbal ability and working memory.

6 105. Research has shown that a neurodivergent minor with a diagnosis of Attention-Deficit
7 Hyperactivity Disorder (“ADHD”) or Autism Spectrum Disorder is at a higher risk of developing
8 video game disorder or addiction, which can worsen one’s ability to control impulsivity and result in
9 brain damage.³¹ Research has shown that while use of video games may foster creativity in some
10 minors, such potential benefits are outweighed by the risk of developing addiction or disordered use of
11 video gaming products, which typically develops swiftly in minors and neurodivergent individuals.
12 This is particularly true when video games incorporate addictive and manipulative tactics, as well as
13 other problematic psychological programming.

14 **G. GAMING ADDICTION IS A RECOGNIZED AND DIAGNOSABLE CONDITION**

15 106. Addiction to and disordered use of video games and internet gaming is a recognized,
16 diagnosable mental disorder and form of behavioral addiction codified by the American Psychiatric
17 Association’s 2013 Diagnostic and Statistical Manual of Mental Disorders (DSM-5).³² The diagnostic
18 symptoms of internet gaming disorder currently set forth in DSM-5 include: (1) preoccupation with
19 playing and/or using video games; (2) withdrawal symptoms (sadness, anxiety, irritability, and/or other
20 unpleasant symptoms) when access to play and/or use is removed, precluded, or reduced; (3) tolerance
21 - the need to spend more time playing and/or using video games to satisfy the urge and desire to do so;
22 (4) loss of control or the inability to reduce video game playing and usage time and/or unsuccessful
23 attempts to quit gaming; (5) giving up other activities or loss of interest in previously enjoyed activities
24 due to compulsion to play video games; (6) continuing to play and use video games despite negative or
25 problematic consequences; (7) deceiving family members or others about the amount of time spent

26 _____
27 ³¹ Micah O. Mazurek & Christopher R. Engelhardt, *Video Game Use in Boys with Autism Spectrum Disorder, ADHD, or*
Typical Development, 132 Am. Acad. of Ped. J.L. 2 (2013).

28 ³² It is also recognized in the recently released Diagnostic and Statistical Manual of Mental Disorders, Text Revision
(DSM-5-TR).

1 playing and/or using video games; (8) using video games to “escape” or relieve negative moods, such
2 as guilt or hopelessness; and (9) jeopardized school or work performance or relationships due to
3 playing and/or using video games.

4 107. Nationally recognized institutions such as the Cleveland Clinic and the National Center
5 for Biotechnology Information (NCBI) also recognize video game addiction and categorize the
6 addiction as falling under the general category of IGDs.³³

7 108. As of 2022, “Gaming disorder”—disordered use of and/or play with video games—is a
8 recognized mental health disorder by the World Health Organization and International Statistical
9 Classification of Diseases and Related Health Problems. “Gaming disorder” is included within the
10 subcategory “ICD-11” entitled “Disorders due to substance use or addictive behaviors.”³⁴ “Gaming
11 disorder” is defined in the 11th revision of the International Classification of Diseases as a pattern of
12 persistent or recurrent gaming behavior, specifically “digital gaming” or “video-gaming,” which may
13 be online or offline, manifested by: impaired control over gaming (e.g., onset, frequency, intensity,
14 duration, termination, context); increasing priority given to gaming to the extent that gaming takes
15 precedence over other life interests and daily activities; and continuation or escalation of gaming
16 despite the occurrence of negative consequences.

17 **H. AMOUNT OF TIME PLAYED CORRELATES TO SEQUALAE OF VIDEO** 18 **GAME ADDICTION**

19 109. One study showed positive bioelectrical prefrontal activity during gaming tasks of
20 healthy gamers between the ages of 8 and 12 who limited game play to 20 minutes.³⁵

21 110. In contrast, a similar study of unhealthy gamers with an IGD diagnosis showed a
22 thinner cortex in the brain with a smaller volume of gray matter.³⁶ The reward-related network and the
23

24 ³³ Shabina Mohammad, Raghad A Jan, & Saba L Alsaedi, *Symptoms, Mechanisms, and Treatments of Video Game*
25 *Addiction*, Cureus (Mar. 31, 2023).

25 ³⁴ Other disorders found in that subcategory include alcoholism and gambling addiction.

26 ³⁵ Mondéjar T., Hervás R., Johnson E., Gutiérrez-López-Franca C., Latorre J.M. Analyzing EEG waves to support the
27 design of serious games for cognitive training. *J. Ambient Intell. Humaniz. Comput.* 2019;10:2161–2174. doi:
10.1007/s12652-018-0841-0.

27 ³⁶ Lee D., Park J., Namkoong K., Kim I.Y., Jung Y.-C. Gray matter differences in the anterior cingulate and orbitofrontal
28 cortex of young adults with Internet gaming disorder: Surface-based morphometry. *J. Behav. Addict.* 2018 doi:
10.1556/2006.7.2018.20

1 IGD gamers inhibition system were altered, the orbitofrontal cortex and anterior cingulate cerebral area
2 were overstimulated, similar to a drug addiction.³⁷

3 111. Recently, a study by Kwak et al. longitudinally compared 14 adolescents with internet
4 gaming disorder to 12 professional internet gaming students who practiced for about ten hours a day,
5 within a defined support system that included practice, physical exercise, lectures on team strategy,
6 rest and mealtimes.³⁸ After one year, both groups showed increased brain activity within the attention
7 system of the parietal lobe. However, professional gamers improved problematic behaviors,
8 impulsivity, aggression, depression and anxiety, while adolescents with internet gaming disorder
9 showed no behavioral improvement and a dysfunctional brain activity within the impulse control
10 network in the left orbitofrontal cortex.

11 **I. ADDICTIVE GAME DESIGN FEATURES CAUSE SIGNIFICANT HARM TO**
12 **MINORS**

13 112. The human population most vulnerable to the combination of game developers'
14 microtransaction methodology and addictive operant conditioning design features are minors; minors
15 who are neurodivergent are even more susceptible to becoming addicted. Video game developers,
16 including Defendants, knew this, but nonetheless purposefully designed their games and platforms to
17 exploit that vulnerable population, causing injury and detriment, including to Plaintiff. Doing so has
18 yielded the intended results: video game developers, including Defendants, have earned extraordinary
19 financial revenue from this group of users as a result of placing their addictive products that are
20 targeted to minors into the stream of commerce.

21 113. Each Defendant knew or was aware, or should have known and should have been
22 aware, that their respective products were dangerous and harmful to users, particularly minors, when
23 used as intended and in a reasonably foreseeable manner. In fact, each Defendant intentionally caused
24 and designed their respective products to most effectively cause users with developing brains to

25 _____
26 ³⁷ Smirni D, Garufo E, Di Falco L, Lavanco G. The Playing Brain. The Impact of Video Games on Cognition and Behavior
in Pediatric Age at the Time of Lockdown: A Systematic Review. *Pediatr Rep.* 2021 Jul 14;13(3):401-415. doi:
10.3390/pediatric13030047. PMID: 34287345; PMCID: PMC8293336.

27 ³⁸ Kwak K.H., Hwang H.C., Kim S.M., Han D.H. Comparison of Behavioral Changes and Brain Activity between
28 Adolescents with Internet Gaming Disorder and Student Pro-Gamers. *Int. J. Environ. Res. Public Health.* 2020;17:441. doi:
10.3390/ijerph17020441

1 become addicted or disordered in their desire to use the products. To that end, upon information and
2 belief, each Defendant employed behavioral psychologists and/or neuroscientists to develop products
3 that incorporated design features premised upon psychological tactics engineered to keep users
4 engaged in using the products for longer and longer periods of time.

5 114. The microtransactions and other technologies, designs, features, mechanisms,
6 algorithms, artificial systems, programs, and other processes each Defendant incorporated into their
7 products were implemented in a manner such that users (and, when users are minors, their caretakers)
8 do not understand and have no way of understanding (or uncovering through reasonable diligence) that
9 their use of the products involves engagement with intentionally addictive design features that are
10 physically damaging to their brains and bodies, and financially rewarding to the Defendants.

11 115. There is no meaningful disclosure of the addictive mechanisms and microtransactions in
12 each Defendant's products at the time they are purchased and/or downloaded to allow prospective
13 users to make informed decisions as to whether using the products are desirable, appropriate, safe, or
14 worth the potential risk.

15 116. At all times material hereto, each Defendant targeted consumers/purchasers, including
16 minors, and specifically including Plaintiff herein, to use their respective products and engage in
17 microtransactions whereby in-game perks are exchanged for real money through in-game targeted
18 solicitations.

19 117. Each Defendant, with knowledge of Plaintiff's age and without regard to other
20 neurodivergent traits or social factors, targeted Plaintiff with manipulative programming to prolong use
21 of their products in hopes of inducing Plaintiff to engage in microtransactions during their use of the
22 products. As a result of Plaintiff's use of each Defendant's products, and because of the addictive
23 design features incorporated into the products, Plaintiff suffered addiction, social isolation, depression,
24 anxiety, loss of friends and relationships, and damage to his grades, resulting in an academic dismissal
25 from school.

1 **J. SPECIFIC OPERANT CONDITIONING METHODS USED BY DEFENDANTS**

2 **MICROSOFT'S XBOX AND XBOX PRODUCTS**

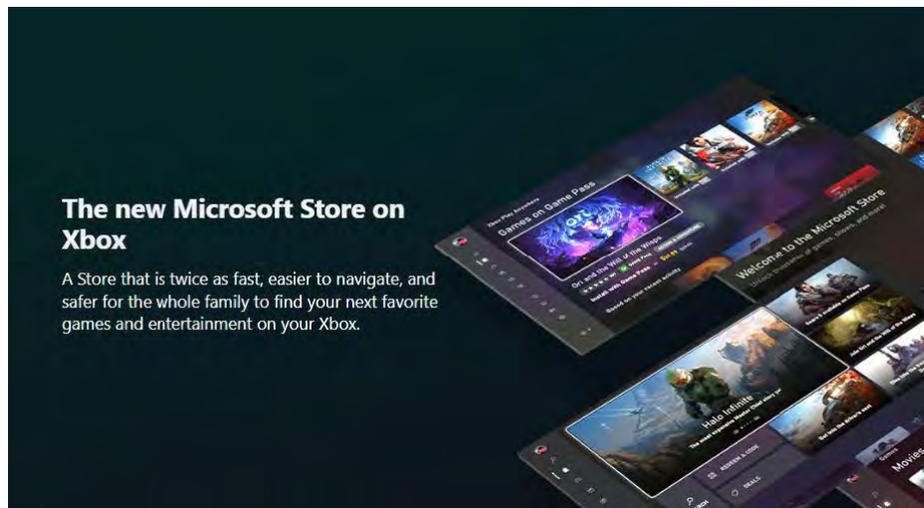
3 **Xbox Product Basics**

4 118. Xbox is a video gaming brand, owned and operated by Microsoft, that consists of Xbox
5 gaming consoles, as well as online video gaming through the Xbox network, Xbox Game Pass, and
6 Xbox Cloud Gaming.

7 119. Each version of the Xbox console provides users with the ability to play video games
8 using a hard copy of the video game, a digital copy downloaded from the Microsoft Store (also known
9 as Xbox Games Store, hereinafter "Xbox Store"), using the Xbox Network (formerly known as Xbox
10 Live), and/or using Xbox Game Pass or Cloud Gaming.

11 120. Microsoft developed and maintains the Xbox Store – a product-platform through which
12 users can purchase thousands of games to be stored on their console through digital download, and for
13 use with its Xbox consoles.

14 121. Though third parties create many of the games available in the Xbox Store, Microsoft
15 profits from all monetary transactions that occur within the store, taking thirty percent of revenue from
16 sales of third-party games.³⁹



27
28 ³⁹ Tom Warren, Microsoft Explored Reducing its Xbox Store Cut to Shake Up Console Gaming, The Verge (Mar. 2, 2021), <https://www.theverge.com/2021/5/2/22415712/microsoft-xbox-store-cut-epic-games-court-documents>.

1 122. Likewise, Microsoft profits from all monetary transactions that occur within the third-
2 party games played on its Xbox Platform. Microsoft markets the Xbox Store as “safer for the whole
3 family” to use: Microsoft also touts that:

- 4 a. “Xbox strives to create a safer gaming experience for you and your family.”⁴⁰
5 b. “[Xbox holds itself] accountable for making our platforms as safe as possible for
6 all players.”⁴¹
7 c. “[Xbox] will promote the availability of our safety tools through our platforms,
8 support channels, services, on our websites and in retail stores to reach more
9 players and parents.”⁴²

10 123. The Xbox Network is an online multiplayer gaming service created and operated by
11 Microsoft for use with its Xbox consoles. The Xbox Network includes the Xbox Store and Xbox Cloud
12 Gaming.

13 124. Xbox Cloud Gaming or Game Pass is operated by linking a device, either a console,
14 tablet, phone, or computer, to a remote server in the cloud. Gameplay is saved in the cloud and can be
15 accessed and used from numerous devices at any given location. Thousands of games are available in
16 the Xbox Cloud Gaming and Xbox Network library.

17 **Microsoft’s Xbox Uses an Achievement System that Encourages Compulsive Game Use**

18 125. Microsoft knows that third-party games targeted to minors are available on its Xbox
19 Platform. Microsoft is therefore aware that minors and those who are susceptible to addiction are using
20 its Xbox Platform. Nonetheless, Microsoft chose to add features to its Xbox Platform that intentionally
21 addicts such users.

22 126. Microsoft actively employs or has employed psychologists and neuroscientists within
23 its Xbox User Research and Xbox Player Experiences & Platform departments.⁴³

24 _____
25 ⁴⁰ Family-Friendly Gaming for Everyone, Xbox, <https://www.xbox.com/en-US/family-hub#:~:text=FAMILY%2DFRIENDLY%20GAMING%20FOR%20EVERYONE&text=Xbox%20strives%20to%20create%20a,Windows%2C%20and%20Xbox%20mobile%20apps> (last visited July 24, 2025).

26 ⁴¹ Dave McCarthy, Our Shared Commitment to Safer Gaming, Xbox, Dec. 14, 2020, <https://www.xbox.com/en-US/family-hub/safety-principles>

27 ⁴² Id.

28 ⁴³ See Deborah Hendersen, LINKEDIN, <https://www.linkedin.com/in/deborahjohendersen> (last visited Sept. 29, 2025); Todd Kelley, LINKEDIN, <https://www.linkedin.com/in/toddakelley> (last visited Sept. 29, 2025); Carolina Labbé,

1 127. Upon information and belief, through the use of such psychologists and neuroscientists,
2 Microsoft developed and implemented design features to keep users compulsively and addictively
3 engaged with its platform, despite its knowledge that abuse, addiction, and compulsive use by minors
4 can lead to brain damage and injury, including but not limited to dissociative behavior, withdrawal
5 symptoms, social isolation, negative consequences on cognitive processes, and other harmful effects.

6 128. For example, within its Xbox Products, Microsoft developed and implemented a
7 program called the Xbox achievement system (“Xbox achievements” or “achievements”). Xbox
8 achievements is a game-like program that tracks the amount of time a player spends in third-party
9 games on the Xbox platform and the player’s actions within those games.

10 129. Microsoft encourages game developers to use its achievement system by creating tasks
11 for players to accomplish within their respective games.

12 130. Microsoft makes available to all users the achievements that are available within the
13 games they are playing.

14 131. Many of the achievements created within Microsoft’s achievement system are met by
15 players spending excessive time in-game.

16 132. If a user has their Xbox Platform on but fails to engage with it for a length of time,
17 Microsoft displays a screensaver that highlights a user’s progress in unlocking achievements within a
18 third-party’s game.

19 133. When these achievements are earned, Microsoft – not the third-party games – notifies
20 the player with a console-based – not game based – message. This console-based message is akin to
21 the lights and sounds of a slot machine in a casino. Microsoft plays a reward-signifying noise and
22 displays a bright message on the screen highlighting the player’s accomplishment.

23 134. Xbox achievements are categorized as either standard achievements or rare
24 achievements. When a rare achievement is unlocked, the graphic displayed on the user’s screen in
25 game indicates that the achievement is rare. A rare achievement is one that less than 10% of users have
26 unlocked.

27 _____
28 LINKEDIN, <https://cl.linkedin.com/in/carolinalabbe> (last visited Sept. 29, 2025); Emily Joseph, LINKEDIN,
https://www.linkedin.com/in/emilymjoseph1?trk=public_post_feed-actor-name (last Sept. 29, 2025).

1 135. In addition to such messages, Microsoft awards players a “Gamerscore” for each
2 achievement earned. In game-like fashion, Microsoft tabulates each player’s Gamerscore for the
3 achievements earned across all games played on the Xbox platform and displays that score for all other
4 users to see.

5 136. While Xbox achievements earned and a player’s Gamerscore can be an indication to
6 other users and friends about how much and how well a user has played, Microsoft’s purpose for
7 implementing Xbox achievements goes beyond the social aspects of gaming. Rather, Microsoft created
8 the Xbox achievement system in order to incentivize extended and continued gameplay on its platform,
9 resulting in more purchases of in-game or of third-party games, all of which increase Microsoft’s
10 profits.

11 137. Microsoft’s platform does not contain any warnings about the general harmful nature of
12 its achievement system or general gaming addiction. At account setup, the Xbox website contains no
13 warnings labels, banners, or messaging informing minor users of the known risks and harms stemming
14 from the use of the Xbox platform. Users are not provided with information regarding potential
15 physical and mental harm associated with use of the platform, including stress, aggressive behavior,
16 verbal memory deficiency, depression, lowered cognitive abilities, sleeping disorders, anxiety, and
17 behavioral addiction disorders at account setup or at any time during usage. Users are not provided
18 with information regarding potential physical and mental harm associated with use of its platform.

19 138. Microsoft could, but chooses not to, provide warnings about the harms caused by use of
20 its platform without any changes to the achievement system or the content of the achievements.

21 139. Microsoft could, but chooses not to, implement user protections or safeguards, such as
22 user-imposed time limits on gameplay, increased age verification at account setup, and automatic
23 parental controls imposed when a minor creates an Xbox account.

24 **Microsoft’s Xbox Products Do Not Include Adequate Parental Controls**

25 140. To make an Xbox profile, users must first create a Microsoft account, or link to a
26 preexisting Microsoft account.

1 141. If a user already has a Microsoft account, no age verification is required to create an
2 Xbox profile.

3 142. Most parental controls are not automatically applied to a minor's Xbox profile upon
4 creation. A parent or mother can only implement parental controls by accessing the console itself and
5 adjusting settings to apply controls, by logging into the Xbox profile wherein they want to impose
6 parental controls, or by connecting their child's account to their own Microsoft profile. To engage
7 with/change any parental control settings, the parent must first know the account exists and
8 subsequently know the child's gamertag information to implement controls on their minor's account.

9 143. Microsoft could, but chooses not to, automatically implement all parental controls on
10 minors' Xbox profiles upon creation.

11 144. The use of operant conditioning, a lack of warnings about the harms of use, an
12 achievement system that rewards prolonged and repeated gaming sessions, and other features
13 described herein are all examples of Microsoft designing Xbox Products with harmful psychological
14 tactics to take advantage of the chemical reward system of a user's brain (especially a minor or
15 neurodivergent person) to create addictive engagement, despite Microsoft's knowledge that abuse and
16 compulsive use of its product by foreseeable users, i.e., minors and neurodivergent individuals, can
17 and did lead to users, including Plaintiff, suffering from addiction, withdrawal symptoms, negative
18 consequences or cognitive processes, depression, anxiety, and a decline in his schoolwork.

19 145. Microsoft marketed and misrepresented Xbox Products as safe for all ages without
20 warning of said risk of injury and addictive design, ultimately helping create and foster an epidemic of
21 video game addiction in minors.

22 **ROBLOX CORP.**

23 **Roblox Gameplay Basics**

24 146. Roblox is a video game and platform that was developed and published by Roblox
25 Corp. The game was released in September 2006.

26 147. At present, Roblox has approximately 111.8 million daily active users.⁴⁴

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28 ⁴⁴ Roblox Corp. Homepage, <https://corp.roblox.com/> (last visited Sept. 29, 2025).

1 148. More than 45% of the consumers playing Roblox are under age 13.⁴⁵

2 149. Roblox is available to play on gaming consoles, computers, tablets, and cellular devices.

3 150. Roblox is an online game that is free to download and play, making it easily accessible
4 to all users, including minors.

5 151. Individuals that wish to play Roblox must create a Roblox account.

6 152. In order to create a Roblox account, individuals must include a birth date, username,
7 and password.

8 153. Users of any age can create a Roblox account, though users cannot enter a birth date for
9 any year after 2020. Roblox Corp. does not require users to verify their age when creating a Roblox
10 account. Accordingly, users can represent that they are younger or older than their actual age.

11 154. Users are also not required to obtain parental consent to create a Roblox account nor to
12 play Roblox.

13 155. Roblox Corp. created the online currency “Robux,” which can be obtained by (a)
14 purchasing it with real currency; (b) receiving recurring stipend given to users with a Roblox Premium
15 membership; and (c) earning it from selling “game passes” or “developer Products” to other Roblox
16 platers.

17 156. Robux sales, and the revenue generated therefrom, increase as the number of active
18 daily and active monthly Roblox users increases.

19 157. Roblox has hosted over 3.7 billion virtual transactions on its platform.

20 158. Roblox Corp. admits in public filed documents that it has the ability to “dynamically
21 apply relevant content filters, anti-addiction rules, payment limits, parental; consent requirements, and
22 certain other regional requirements.”⁴⁶

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26 ⁴⁵ The Roblox Corp. Homepage, <https://corp.roblox.com/> (last visited Sept. 29, 2025).

27 ⁴⁶ *Earning on Roblox*, Roblox Creator Hub, <https://brands.roblox.com/resources/activating-on-roblox-the-virtual-economy>
28 (last visited Sept. 29, 2025).

1 159. For example, the games available to any particular user will vary based upon the age
2 they entered when generating their account and what games Roblox’s algorithm recommends to the
3 users, and games can be restricted using ID verification requirements.

4 160. In November of 2024, Roblox Corp. announced, “major updates to [its] safety systems
5 and parental controls.” It claimed these updates were implemented because “safety is and always has
6 been foundational to everything [it does] at Roblox.

7 161. The changes Roblox Corp. made in 2024 included changes to viewable content for each
8 age group, parental controls for minor’s screen time usage, and a new minimum age at sign up.

9 162. April of 2024, Roblox Corp. implemented further updates to parental controls, stating
10 that “[s]afety underpins everything we do at Roblox, particularly the safety of our youngest users.”
11 These 2025 updates included the ability for parents to view their minor’s top Roblox games the minor
12 has played and how long the minor spent in each game for the past week. Parents can now also block
13 specific games and experiences for their minors.

14 163. Until 2024, Roblox Corp. did not provide parental controls for minor’s screen time and
15 usage in Roblox. Roblox Corp. could have allowed parent-imposed time limits but instead chose not to
16 allow parents to set time limits on their minor’s Roblox account for over eighteen years of operation.

17 164. Until approximately September 2024, Roblox Corp. allowed users to represent their age
18 as young as one year old and have access to virtually all content on the platform. Even now, parents
19 whose minors are over the age of 12 cannot set restrictions on spending limits, set time limits, change
20 privacy settings, or manage friends and communication on their minor’s account. Roblox Corp.’s
21 changes to parental controls in 2025 did not address these failures to protect and limit minor users.

22 165. Until 2025, Roblox Corp. did not provide guardians with the ability to block specific
23 games and experiences, nor for guardians to view how much time their minor spends in each
24 respective game.

25 166. The implementation of these restrictions and changes by Roblox Corp. in 2024 and
26 again in 2025 demonstrates its understanding of its responsibility to implement such restrictions and
27 safety measures, and further, demonstrates how easily Roblox Corp. can implement restrictions and
28

1 safety measures in general. The changes that Roblox Corp. implemented in 2024 and 2025 did not
2 require game by game review by Roblox. Corp., but instead were implemented as system-wide
3 updates.

4 167. Despite its ability to implement anti-addiction rules, specific parental controls, payment
5 limits, and restrictions, upon information and belief, Roblox Corp. instead chooses not to implement
6 those restrictions in order to increase its profit.⁴⁷

7 **Roblox is Marketed to Minors Yet Lacks Adequate Safety Features**

8 168. Roblox Corp. does not inform users that operant conditioning techniques were used to
9 elicit the targeted behavior of continued video game play which posed a risk of develop internet
10 gaming disorder and the injuries that correspond to IGD.

11 169. Instead, Roblox Corp. provides users, potential users, and guardians false assurances of
12 safety.⁴⁸ For example, Roblox Corp. states that:

- 13 a. it has “built a platform with safety at the foundation;”⁴⁹
 - 14 b. it “spend[s] hundreds of millions of dollars each year to meet [its] safety mission;”⁵⁰
 - 15 c. users should “learn about how Roblox’s commitment to safety and civility helps
16 students grow;”⁵¹
 - 17 d. it “strive[s] to make [its] systems as safe as possible by default, especially for [its]
18 youngest users;”⁵²
- 19
20
21

22 ⁴⁷ See Roblox Corporation, Form 10-Q (May 1, 2025), p. 68
23 (<https://www.sec.gov/ix?doc=/Archives/edgar/data/0001315098/000131509825000118/rblx-20250331.htm>
24 (“...[R]equirements for verified parental consent before allowing children to create an account may limit the use of our
Platform or reduce our overall demand for our Platform, which would harm our business, financial conditions, and results
of operations”).

25 ⁴⁸ Matt Kaufman, CFO, Driving Civility and Safety for All Users, <https://corp.roblox.com/newsroom/2024/07/driving-civility-and-safety-for-all-users> (last visited Sept. 29, 2025).

26 ⁴⁹ Matt Kaufman, CFO, Driving Civility and Safety for All Users, <https://corp.roblox.com/newsroom/2024/07/driving-civility-and-safety-for-all-users> (last visited Sept. 29, 2025).

27 ⁵⁰ *Id.*

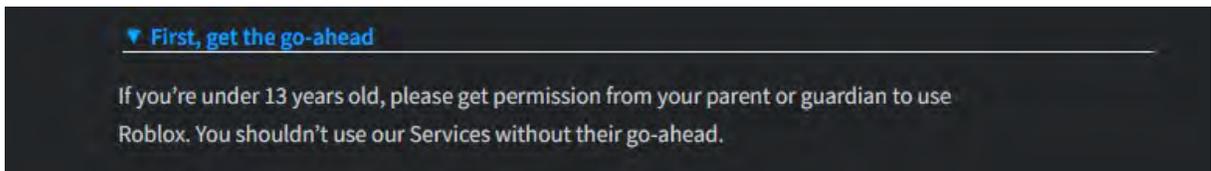
28 ⁵¹ Education, Roblox, <https://education.roblox.com/> (last visited Sept. 29, 2025).

⁵² Naren Koneru, Eleonore Vonck, Open Sourcing Roblox Sentinel: Our Approach to Preemptive Risk Detection (Aug. 7, 2025), <https://corp.roblox.com/newsroom/2025/08/open-sourcing-roblox-sentinel-preemptive-risk-detection>.

- e. its age recommendations for its product are “grounded in child development research and informed by industry standards, essentially confirming its reliance on scientific research about adolescent development and content consumption;⁵³
- f. its recommendations are created by “examin[ing] global industry standards and consult[ing] child development experts;⁵⁴; and
- g. its product is part of the “[n]ew era of teaching and learning,” and teaches educators how to “pilot Roblox in [their] class or school district,” assuring parents, educators, and students that its product is safe for use of all ages.⁵⁵

170. While Roblox does feature some parental controls in its product, almost all of these parental controls can only be applied to minors’ accounts if the minor is under 13, despite Roblox Corp.’s alleged desire to create one of the safest online environments.

171. Roblox Corp. states on its website that:⁵⁶



172. Roblox Corp. could, but does not, allow any users to set self-imposed time limits on their Roblox account.

Roblox Corp.’s Monetization of Intentionally Addictive Game Design

173. Roblox Corp. designed the game-creation aspect of its product to allow users to create their own Roblox video games for play and purchase by other Roblox users, including minors.

174. Though third parties create many of the games, upon information and belief, Roblox Corp.’s own in-house developers also create games for users to play.

⁵³ Allowed Experience Controls, Roblox, <https://en.help.roblox.com/hc/en-us/articles/31247519953172-Experience-Controls> (last visited Sept. 29, 2025).

⁵⁴ Content Maturity Labels, Roblox, <https://en.help.roblox.com/hc/en-us/articles/8862768451604-Content-Maturity-Labels> (last visited Sept. 29, 2025).

⁵⁵ Education, Roblox, <https://education.roblox.com/> (last visited Sept. 29, 2025).

⁵⁶ Roblox Privacy and Cookie Policy, Roblox, <https://en.help.roblox.com/hc/en-us/articles/115004630823-Roblox-Privacy-and-Cookie-Policy> (last visited Sept. 29, 2025).

1 175. Roblox Corp. profits from all monetary transactions that occur within these created
2 games, whether created internally by Roblox Corp., or created by third-party users.

3 176. Roblox Corp. constructed a “Creator Hub” on its website. The Creator Hub provides
4 users with instructions (including “how-to” videos) from Roblox Corp. on how users can create their
5 own Roblox games and also provides users with tools that enable or facilitate creation of their own
6 Roblox games.

7 177. Users that create their own games are referred to as “creators” or “developers.” Upon
8 information and belief, some the creators or developers include child psychologists and/or were
9 designed with the assistance of child psychologists.

10 178. Roblox Corp.’s website boasts that its top ten developers made, on average, \$33.9
11 million in 2024.⁵⁷

12 179. Roblox Corp. reports its developers have been collectively paid \$3.3 billion since
13 2018.⁵⁸

14 180. Beyond working with developers to create additive games, Roblox Corp. purposefully
15 designed other features within its product to intentionally addict users.

16 181. Roblox Corp. designed an achievement system within Roblox that rewards users for
17 completing various tasks or actions. These achievements are not based upon a user’s time or actions
18 within a third-party game “experience,” but rather the user’s time and actions on Roblox’s platform
19 itself. For example, a user playing Roblox can unlock an achievement for playing Roblox for three
20 days in a row, ten days in a row, and twenty days in a row. Likewise, users can earn an achievement
21 for playing Roblox for an hour. When the user unlocks an achievement, they can see what percentage
22 of other users have unlocked the achievement. This system is designed to keep users engaged with the
23 game, incentivize long periods of gaming repeated across multiple days, and ultimately increase
24 Roblox Corp.’s profits.

25 182. Roblox Corp. knows its product incorporates addictive designs that pose risks of
26 causing users to develop dangerous and disordered use and overuse of the product. In fact, Roblox

27 ⁵⁷ <https://corp.roblox.com/newsroom/2025/09/roblox-annual-economic-impact-report>

28 ⁵⁸ <https://create.roblox.com/docs/production/earn-on-roblox>

1 Corp. developed addictive strategies, game designs, and monetization schemes, implemented them on
2 the Roblox platform itself and then instructed those developing “experiences” for its platform to
3 incorporate those addictive features into their games that would be offered to minors.

4 183. Upon information and belief, Roblox Corp. designed Roblox and the addictive
5 strategies, game designs, and monetization schemes offered in its game and game design studio in
6 conjunction with psychologists, neuroscientists, and other behavioral experts to intentionally maximize
7 the likelihood of addiction of minor and neurodivergent users.

8 184. Roblox Corp. admits to consulting child development experts for aspects of game
9 development.⁵⁹ Roblox Corp. actively employs or has employed psychologists and behavioral experts
10 within its People Science and Analytics department and User Experiences department.⁶⁰

11 185. The use of operant conditioning, the use of microtransactions within an otherwise free
12 product, a lack of warnings about the harms of use, no self-imposed limits on playtime, an
13 achievement system that rewards prolonged and repeated gaming sessions, and other features
14 described herein are all examples of Roblox Corp. employing harmful psychological tactics to take
15 advantage of the chemical reward system of a user’s brain (especially a minor or neurodivergent
16 person) to create addictive engagement, despite Roblox Corp.’s knowledge that abuse and compulsive
17 use of its product by foreseeable users, i.e., minors and neurodivergent individuals, can and did lead to
18 users, including Plaintiff, suffering impacts on brain function, addiction, withdrawal symptoms,
19 negative consequences on cognitive processes, and other injuries. Roblox Corp. marketed and
20 misrepresented Roblox as safe for all ages without warning of said risk of injury and addictive design,
21 ultimately helping create and foster an epidemic of video game addiction in minors.

22 186. Roblox’s behavior modification systems also use a compelling core loop, a robust game
23 progression system and a gaming community to reinforce coming back to the game.

24
25 _____
26 ⁵⁹ Allowed Experience Controls, Roblox, <https://en.help.roblox.com/hc/en-us/articles/8863284850196-Allowed-Experiences-Controls> (last visited Sept. 29, 2025).

27 ⁶⁰ See, e.g., Erica Snow, LINKEDIN, <https://www.linkedin.com/in/erica-snow-phd-75272b39> (last visited Sept. 29, 2025); Philip Simmons, LINKEDIN, <https://www.linkedin.com/in/philippsimmons> (last visited Sept. 29, 2025); Carissa Kang, LINKEDIN, <https://www.linkedin.com/in/carissakang> (last visited Sept. 29, 2025).

1 187. The Roblox core loop uses behavior techniques of “immediate fun,” engaging players
2 within the first five minutes of gameplay. Then “optimal pacing” is used to ensure the game is
3 balanced in difficulty to the skill of the player to avoid feelings of inadequacy or difficulty creating a
4 desire to continue playing and a false sense of achievement. Immediate feedback is provided to trigger
5 positive reinforcement of the desired behavior of increased gameplay. To keep the continued play
6 going an element of randomness which includes random events, new challenges or loot-drop system is
7 deployed to lure in gamers.

8 FORTNITE

9 **Fortnite Gameplay Basics**

10 188. Fortnite is an online video game and game platform designed, developed, and published
11 by Defendant Epic Games.

12 189. Fortnite is free to play, making it easily accessible to all users, including minors.

13 190. Fortnite was first released in 2017 and is now available in three distinct game mode
14 versions that share the same general design and engine.

15 191. Fortnite: Battle Royale is a free-to-play battle royale game in which up to 100 users
16 fight in a progressively shrinking arena to be the last person standing. Users can play alone, in a duo,
17 or in a “squad” of 3-4 players. When users land “inside the game,” the user must scavenge for
18 weapons, items, resources, and vehicles while trying to stay alive, attack, and eliminate other users.
19 Battle Royale is frequently Fortnite’s most popular game and is the game mode to which many
20 attribute Fortnite’s success.⁶¹

21 192. Fortnite: Save the World is a cooperative hybrid tower defense-shooter and survival
22 game in which up to four users fight off zombie-like creatures and defend objects with traps and
23 fortifications they can build. Users are awarded a number of in-game items from and during missions,
24 including hero characters, weapon and trap schematics, and survivors, all of which can be leveled up
25 through gained experience to improve their attributes. Save the World is the only pay-to-play game
26 mode of the Fortnite franchise.

27 _____
28 ⁶¹ The Week Staff, What is Fortnite and Why is it So Popular?, The Week, <https://theweek.com/93700/fortnite-battle-royale-news> (Aug. 3, 2018).

1 193. Fortnite Creative is a sandbox game mode in which users are given complete freedom to
2 create worlds by spawning any item from Battle Royale on a personal island and can create games
3 such as battle arenas, racecourses, platforming challenges, and more.

4 194. Each of Epic Games' Fortnite products has similar graphics, art assets, and game
5 mechanics.

6 195. Fortnite has an average of 239 million monthly players and a peak of 15 million players
7 in a day.⁶²

8 196. Less than two years after Fortnite's release, the games had generated over \$9 billion in
9 revenue through microtransactions and in-game purchases. In 2021 alone, Fortnite generated \$5.8
10 billion in revenue.⁶³

11 197. Fortnite game Products are monetized using V-Bucks: in-game currency that can be
12 purchased with real-world funds or earned through completing missions and other achievements in
13 Save the World.⁶⁴

14 198. Fortnite includes a feature called a "Battle Pass," which is the same feature as a "season
15 pass" as described above. The Battle Pass in Fortnite allows players to earn various rewards by
16 "levelling up" the Pass. Levelling up can be done by earning medals during gameplay, completing
17 challenges, and purchasing the levels with V-Bucks.⁶⁵ V-Bucks are in-game currency that can be
18 purchased with real-world funds or earned through completing missions and other achievements in
19 Save the World.

20 199. V-Bucks in Save the World can be used to buy loot boxes, in the form of llama-shaped
21 pinatas, to gain a "random" assortment of items.

22
23 ⁶² This statistic is as of July 2023. *Fortnite Player Count: How Many People Play the Game?* The Econ. Times (Jul. 14,
24 2023), <https://economictimes.indiatimes.com/news/international/us/fortnite-player-count-how-many-people-play-the-game/articleshow/101767141.cms?from=mdr>.

25 ⁶³ This statistic is as of July 2023. *Fortnite Player Count: How Many People Play the Game?* The Econ. Times (Jul. 14,
26 2023), <https://economictimes.indiatimes.com/news/international/us/fortnite-player-count-how-many-people-play-the-game/articleshow/101767141.cms?from=mdr>.

27 ⁶⁴ Sunil Gill, *Fortnite Revenue, Player Count & Net Worth 2024*, Priori Data (Apr. 1, 2024),
28 <https://prioridata.com/data/fortnite-statistics/>.

⁶⁵ What is the Battle Pass? Where Can I Learn More?, Fortnite Support, https://www.epicgames.com/help/en-US/c-Category_Fortnite/c-Fortnite_Gameplay/what-is-the-battle-pass-where-can-i-learn-more-a000084706 (last visited Sept. 3, 2024).

1 200. V-Bucks in Battle Royale can be used to buy cosmetic items like character models or
2 the game's battle pass: a tiered progression of customization rewards for gaining experience and
3 completing certain objectives during the course of a Battle Royale season.

4 201. These features are only available if a user purchases a Battle Pass. The purpose of the
5 Battle Pass is to keep players engaged in hours of gameplay trying to earn rewards, and to increase
6 profits for Epic Games through the purchase of in-game content.

7 **Fortnite's Youth-Focused Partnerships Contradict Game Rating but Increase Profits**

8 202. Fortnite's Battle Royale and Save the World are rated T for Teen, i.e., recommended for
9 individuals aged 13 and above. This does not mean younger children cannot use them or that Epic
10 Games does not know that children under 13 are using Fortnite Products. Rather, Epic Games is aware
11 and markets Fortnite to consumers of all ages, and particularly to minors.

12 203. Despite its T rating, survey results from 2019 show that 53% of U.S. children aged 10-
13 12 played Fortnite weekly, compared to 33% of U.S. teens aged 13-17.⁶⁶

14 204. Even though most Fortnite games are rated T, Fortnite (specifically Battle Royale) has
15 engaged in numerous collaborations with child-friendly entities such as Disney, LEGO, Marvel,
16 NERF, Air Jordan, DC Comics, PAC-MAN, the NFL, Ninja, Rocket League, Ghostbusters, Star Wars,
17 TRON, Neymar Jr., the NBA, LeBron James, Ariana Grande, Naruto, Indiana Jones, Dragon Ball,
18 Spiderman, Batman, TikTok, The Nightmare Before Christmas, Wreck-It Ralph, Lewis Hamilton,
19 Teenage Mutant Ninja Turtles, Nike, Pirates of the Caribbean, and more.⁶⁷

20 205. Most, if not all, of these collaborations are geared towards a wide audience that
21 unmistakably includes minors under the age of 13. Many young children watch Disney movies, play
22 with LEGOs, or listen to the music of pop stars like Ariana Grande. Epic Games is explicitly and
23 intentionally marketing its Fortnite games to young children by collaborating with the above entities.

24
25
26 ⁶⁶ National Research Group, Fortnite: The New Social Media? (June 4, 2019), available at
27 https://assets.ctfassets.net/0o6s67aqvwnu/5z4ja8fNx2NputEG49AVWs/ff1f591ad988f9a30856bab68e3908bb/NRG_Fortnite_White_Paper.pdf.

28 ⁶⁷ Josh Taylor, Every Single Fortnite Collab & Crossover in Battle Royale's History, Dexerto (Aug. 26, 2024),
<https://www.dexerto.com/fortnite/every-fortnite-collab-crossover-battle-royale-history-1645672/>.

1 206. Not only does Epic Games engage in in-game collaborations, but they also have
2 physical merchandise they produce or sponsor, most of which are toys or children's items. For
3 example, Fortnite creates plastic toy loot boxes and battle boxes, action figures, NERF guns, trading
4 cards, board games, motorized toy cars, LEGO sets, and Halloween costumes. Fortnite has partnered
5 with children's toymakers like Hasbro to create some of these items.

6 207. Epic Games knows that young children play Fortnite.

7 208. Epic Games organizes its advertisement and collaboration strategies around the interests
8 of young children. And in 2024, Epic Games's projected annual revenue is \$5.8 billion.⁶⁸ As a result
9 of, in part, its partnership strategies, Epic Games will make a significant portion of that \$5.8 billion
10 from young children and their families, while its partnerships further encourage children under 13 to
11 keep using its products.

12 **Fortnite was Designed with Intentionally Addictive Features**

13 209. Epic Games designed Fortnite with numerous psychological tactics to take advantage of
14 the chemical reward system of a user's brain (especially a minor or neurodivergent person) and to
15 create addictive engagement, while knowing that abuse, addiction, and compulsive use by minors and
16 neurodivergent individuals can lead to injury, including but not limited to brain damage, dissociative
17 behavior, withdrawal symptoms, social isolation, negative consequences on cognitive processes, and
18 other harmful effects.

19 210. Epic Games actively employs or has employed psychologists and behavioral experts
20 within its User Experiences department and Online department.⁶⁹

21 211. Upon information and belief, Epic Games designed Fortnite in conjunction with
22 psychologists and other behavioral experts to ensure the addiction of minor and neurodivergent users.

23
24 ⁶⁸ Josh Howarth, Fortnite User and Growth Stats 2024, Exploding Topics (Jul. 22, 2024),
<https://explodingtopics.com/blog/fortnite-stats>.

25 ⁶⁹ See, e.g., Ben Taels, LINKEDIN, <https://www.linkedin.com/in/ben-taels-06913a15> (last visited Sept. 4, 2024); Celia
26 Hodent, LINKEDIN, <https://www.linkedin.com/in/celiahodent> (last visited Sept. 4, 2024); Video Games, Psychology, and
27 the User Experience with Dr. Celia Hodent (Epic Games), NC State University Libraries,
[https://www.lib.ncsu.edu/events/video-games-psychology-and-user-experience-dr-celia-hodent-epic-games#:~:text=Video%20Games%2C%20Psychology%2C%20and%20the,Games\)%20%7C%20NC%20State%20University%20Libraries](https://www.lib.ncsu.edu/events/video-games-psychology-and-user-experience-dr-celia-hodent-epic-games#:~:text=Video%20Games%2C%20Psychology%2C%20and%20the,Games)%20%7C%20NC%20State%20University%20Libraries) (Feb. 2, 2016); Katelyn Procci, LINKEDIN,
28 <https://www.linkedin.com/in/katelynprocci> (last visited Sept. 4, 2024).

1 212. The use of microtransactions within an otherwise free product, a lack of warnings about
2 the harms of use, no self-imposed limits on playtime, and other features described herein are all
3 examples of Epic Games employing these psychological tactics.

4 213. Epic Games failed to disclose that it designed the Fortnite products with numerous
5 psychological tactics, such as operant conditioning, to take advantage of the chemical reward system of
6 a user's brain (especially a minor or neurodivergent person) and to create addictive engagement, while
7 knowing that abuse, addiction, and compulsive use by foreseeable users, i.e., minors and
8 neurodivergent individuals, can lead to brain damage, abuse, compulsive use, addiction, and other
9 injury, and, as such, the products pose significant risk of harm.

10 214. One tactic used by Epic Games is a psychological trick of "lose by a little, win by a lot"
11 or "near miss" effect. Essentially, when a player loses a round, they lose by only a slight margin,
12 compelling them to play another round because they were just a few moves away from winning. When
13 players lose, they rationalize their defeat and often tell themselves that what topped them from winning
14 was the smallest mistake. As a result, players want to play another match over and over again.

15 215. The "near miss" effect means that when users perceive that they lost by only a slight
16 margin, they do not actually have to win a match to feel the high of a win. Such strategy lies in getting
17 users close to the feeling of winning, because when they are that close, they feel the same buzz and go
18 on to play more rounds. On the other hand, when they do win a round, they win a lot of perks, giving
19 them a spurt of dopamine and the adrenaline rush to play again.

20 216. In the hopes of increasing their rank in the game through wins, players continue to play
21 without any pause or rest.

22 217. Fortnite also uses random reward tactics—known in psychology as the "variable
23 interval schedule" or "variable ratio schedule"—the idea that randomized small wins will continue to
24 draw in users. **This is the same mechanism used by casinos to keep their patrons gambling.**⁷⁰

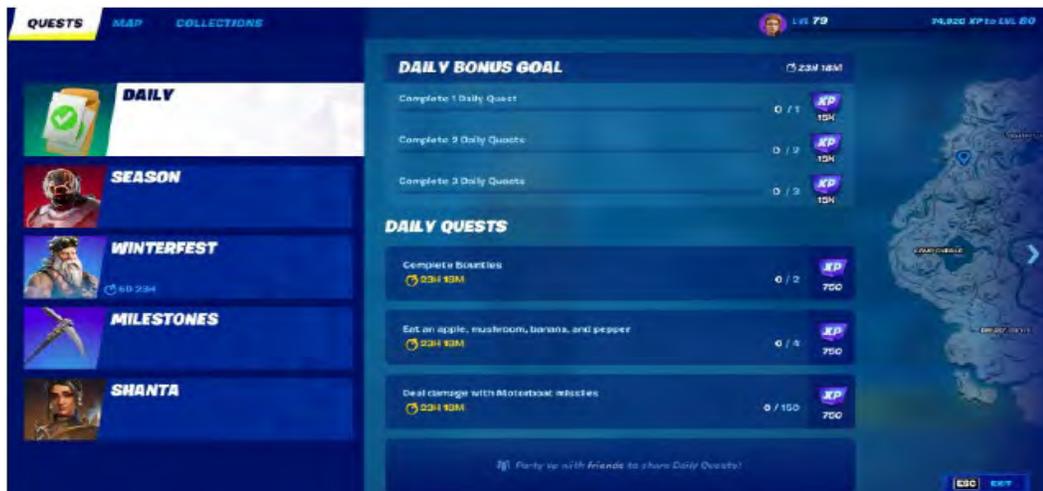
25 218. With each small win, the brain is rewarded with a small spurt of dopamine—no matter
26 how random small rewards may be.

27 _____
28 ⁷⁰ Weinschenck, S., "Use Unpredictable Rewards to Keep Behavior Going," *Psychology Today* (Nov. 13, 2013),
<https://www.psychologytoday.com/us/blog/brain-wise/201311/use-unpredictable-rewards-to-keep-behavior-going>

1 219. Additionally, the design of Fortnite keeps players drawn in. The bright and vibrant
2 colors and cartoonish representation of the game make it more appealing than other bleak multiplayer
3 battle royale games.

4 220. Similarly, the mechanics of the game inject elements of variety, allowing players to find
5 ideal hiding spots, loot drops, explore the entire map, build towers and forts using resources, and more.
6 In designing such mechanics, Epic Games ensures that players never once get bored while playing.

7 221. To keep players even more engaged, Epic Games often rolls out updates that keep
8 players busy with engaging and fresh features, new maps, live events, and the latest trends. Such
9 updates can also remove minor glitches that may be bothering the players as well. Fortnite also keeps
10 players coming back daily by giving “Daily Quest” assignments that players can complete to earn V-
11 bucks:⁷¹



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21 222. Players will thus continually log into the game to complete these quests and earn V-
22 bucks for in-game spending.

23 223. These features, combined with the ease of accessibility—the game is free to play on
24 multiple platforms and devices—fosters addiction in minors and young adults because it draws players
25 in and allows them to play nearly anywhere at any time.
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28 ⁷¹ [https://fortnite.fandom.com/wiki/Quests_\(Battle_Royale\)](https://fortnite.fandom.com/wiki/Quests_(Battle_Royale)).

1 224. Epic Games knew that its Fortnite Products contained an inherent risk of abuse,
2 addiction, and compulsive use by minors and the harms that arise therefrom, but instead of disclosing
3 such harms, Epic Games marketed Fortnite as “educational” and safe for use by minors (inside and
4 outside the classroom).

5 225. Epic Games misrepresented Fortnite as educational and safe for use by minors and
6 neurodivergent individuals, including Plaintiff, while knowing that abuse, addiction, and compulsive
7 use by such product users can lead to brain damage and injury, and knowing that it had designed and
8 developed Fortnite to be as addictive as possible.

9 226. Epic Games did not inform and concealed from the public, including Plaintiff, that
10 Fortnite products pose significant risks of harm to users due to Epic Games’ decision to design Fortnite
11 to be as addictive as possible, while knowing that abuse, addiction, and compulsive use by minors and
12 neurodivergent individuals can lead to brain damage and injury in those individuals.

13 **Fortnite Deceptively Promises Safety and Educational Value**

14 227. Epic Games assures users that it wants its Fortnite product to be a “safe place for [users]
15 to play games.”⁷²

16 228. Despite assurances of safety, the addictive properties and design features, as alleged
17 herein, of the Fortnite game products are so dangerous to users, and especially minors, that several
18 health and behavioral centers across the country have published resources for parents specifically
19 warning about Fortnite addiction.⁷³ Many health experts have concluded that Fortnite is more addictive
20 than heroin and other illegal drugs.⁷⁴

21 229. Despite these third-party warnings of the dangers of Fortnite, Epic Games has failed to
22 disclose the risks of harm purposefully built into the Fortnite game products.

23 230. Although Fortnite features some parental controls in its product, they are grossly
24 deficient. While minor accounts are automatically created with some restrictions on communication

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26 ⁷² Epic Games: Community Rules, Epic Games, <https://www.epicgames.com/site/en-US/community-rules> (last visited
Nov. 26, 2024).

27 ⁷³ Rachel Ehmke, A Parent’s Guide to Dealing With Fortnite, Child Mind Institute, [https://childmind.org/article/parents-
guide-dealing-fortnite/](https://childmind.org/article/parents-guide-dealing-fortnite/) (last visited Aug. 26, 2024).

28 ⁷⁴ Health Experts: Video Game “Fortnite” Can Be Addictive As Heroin, KRON ABC 8 News (Sep. 29, 2018),
<https://www.wric.com/news/whats-trending/health-experts-video-game-fortnite-can-be-addictive-as-heroin/>.

1 and other features, there is no age verification process. If a minor who is under 13 wants to sign up
2 with a fictitious birth date, they can, and can play Fortnite without the restrictions of an account where
3 the user represents they are under 13.

4 231. Fortnite could, but chooses not to, require express parental consent for minors under 13
5 to create an account. If a minor under 13 creates an account, they can still access most game content
6 and purchase items.

7 232. For example, while Fortnite can be played through Microsoft's Xbox Cloud Gaming, no
8 subscription to Microsoft's Xbox Game Pass is required to play Fortnite. The games are free through
9 the Xbox Cloud Gaming service:⁷⁵

10 **YOU DO NOT NEED AN XBOX GAME PASS PAID**
11 **SUBSCRIPTION TO PLAY FORTNITE THROUGH XBOX**
12 **CLOUD GAMING. ALL YOU NEED IS A FREE MICROSOFT**
13 **ACCOUNT, HIGH-SPEED INTERNET CONNECTION, AND**
14 **COMPATIBLE DEVICE. ONCE YOU'RE READY, GO TO**
15 **XBOX.COM/PLAY TO START PLAYING WITH MOBILE**
16 **TOUCH CONTROLS OR A SUPPORTED CONTROLLER. SEE**
17 **OUR FAQ BELOW FOR MORE DETAILS.**

18 233. Fortnite is also available for free on multiple other platforms, including Epic Games,
19 Steam, and PlayStation.

20 234. Fortnite imposes a daily spending limit on minors under 13, however, that limit is \$100
21 per day.⁷⁶ A minor under 13 could spend \$36,500 on Fortnite in a year without any parental consent or
22 permission.

23 235. Guardians can access parental controls to change the automatic restrictions set by
24 Fortnite if their minor is under 13, however, Fortnite only allows a parent to adjust parental controls
25 for any minor account through their minor's account. To engage with/change any parental control

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27 ⁷⁵ <https://www.fortnite.com/mobile/xbox-cloud-gaming>.

28 ⁷⁶ Daily Spending Limits For Players Under 13, Epic Games, https://www.epicgames.com/help/en-US/Category_EpicAccount/c-EpicAccounts_ParentalControls/daily-spending-limits-for-players-under-13-a000085524 (last visited Aug. 26, 2024).

1 settings, the parent must first know that the account exists and subsequently know the log in
2 information for their minor’s account.

3 236. Fortnite does not provide parental controls regarding screen time, gameplay, and/or
4 usage. Fortnite could, but chooses not to, allow parents to set time limits on their minor’s Fortnite
5 account. Fortnite also could, but does not, allow any users to set self-imposed time limits on their
6 Fortnite account.

7 237. At account setup, Fortnite’s website contains no warnings labels, banners, or messaging
8 informing minor users of the known risks and harms stemming from the use of Epic Games’ product.
9 Users are not provided with information regarding potential physical and mental harm associated with
10 gameplay.

11 238. During gameplay, there are no warnings labels, banners, or messaging informing minor
12 users of the known risks and harms stemming from the use of Epic Games’ product. Users are not
13 provided with information regarding potential physical and mental harm associated with gameplay.

14 239. Epic Games designed and developed Fortnite games with the use of addictive operant
15 conditioning to make users want to keep using the products more and more.

16 240. The team that developed Fortnite includes psychologists, statisticians, analysts, and
17 coordinators who worked for nearly four years to develop products that were addictive as possible.

18 241. Upon information and belief, Epic Games has licensed patented addictive technologies
19 from other video game developers and publishers to include additional addictive features in Fortnite
20 products.

21 242. Epic Games does not disclose to the public or the users of Fortnite any of the
22 psychological tactics or addictive features it purposefully incorporates into its products. Instead, Epic
23 Games touts its Fortnite game products as “educational” and markets them for use in the classroom.

1 243. On its website, Epic Games even offers “Free Fortnite lesson plans” to educators on
2 subjects ranging from history, geography, and programming:⁷⁷



11 244. Epic Games joined the Family Online Safety Institute (“FOSI”) in 2023, stating they
12 want to “support [FOSI’s] work to keep kids safe online.” Epic Games’ Senior Director of Public
13 Policy represents Epic Games wants to “be on the forefront of creating fun and safe games and
14 experiences for people of all ages,” emphasizing its alleged focus on the importance of safety for
15 children playing its games, including Fortnite.⁷⁸

16 245. Engaging and addicting users who are minors early and in environments such as their
17 classroom increases Epic Games’s revenue through continued use of its Fortnite Products by young
18 users, at the expense of these users’ mental and physical health.

19 246. Epic Games does not adequately inform, or inform at all, users of the inherent risks
20 involved with using Fortnite game Products, specifically including that Fortnite was designed to addict
21 users to their extreme harm and detriment.

22 **PLAINTIFF-SPECIFIC ALLEGATIONS**

23 247. MA is a 15-year-old minor who is addicted to video games; specifically, Fortnite and
24 Roblox, which she played on the Xbox platform.

25 248. MA began playing Defendants’ video games and using gaming Products when she was

26 ⁷⁷ Education, Epic Games, <https://dev.epicgames.com/documentation/en-us/fortnite-creative/education-in-fortnite-creative>
27 (last visited Aug. 26, 2024).

28 ⁷⁸ Epic Games Joins the Family Online Safety Institute, FOSI (Nov. 28, 2023), <https://www.fosi.org/about-press/epic-games-joins-the-family-online-safety-institute>.

1 approximately 10 years old.

2 249. MA began playing Roblox and Fortnite at age 10 and quickly became addicted to
3 gaming.

4 250. Currently, MA is a fifteen (15) year old who now has no interest in any activities
5 besides playing Fortnite, Roblox, and other games on the Xbox platform. MA becomes irritable when
6 she does not have access to the Products including when she is at school. When MA is not playing the
7 above referred to games, she is thinking about playing the games constantly. MA has lost friendships
8 and has used money that was not hers to purchase video games. MA has no ability to control nor
9 decrease her usage of video games despite numerous attempts to do so. MA has experienced
10 depression, anxiety, violent outbursts, and a suicide attempt, related to her addiction to Defendants'
11 Products.

12 251. Each Defendant has engaged in deceptive, unfair, immoral, and reckless behavior that
13 damaged and continues to harm MA and countless other children. For this, Defendants should be
14 punished, and punitive damages should be assessed against each Defendant for their respective
15 misdeeds and unlawful conduct.

16 252. MA never agreed to be harmed or exposed to an addictive Product. Neither Plaintiff nor
17 MA ever entered into a contract with any of the Defendants, and/or to the extent that any Defendant
18 claims MA attempted to accept an electronic terms and conditions clause by clicking buttons on a
19 screen which included language Plaintiff did not understand, read, or language which was
20 conscionable, and has been made void by virtue of its unconscionability and the power of
21 disaffirmance. This unconscionability and disaffirmance is demonstrated and secured by the filing of
22 this Complaint.

23 253. Specifically, to the extent that any Defendant claims MA entered into a contract, any
24 terms to which MA agreed are void and unenforceable. Each Defendant's terms of services or terms
25 and conditions clauses is a contract of adhesion and has no variation or negotiable terms prior to the
26 signing of parties. Further, MA, as a minor, lacked the capacity to contract, and thus expressly
27 disaffirms any contract she may have made with any of the Defendants, or that Defendants may claim
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1 they made with MA who has not reached the age of majority, including but not limited to any
2 arbitration agreements.

3 254. MA's continued use of Defendants' Products, to the extent such use exists, is
4 compulsive and due to MA's addiction to using the Products. MA's continued use does not serve as an
5 affirmation of any potential contract between the Parties.

6 **PLAINTIFF'S CLAIMS**

7 **COUNT I – STRICT PRODUCT LIABILITY – DESIGN DEFECT**

8 **(Against All Defendants)**

9 255. Plaintiff realleges and incorporates by reference each of the preceding paragraphs above
10 as though set forth fully here.

11 256. At all relevant times, each Defendant was engaged in the business of designing,
12 developing, managing, operating, testing, producing, manufacturing, labeling, marketing, advertising,
13 promoting, controlling, supplying, leasing, selling, and/or otherwise distributing the video game
14 Products and platforms used by MA, which were and are defective and unreasonably dangerous as
15 described above.

16 257. The video game Products that each Defendant placed into the stream of commerce were
17 defectively designed. The Products were designed to cause addictive and compulsive use, including by
18 minors. The Products are not reasonably fit, suitable, or safe for their intended purpose.

19 258. The defective conditions of Fortnite, Roblox, and the Xbox platform at all times
20 relevant herein have rendered them unreasonably dangerous and/or not reasonably safe. The
21 foreseeable risks outweigh the benefits associated with Defendants' designs.

22 259. Each Defendant's respective designs were present in the Products when the Products
23 left the hands of Defendants and when they were released to the general public to be used in an
24 intended and foreseeable manner.

25 260. Fortnite, Roblox, and the Xbox platform, as designed, were unreasonably dangerous,
26 posed a substantial likelihood of harm, and were therefore defective because of reasons enumerated in
27 the Complaint, including, but not limited to, the use of operant conditioning methodology in game
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1 design, the use of microtransactions in game design, the creation of Products that do not contain
2 warnings about the potential physical, mental, emotional, and/or developmental harm resulting from
3 use of the Products, the creation of Products without safeguards such as time restrictions on gameplay,
4 the creation of Products without proper minor age verification, and because the Products created failed
5 to operate as a reasonable user would expect.

6 261. Each Defendant designed its Products to be addictive and take advantage of the
7 chemical reward system of users' brains to establish compulsive use and addiction.

8 262. Each Defendant's respective Products were expected to and did reach MA without
9 substantial change in the condition in which they were designed, manufactured, labeled, marketed,
10 promoted, supplied, and otherwise released into the stream of commerce.

11 263. MA used Defendants' Products, Fortnite, Roblox, and the Xbox platform, in an
12 intended and reasonably foreseeable manner, and the Products were not materially altered prior to their
13 use.

14 264. Each Defendant's respective defective Product was the direct and proximate cause of
15 MA's injuries and harm that include, but are not limited to, emotional distress, diminished social
16 interactions, lack of interest in other hobbies, developmental delays, withdrawal symptoms such as
17 rage, anger, and physical outbursts for MA, and injuries and damages as a result.

18 265. MA used Defendants' Products in their intended and reasonably foreseeable manner.

19 266. Each Defendant knew or, by the exercise of reasonable care, should have known that
20 minors, including MA, would use the Products without anyone inspecting the Products for addictive or
21 other dangerous features.

22 267. Reasonable users of Defendants' Products would not expect, and MA herein did not
23 expect, that said Products would pose risks of severe physical, mental, and emotional harm.

24 268. Reasonable users of Defendants' Products would not expect that Defendants knew
25 about risks of severe physical, mental, and emotional harm and nevertheless chose to place their
26 Products into the stream of commerce.

27 269. Each Defendant could have utilized cost effective, reasonably feasible alternative
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1 designs to minimize these harms, such as by designing their respective Products without the harm-
2 causing features listed above, while still providing an optimal gaming experience.

3 270. At the time each Defendant's Products were designed, developed, distributed to MA,
4 and played, safer alternative designs existed that were entirely feasible.

5 271. Each Defendant could have utilized cost effective, reasonably feasible alternative
6 designs to minimize harm caused by their respective Products by implementing elements that include,
7 but are not limited to:

- 8 a. Robust age verification;
- 9 b. Effective parental controls;
- 10 c. The removal of barriers to the enactment of parental controls;
- 11 d. Warnings of health effects of use and extended use upon sign-up;
- 12 e. Opt-in restrictions to the length and frequency of sessions;
- 13 f. Self-limiting tools, including but not limited to session time notifications, warnings,
14 or reports.
- 15 g. Tools to restrict and/or block usage during certain times of day (such as during
16 school hours or late at night);
- 17 h. Limits for microtransactions; and
- 18 i. Others as set forth herein.

19 272. Instead, each Defendant designed Products that aggressively addict users with features
20 that increase use time, frequency of use, and profit to each Defendant, all to the detriment of users'
21 wellbeing.

22 273. MA's injuries—physical, mental, emotional, and economic—were reasonably
23 foreseeable to Defendants at the time of the Products' design, marketing, and operation.

24 274. MA was injured as a direct and proximate result of each Defendant's placement of their
25 respective Products into the stream of commerce, MA's use of the games as intended and designed,
26 and the Products' defective design described herein. The defective designs of Fortnite, Roblox, and the
27 Xbox platform were the proximate cause of MA's harm.

1 275. As a direct and proximate result of each Defendant’s material misrepresentations and
2 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
3 to suffer such harm, damages, and economic loss in the future. MA’s injuries are permanent and will
4 require more medical care. Thus, Plaintiff seeks actual and punitive damages according to proof.

5 **COUNT II – STRICT PRODUCT LIABILITY – FAILURE TO WARN**

6 **(Against All Defendants)**

7 276. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
8 paragraph of this Complaint as if repeated in full here.

9 277. At all relevant times, each Defendant designed, developed, managed, operated,
10 inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the
11 Products and platforms that MA used.

12 278. Defendants knew, or should have known, that ordinary consumers such as MA would
13 not have realized the potential risks of the Products. Fortnite, Roblox, and the Xbox platform are
14 highly addictive and likely to cause physical, mental, and emotional injuries as listed above.

15 279. Defendants knew, or should have known, that the use of Fortnite, Roblox, and the Xbox
16 platform was dangerous, harmful, and injurious when used by MA in a reasonably foreseeable manner.

17 280. Defendants knew that their Products are and were harmful, capable of causing and in
18 fact were designed to cause compulsive, addictive use, particularly in minors, and that such use could
19 result in severe physical, mental, and emotional injuries.

20 281. Defendants owed a duty to warn consumers of the foreseeable risks and dangers of the
21 Products that the Defendants knew were present but not obvious or known to users, especially
22 underage users, or their caregivers, or any average member of the consuming public.

23 282. Upon information and belief, Defendants failed to include a warning or an instruction
24 regarding the herein identified risks and dangers of using Defendants’ Products, including risks posed
25 to minors who use the Products, in their intended and foreseeable manner.

26 283. None of each Defendant’s respective Products, as identified herein, contain a warning,
27 nor have they ever contained a warning, that their Products pose an unreasonable risk of harm and
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1 addiction to users, particularly minors.

2 284. Defendants' Products did not contain a warning when the Products left their possession.

3 285. Each Defendant breached their duty of care to provide timely and adequate warnings,
4 instructions, and information, at least in the following circumstances:

- 5 a. failing to ensure the Products included warnings regarding their addictive design
6 that were accurate, conspicuous, and adequate, despite having extensive knowledge
7 of the risks associated with their use;
- 8 b. failing to conduct adequate pre-and-post-market safety testing such that an adequate
9 warning could have been issued to users;
- 10 c. failing to include adequate and conspicuous warnings that would alert users to the
11 dangerous risks of the Products, including but not limited to the risks of causing
12 severe and life-altering physical, mental, and emotional disorders and behaviors in
13 minors, especially those with neurodivergent qualities;
- 14 d. failed to issue warnings to consumers regarding the dangerous risks of the Products
15 even after the sale and/or download of their Products; and
- 16 e. representing that the Products were and are safe for use, when in fact, the
17 Defendants knew or should have known that said Products were designed to cause
18 minors to overplay them until they developed an addiction or disordered compulsion
19 to use the Products, and as such are and were unreasonably dangerous for use when
20 operated as was foreseeable and intended by the Defendants.

21 286. Moreover, each Defendant breached its respective duty of care owed to MA through
22 their non-feasance, failure to act, and omissions in the development, setup, management, maintenance,
23 operation, marketing, advertising, promotion, supervision, and control of their respective Products.

24 Those breaches include:

- 25 a. utilizing information to design the Products to be more addictive and to target
26 specific individuals based on information obtained and retained by Defendants
27 and/or third-parties;

- 1 b. failing to implement effective parental controls;
- 2 c. failing to implement reasonably available means for users or their parents to monitor
- 3 for and limit or deter their own excessive frequency or duration of use of Products,
- 4 including patterns, frequency, or duration of use that are indicative of addiction,
- 5 compulsive use, or overuse;
- 6 d. failing to implement reasonably available means to monitor for and limit or deter
- 7 excessive overspending by minors on in-game downloadable Products and upgrades
- 8 and in-game purchases and/or microtransactions; and
- 9 e. failing to implement reasonably available means to allow users or their parents to
- 10 limit or deter use of Products by minors during ordinary times for school or sleep.

11 287. The failure of each Defendant to adequately warn about their defective Products created
12 a danger of injuries described herein that were reasonably foreseeable at the time of the design,
13 development, and dissemination of the Products.

14 288. A reasonable company under the same or similar circumstances would have warned and
15 instructed MA or her guardian of the dangers.

16 289. Had MA and/or her guardian received adequate warning about the risks of Defendants'
17 Products, MA and/or her guardian would have heeded such warnings.

18 290. MA was injured as a direct and proximate cause of each Defendant's failure to warn
19 about their respective Products. MA would not have used the Products had she been aware that the
20 Products could cause, among other things, stress, aggressive behavior, verbal memory deficiency,
21 depression, lowered cognitive abilities, sleeping disorders, anxiety, and behavioral addiction disorders,
22 including an increased risk of suicidality or a suicide attempt.

23 291. As a direct and proximate result of each Defendant's material misrepresentations and
24 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
25 to suffer such harm, damages, and economic loss in the future. MA's injuries are permanent and will
26 require more medical care and treatment in the future.

27 292. Each Defendant's actions and omissions as alleged in this Complaint were intentional,
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1 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
2 regard for human life or MA’s rights, thereby warranting the imposition of punitive damages. Thus,
3 Plaintiff seeks actual and punitive damages according to proof.

4 **COUNT III – NEGLIGENCE – DESIGN**

5 **(Against All Defendants)**

6 293. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
7 paragraph of this Complaint as if repeated in full here.

8 294. At all relevant times, the Defendants designed, developed, managed, operated,
9 inspected, tested (or not), marketed, controlled, advertised, promoted, and or benefited from the
10 Products and platforms that MA used.

11 295. Defendants knew, or should have known, that the use of Fortnite, Roblox, and the Xbox
12 platform was dangerous, harmful, and injurious when used by MA in a reasonably foreseeable manner.

13 296. Defendants knew, or should have known, that ordinary consumers such as MA would
14 not have realized the potential risks and dangers of Fortnite, Roblox, and the Xbox platform. By
15 design, Fortnite, Roblox, and the Xbox platform are highly addictive and likely to cause physical,
16 mental, and emotional injuries as listed above.

17 297. Each Defendant owed a duty to all reasonably foreseeable users to design a safe
18 Product.

19 298. Fortnite, Roblox, and the Xbox platform as designed were unreasonably dangerous,
20 posed a substantial likelihood of harm, and were therefore defective because of reasons enumerated in
21 this Complaint, including, but not limited to, the use of operant conditioning methodology in game
22 design, the use of microtransactions in game design, the creation of Products that do not contain
23 warnings about the potential physical, mental, emotional, and developmental harm resulting from use
24 of the Products, the creation of Products without safeguards such as time restrictions on gameplay, the
25 creation of Products without proper minor age verification, and because the Products created failed to
26 operate as a reasonable user would expect.

27 299. Defendants breached their duty by failing to use reasonable care in the design of their
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1 Products by negligently designing Fortnite, Roblox, and the Xbox platform to specifically appeal to
2 minors, who were particularly unable to appreciate the risks of the Products.

3 300. Defendants breached their duty by failing to use cost effective, reasonably feasible
4 alternative designs that would make their Products less addictive and harmful to minors, including but
5 not limited to:

- 6 a. Robust age verification;
- 7 b. Effective parental controls;
- 8 c. The removal of barriers to the enactment of parental controls;
- 9 d. Warnings of health effects of use and extended use upon sign-up;
- 10 e. Opt-in restrictions to the length and frequency of sessions;
- 11 f. Self-limiting tools, including but not limited to session time notifications, warnings,
12 or reports.
- 13 g. Tools to restrict and/or block usage during certain times of day (such as during
14 school hours or late at night);
- 15 h. Limits for microtransactions; and
- 16 i. Others as set forth herein.

17 301. Each Defendant breached their duty by failing to use cost effective, reasonably feasible
18 alternative designs that could have reduced mental and physical harm to users, especially youth.
19 Instead, Defendants designed Products that aggressively addict users with features that increase
20 addictiveness, use time, frequency of use, and engagement with the Products.

21 302. A reasonable company under the same or similar circumstances would have designed a
22 safer product.

23 303. As a direct and proximate result of each Defendant's material misrepresentations and
24 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
25 to suffer such harm, damages, and economic loss in the future. MA's injuries are permanent and will
26 require more medical care and treatment in the future.

27 304. Each Defendant's actions and omissions as alleged in this Complaint were intentional,
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1 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
2 regard for human life or MA's rights, thereby warranting the imposition of punitive damages. Thus,
3 Plaintiff seeks actual and punitive damages according to proof.

4 **COUNT IV – NEGLIGENCE – FAILURE TO WARN**

5 **(Against All Defendants)**

6 305. Plaintiff MA realleges and incorporates by reference all the foregoing allegations of
7 every paragraph of this Complaint as if repeated in full here.

8 306. At all relevant times, Defendants designed, developed, managed, operated, inspected,
9 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the Products and
10 platforms that MA used.

11 307. Defendants knew, or should have known, that the use of their Products was dangerous,
12 harmful, and injurious when used by MA in a reasonably foreseeable manner.

13 308. Each Defendant knew or, by the exercise of reasonable care, should have known that its
14 respective Products posed risks of harm to youth. These risks were known and knowable considering
15 each Defendants' own internal information and knowledge regarding its Products at the time of the
16 Products' development, design, marketing, promotion, advertising, and distribution to MA.

17 309. Defendants knew, or should have known, that ordinary consumers such as MA would
18 not have realized the potential risks and dangers of Defendants' Products. Fortnite, Roblox, and the
19 Xbox platform are highly addictive and likely to cause physical, mental, and emotional injuries as
20 listed above.

21 310. None of Defendants' Products, as identified herein, contain a warning, nor have they
22 ever contained a warning, that their Products pose an unreasonable risk of harm and addiction to users,
23 particularly minors. Defendants' Products did not contain a warning when the Products left their
24 possession.

25 311. Had Plaintiff MA and/or Plaintiff's guardian received adequate warning about the risks
26 of Defendants' Products, Plaintiff and/or Plaintiff's guardian would have heeded such warnings.

27 312. Each Defendant had a duty to give reasonable and adequate warning of dangers inherent
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1 or reasonably foreseeable in the use of its Product in a manner which the manufacturer should
2 reasonably foresee.

3 313. Defendants breached their duties owed to foreseeable users. That breach includes a
4 failure to warn users that Defendants' respective Products cause addiction, compulsive use, and/or
5 other physical, mental, emotional, and developmental delay injuries, including an increased risk of
6 suicidality.

7 314. A reasonable company under the same or similar circumstances would have used
8 reasonable care to provide adequate warnings to consumers, and parents of minor consumers.

9 315. As a direct and proximate result of Defendants' breach of duty to provide adequate
10 warnings, Plaintiff MA was harmed and sustained the injuries set forth herein.

11 316. As a direct and proximate result of each Defendant's material misrepresentation and
12 false statements, Plaintiff MA suffered significant injury, harm, damages, and economic loss, and will
13 continue to suffer such harm, damages, and economic loss in the future. MA's injuries are permanent
14 and will require more medical care and treatment in the future

15 317. Each Defendant's actions and omissions as alleged in this Complaint were intentional,
16 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
17 regard for human life or MA's rights, thereby warranting the imposition of punitive damages. Thus,
18 Plaintiff seeks actual and punitive damages according to proof.

19 **COUNT V – NEGLIGENCE – ORDINARY**

20 **(Against All Defendants)**

21 318. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
22 paragraph of this Complaint as if repeated in full here.

23 319. Defendants had a duty to exercise reasonable care and caution for the safety of
24 individuals using their Products, including MA.

25 320. Defendants, in their role as product designers, developers, manufacturers, marketers,
26 and sellers, and otherwise engaging in activity culminating in placing their Products into the stream of
27 commerce, owed a duty to exercise ordinary care in placing the Products into the stream of commerce.

1 321. Defendants' duties include a duty to warn users of the hazards of using their Products,
2 which Defendants knew were present in their Products, though such hazards were not obvious to users
3 and particularly not so to minor users.

4 322. Defendants' duties also include a duty to exercise ordinary care and act as a reasonably
5 careful company would under the circumstances.

6 323. Each Defendant created harmful and addictive Products and failed to engage in the
7 development of safer alternative games and/or platforms.

8 324. For their own profit, each Defendant chose not to engage in the development of a safer
9 alternative game and/or platform.

10 325. Each Defendant was negligent, reckless, and/or careless in failing to exercise ordinary
11 care.

12 326. Defendants' failure to act in developing a safer alternative game and/or platform
13 constitutes a breach of their duty of reasonable care.

14 327. Defendants knew, or should have known, that their Products are harmful, capable of
15 causing extensive physical, mental, emotional, and financial or economic harm and damage, and that
16 minor users are developing disordered and addicted use.

17 328. Defendants were and are negligent in failing to provide adequate warnings about the
18 dangers associated with using their Products and in failing to warn users, and the parents of users who
19 are minors, including MA, about how and when, if ever, to safely use their Products.

20 329. Defendants were and are negligent in failing to provide users, and their caregivers in the
21 case of users who are minors, including MA, the tools to ensure that their Products are used in a
22 limited and safe manner.

23 330. As a result of Defendants' breach of the herein identified duties and resulting
24 negligence, MA suffered severe physical and mental harm, as well as economic damages, from MA's
25 use of Defendants' Products.

26 331. Defendants' breach of duty of care to MA was a substantial factor in causing harm to
27 MA and is the actual and proximate cause of said harm.

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1 332. As a direct and proximate result of each Defendant’s material misrepresentations and
2 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
3 to suffer such harm, damages, and economic loss in the future. MA’s injuries are permanent and will
4 require more medical care and treatment in the future.

5 333. Each Defendant’s actions and omissions as alleged in this Complaint were intentional,
6 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
7 regard for human life or MA’s rights, thereby warranting the imposition of punitive damages. Thus,
8 Plaintiff seeks actual and punitive damages according to proof.

9 **COUNT VI – STATUTORY NEGLIGENCE**

10 **(Cal. Civ. Code § 1714)**

11 **(Against All Defendants)**

12 334. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
13 paragraph of this Complaint as if repeated in full here.

14 335. Defendants had a duty to exercise reasonable care and caution for the safety of
15 individuals using their Products, including MA.

16 336. Defendants, in their role as product designers, developers, manufacturers, marketers,
17 and sellers, and otherwise engaged in activity culminating in placing their Products into the stream of
18 commerce, owed a duty to exercise ordinary care and act as a reasonably careful company would under
19 the circumstances.

20 337. Defendants owed a duty to avoid engaging in conduct they knew, or reasonably should
21 have known, would cause injury to their users, including MA.

22 338. Each Defendant created harmful and addictive Products and failed to engage in the
23 development of safer alternative games and/or platforms.

24 339. For their own profit, each Defendant chose not to engage in the development of a safer
25 alternative game and/or platform.

26 340. Each Defendant was negligent, reckless, and/or careless in failing to exercise ordinary
27 care.

1 341. Defendants' failure to act in developing a safer alternative game and/or platform
2 constitutes a breach of their duty of reasonable care.

3 342. Defendants knew, or should have known, that their Products are harmful, capable of
4 causing extensive physical, mental, emotional, and financial or economic harm and damage, and that
5 minor users are developing disordered and addicted use.

6 343. Defendants were and are negligent in failing to provide users, and their caregivers in the
7 case of users who are minors, including MA, the tools to ensure that their Products are used in a
8 limited and safe manner.

9 344. As a result of Defendants' breach of the herein identified duties and resulting
10 negligence, MA suffered severe physical, mental, and emotional harm, as well as economic damages,
11 from MA's use of Defendants' Products.

12 345. Defendants' breach of duty of care to MA was a substantial factor in causing harm to
13 MA and is the actual and proximate cause of said harm.

14 346. As a direct and proximate result of each Defendant's material misrepresentations and
15 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
16 to suffer such harm, damages, and economic loss in the future. MA's injuries are permanent and will
17 require more medical care and treatment in the future.

18 347. Each Defendant's actions and omissions as alleged in this Complaint were intentional,
19 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
20 regard for human life or MA's rights, thereby warranting the imposition of punitive damages. Thus,
21 Plaintiff seeks actual and punitive damages according to proof.

22 **COUNT VII – INTENTIONAL MISREPRESENTATION**

23 **(Cal. Civ. Code § 1710(1))**

24 **(Against All Defendants)**

25 348. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
26 paragraph of this Complaint as if repeated in full here.

27 349. At all relevant times, Defendants designed, developed, managed, operated, inspected,
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1 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the Products and
2 platforms that MA used.

3 350. As detailed herein, Defendants knew about the defective conditions of their respective
4 Products and that the Products posed serious health risks to users, particularly minors.

5 351. Defendant Roblox Corp. designed Roblox with addictive psychological features to keep
6 users playing more often and for longer periods of time, while knowing that abuse and compulsive use
7 by youth can lead to injury, but concealed this information from the public and Product users,
8 including MA.

9 352. Defendant Epic Games designed Fortnite with addictive psychological features to keep
10 users playing more often and for longer periods of time, while knowing that abuse and compulsive use
11 by youth can lead to injury, but concealed this information from the public and Product users,
12 including MA.

13 353. Defendant Microsoft designed its Products, including the Xbox platform, with addictive
14 psychological features to keep users playing more often and for longer periods of time, while knowing
15 that abuse and compulsive use by youth can lead to injury, but concealed this information from the
16 public and Product users, including MA.

17 354. Defendants knew of the risks associated with the use of their respective Products based
18 on internal research and external studies known within the industry.

19 355. Each Defendant could have disclosed the defective condition of their respective
20 Products to the public and could have advised that the Products posed serious health risks to users,
21 particularly youth. No Defendant took such action; instead, each Defendant opted to omit the safety
22 risks from any disclosures of marketing practices.

23 356. Defendants knowingly and intentionally misrepresented that their Products were safe
24 for use, and safe as an educational tool, to further entice users to continue engaging with their
25 Products, including MA.

26 357. Defendant Roblox Corp. stated that it has “built a platform with safety at the
27 foundation,” that it has a “commitment to safety and civility,” and that it consulted “child development
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1 experts” in creating recommendations for its Product.

2 358. Defendant Epic Games stated that it wants its Product to be a “safe place for [users]”
3 and that its Product is educational and safe for use in classrooms.

4 359. Each Defendant intended for users, including MA, to rely on their representations that
5 their respective Products were safe for use to keep users engaging with their Products and increase
6 their profits, and purposefully marketed their Products to minors for that reason.

7 360. However, each Defendant had no reasonable grounds to believe that their respective
8 Products were safe given the internal and external research on addiction and given the global
9 recognition of video game addiction. Each Defendant knowingly made false statements about the
10 safety of their respective Products.

11 361. Defendants failed to disclose to users, including MA, that their Products are designed to
12 create and sustain addiction.

13 362. Defendants intentionally failed to disclose to users the strategies and features designed
14 and employed in their Products to create and sustain addiction.

15 363. Defendants intentionally failed to disclose their addictive strategies and features to
16 entice users to continue gameplay and increase profits.

17 364. Defendants affirmatively represented that their Products were safe for use, particularly
18 for minors, while they simultaneously knew that their Products caused addiction and compulsive use.

19 365. Defendants intended for users, including MA, to rely on their representations that their
20 Products were safe for use in order to keep users engaging with their Products and increase their
21 profits, and purposefully marketed their Products to minors for that reason.

22 366. If each Defendant had not concealed, omitted, and misrepresented facts regarding the
23 safety of their Products, Plaintiff would not have allowed MA to use each Defendant’s Products and
24 MA would not have purchased, downloaded, played, continued to use, and/or purchased each
25 Defendant’s game content.

26 367. Plaintiff and MA were unaware of Defendants’ intentional design and failure to warn
27 about their addictive Products. Plaintiff and MA reasonably relied on Defendants’ representations that
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1 their Products were safe for use, particularly for minors.

2 368. Plaintiff and MA reasonably relied on Defendants' representations and did not know,
3 nor had any way of knowing, about the misrepresentations about Defendants' Products.

4 369. A reasonable person, including MA and Plaintiff, would find information that impacted
5 the users' health, safety, and well-being – such as the serious adverse health risks associated with the
6 use of Defendants' Products – to be important when deciding whether to use, or to continue to use,
7 those Products. Thus, MA and Plaintiff justifiably relied on each Defendant's misrepresentations that
8 the Products were safe when purchasing, downloading, playing, continuing to use, and/or purchasing
9 downloadable game content.

10 370. Because of MA's and Plaintiff's reasonable reliance on each Defendant's
11 representations, MA sustained physical, psychological, and developmental harm, as well as damages.

12 371. As a direct and proximate result of each Defendant's material misrepresentations and
13 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
14 to suffer such harm, damages, and economic loss in the future. MA's injuries are permanent and will
15 require more medical care and treatment in the future.

16 372. Each Defendant's actions and omissions as alleged in this Complaint were intentional,
17 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
18 regard for human life or MA's rights, thereby warranting the imposition of punitive damages. Thus,
19 Plaintiff seeks actual and punitive damages according to proof.

20 **COUNT VIII – NEGLIGENT MISREPRESENTATION**

21 **(Cal. Civ. Code § 1710(2))**

22 **(Against All Defendants)**

23 373. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
24 paragraph of this Complaint as if repeated in full here.

25 374. At all relevant times, Defendants designed, developed, managed, operated, inspected,
26 tested (or not), marketed, controlled, advertised, promoted, and or benefited from the Products and
27 platforms that MA used.

1 375. As detailed herein, Defendants knew about the defective conditions of their respective
2 Products and that the Products posed serious health risks to users, particularly minors.

3 376. Defendant Roblox Corp. designed Roblox with numerous psychological tricks to be as
4 addictive as possible, while knowing that abuse, addiction, and compulsive use by youth can lead to
5 injury, including but not limited to dissociative behavior, withdrawal symptoms, social isolation,
6 negative consequences on cognitive processes, and other harmful effects.

7 377. Defendant Epic Games designed Fortnite with numerous psychological tricks to be as
8 addictive as possible, while knowing that abuse, addiction, and compulsive use by youth can lead to
9 injury, including but not limited to dissociative behavior, withdrawal symptoms, social isolation,
10 negative consequences on cognitive processes, and other harmful effects.

11 378. Defendant Microsoft designed its Products, including the Xbox platform, with
12 numerous psychological tricks to be as addictive as possible, while knowing that abuse, addiction, and
13 compulsive use by youth can lead to injury, including but not limited to dissociative behavior,
14 withdrawal symptoms, social isolation, negative consequences on cognitive processes, and other
15 harmful effects.

16 379. Defendants knew of the risks associated with the use of their Products based on internal
17 research and external studies known within the industry.

18 380. Each Defendant could have disclosed the defective condition of their respective
19 Products to the public and could have advised that the Products posed serious health risks to users,
20 particularly youth. No Defendant took such action; instead, each Defendant opted to omit the safety
21 risks from any disclosures of marketing practices.

22 381. Defendants knowingly and intentionally misrepresented that their Products were safe
23 for use, and safe as an educational tool, to further entice users to continue engaging with their
24 Products, including MA, as described above.

25 382. Each Defendant intended for users, including MA, to rely on their representations that
26 their respective Products were safe for use to keep users engaging with their Products and increase
27 their profits, and purposefully marketed their Products to minors for that reason.

1 383. However, each Defendant had no reasonable grounds to believe that their respective
2 Products were safe given the internal and external research on addiction and given the global
3 recognition of video game addiction. Each Defendant made false statements about the safety of their
4 respective Products.

5 384. Defendants failed to disclose to users, including MA, that their Products are designed to
6 create and sustain addiction.

7 385. Defendants failed to disclose to users the strategies and features designed and employed
8 in their Products to create and sustain addiction.

9 386. Defendants failed to disclose their addictive strategies and features to entice users to
10 continue gameplay and increase profits.

11 387. Defendants affirmatively represented that their Products were safe for use, particularly
12 for minors, while they simultaneously knew, or reasonably should have known, that their Products
13 caused addiction and compulsive use.

14 388. Defendants intended for users, including MA, to rely on their representations that their
15 Products were safe for use to keep users engaging with their Products and increase their profits, and
16 purposefully marketed their Products to minors for that reason.

17 389. If each Defendant had not concealed, omitted, and misrepresented facts regarding the
18 safety of their Products, Plaintiff would not have allowed MA to use Defendants' Products and MA
19 would not have purchased, downloaded, played, continued to use, and/or purchased Defendant's game
20 content.

21 390. Plaintiff and MA were unaware of Defendants' intentional design and failure to warn
22 about their addictive Products. Plaintiff and MA relied on Defendants' representations that their
23 Products were safe for use, particularly for minors.

24 391. Plaintiff and MA reasonably relied on Defendants' representations and did not know,
25 nor had any way of knowing, about the misrepresentations about Defendants' Products.

26 392. A reasonable person, including MA and Plaintiff, would find information that impacted
27 the users' health, safety, and well-being – such as the serious adverse health risks associated with the
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1 use of Defendants' Products – to be important when deciding whether to use, or to continue to use,
2 those Products. Thus, MA and Plaintiff justifiably relied on each Defendant's misrepresentations that
3 the Products were safe when purchasing, downloading, playing, continuing to use, and/or purchasing
4 downloadable game content.

5 393. Because of MA's and Plaintiff's reasonable reliance on each Defendant's
6 representations, MA sustained physical, psychological, and developmental harm, as well as damages.

7 394. Defendants' misrepresentations were a substantial factor in causing harm to MA, who
8 suffered significant injury, harm, damages, and economic loss, and will continue to suffer such harm,
9 damages, and economic loss in the future. Thus, Plaintiff seeks actual damages according to proof.

10 **COUNT IX – FRAUD**

11 **(Against All Defendants)**

12 395. Plaintiff realleges and incorporates by reference all of the foregoing allegations as if
13 repeated in full here.

14 396. At all relevant times, each Defendant was engaged in the business of designing,
15 developing, managing, operating, testing, producing, manufacturing, labeling, marketing, advertising,
16 promoting, controlling, supplying, leasing, selling, and otherwise distributing the Products used by
17 MA.

18 397. As detailed herein, each Defendant knew about the defective conditions of its Products
19 and that the Products posed serious health risks to users, particularly minors, young adults, and
20 neurodivergent individuals.

21 398. Each Defendant knew their Products posed risks to minors, like MA, based on internal
22 research and external studies known in the industry and to each Defendant; yet each Defendant
23 misrepresented the safety and value of their games for the purpose of inducing users, like MA, to
24 purchase/download the game and to continue using Defendants' Products and encourage the addiction
25 knowingly caused by Defendants' Products.

26 399. Defendant Roblox Corp. designed Roblox with numerous psychological tricks to be as
27 addictive as possible, while knowing that abuse, addiction, and compulsive use by youth can lead to
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1 injury, including but not limited to dissociative behavior, withdrawal symptoms, social isolation,
2 negative consequences on cognitive processes, and other harmful effects

3 400. Defendant Epic Games designed Fortnite with numerous psychological tricks to be as
4 addictive as possible, while knowing that abuse, addiction, and compulsive use by youth can lead to
5 injury, including but not limited to dissociative behavior, withdrawal symptoms, social isolation,
6 negative consequences on cognitive processes, and other harmful effects.

7 401. Defendant Microsoft designed its Products, including the Xbox platform, with
8 numerous psychological tricks to be as addictive as possible, while knowing that abuse, addiction, and
9 compulsive use by youth can lead to injury, including but not limited to dissociative behavior,
10 withdrawal symptoms, social isolation, negative consequences on cognitive processes, and other
11 harmful effects.

12 402. Each Defendant could have disclosed the defective condition of their Products to the
13 public and could have advised that the Products posed serious health risks to users, particularly youth.
14 No Defendant took such action; instead, each Defendant opted to omit the safety risks from any
15 disclosures or marketing practices.

16 403. Defendants knowingly and intentionally misrepresented that their Products were safe
17 for use to further entice users to continue engaging with their Products, including MA.

18 404. Each Defendant intended for users, including MA, to rely on their representations that
19 their respective Products were safe for use to keep users engaging with their Products and increase
20 their profits, and purposefully marketed their Products to minors for that reason.

21 405. If Defendants had not concealed, omitted, and misrepresented facts regarding the safety
22 of their Products, Plaintiff would not have allowed MA to use Defendants' Products and would not
23 have purchased, downloaded, played, continued to use, and/or purchased Defendants' game content.

24 406. However, each Defendant had no reasonable grounds to believe that their respective
25 Products were safe given the internal and external research on addiction and given the global
26 recognition of video game addiction. Each Defendant knowingly made false statements about the
27 safety of their respective Products.

1 407. As a direct and proximate result of each Defendant’s material omissions, Plaintiff and
2 MA had no reason to believe that each of Defendant’s Products were unsafe for children to use.

3 408. Plaintiff and MA reasonably relied on Defendants’ misrepresentations that each of their
4 Products was safe for use.

5 409. A reasonable person, including MA and Plaintiff, would find information that impacted
6 the users’ health, safety, and well-being – such as the serious adverse health risks associated with the
7 use of Defendants’ Products – to be important when deciding whether to use, or to continue to use,
8 those Products. Thus, MA and Plaintiff justifiably relied on each Defendant’s misrepresentations that
9 the Products were safe when purchasing, downloading, playing, continuing to use, and/or purchasing
10 downloadable game content.

11 410. As a direct and proximate result of each Defendant’s material misrepresentations and
12 false statements, MA suffered significant injury, harm, damages, and economic loss, and will continue
13 to suffer such harm, damages, and economic loss in the future. MA injuries are permanent and will
14 require more medical care and treatment in the future.

15 411. Each Defendant’s actions and omissions as alleged in this Complaint were intentional,
16 oppressive, malicious, reckless, wanton, fraudulent, beyond all standards of decency, and without
17 regard for human life or MA’s rights, thereby warranting the imposition of punitive damages. Thus,
18 Plaintiff seeks actual and punitive damages according to proof.

19 **COUNT X – VIOLATION OF CALIFORNIA’S UNFAIR COMPETITION LAW**

20 **(Cal. Bus. & Prof. Code §§ 17200 et seq.)**

21 **(Against All Defendants)**

22 412. Plaintiff realleges and incorporates by reference all the foregoing allegations of every
23 paragraph of this Complaint as if repeated in full here.

24 413. Defendants are corporations, and thus each of them is a “person,” as defined by
25 California Business & Professions Code § 17201.

26 414. California’s Unfair Competition Law (“UCL”), Business and Professions Code §
27 17200, et seq., prohibits any “unlawful, unfair or fraudulent business act or practice” and any “unfair,
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1 deceptive, untrue or misleading advertising.”

2 415. By the conduct described in detail above and incorporated herein, Defendants engaged
3 in unfair and deceptive acts in violation of California’s Unfair Competition Law.

4 416. Defendants knowingly engaged in the production, design, distribution, and sale of
5 Products to users, including MA, which were unsafe and addictive, particularly for minors.

6 417. Defendants promoted their Products to users, especially minor users, while concealing
7 harmful information about the addictive and unsafe nature of said Products.

8 418. These business practices that Defendants have engaged in are fraudulent and deceptive
9 practices in violation of the UCL.

10 419. Defendants’ business practices are also unfair in violation of the UCL. Defendants’
11 actions are unethical at minimum, and the benefit of employing their deceptive and addictive features
12 does not, in any circumstance, outweigh the harm that MA suffered.

13 420. As a direct and proximate result of the foregoing acts and practices, Defendants have
14 received, or will receive, income, profits, and other benefits, which they would not have received if
15 they had not engaged in the violations of the UCL described herein.

16 421. As a direct result of Defendants’ conduct, MA sustained economic losses, including
17 over hundreds of dollars per year in video game related spending. Had Defendants not engaged in
18 these fraudulent and deceptive practices, MA would not have sustained the aforementioned economic
19 injuries.

20 422. As a result of each Defendant’s conduct, MA sustained significant injuries.

21 423. As such, in accordance with the provisions of the California Business and Professions
22 Code §§ 17200 and 17203, Plaintiff requests that this Court enjoin each Defendant from continuing to
23 violate the UCL or violating it in the same fashion in the future, and from continuing to conduct
24 business via the unfair and fraudulent business acts as set forth in this Complaint for the benefit of MA
25 and the general public.

PRAYER

WHEREFORE, Plaintiff DeSheca Jackson, as guardian and on behalf of MA, a minor, prays for judgment against each Defendant, as appropriate to each and every cause of action alleged and as appropriate to the particular standing of Plaintiff, as follows:

1. For Plaintiff’s general damages, including pain and suffering and emotional distress, according to proof at the time of trial;
2. For Plaintiff’s past and future economic and special damages according to proof at the time of trial;
3. For Plaintiff’s medical and related expenses according to proof at the time of trial;
4. For Plaintiff’s prejudgment interest according to proof, pursuant to California Civil Code § 3291 at the time of trial;
5. For Plaintiff’s costs of suit herein;
6. For injunctive relief;
7. For attorneys’ fees;
8. For exemplary and/or punitive damages according to proof at the time of trial; and,
9. For such other and further relief, whether at law or in equity, to which this Court deems just and proper.

Dated: December 30, 2025

PARAFINCZUK WOLF, P.A.

By: John A. Bruegger

John A. Bruegger, Esq. (SBN: 250494)
Justin R. Parafinczuk (*PHV forthcoming*)

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Fax: (954) 462-6567

Counsel for Plaintiff DeSheca Jackson, as guardian and on behalf of MA, a minor child.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each category contains a list of legal codes with checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.