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EDTECH LAW CENTER

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Z.G., by and through her guardian ad litem MICHAEL GRIDLEY,

Plaintiff,

v.

GOOGLE LLC, and Does 1-10

Defendants.

Case No.: 25CV468773

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR:

1. **Strict Liability – Design Defect**
2. **Strict Liability – Failure to Warn**
3. **Negligence – Design**
4. **Negligence – Failure to Warn**
5. **Negligence**

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INTRODUCTION

1. Google sells Chromebook computers and related products to elementary schools for use by the children who attend those schools. These products are defective and expose children to numerous harms. The plaintiff, 10-year-old Z.G., suffered serious predatory and sexually abusive harm as a result of Google's indifference to the children who use its products.

2. In 2012, Google began to colonize compulsory education in the United States ("K-12 education" or "K-12") and around the world. Google pioneered an integrated suite of products for students, teachers, and school administrators. Through these products, Google generates and collects vast amounts of information from students, which it uses for its own commercial benefit.

3. Google's push into education began with a small suite of productivity tools and a notebook computer that flopped in the adult consumer market when it debuted in 2011. Google did not redesign those products for use by children before it began selling them into K-12 schools.

4. Since then, Google's K-12-marketed products have grown to include Google Chromebooks, the ChromeOS operating system, Chrome browser, the Google Workspace for Education suite of applications that are used by students, and the Admin Console, a suite of administrative tools that are available to school personnel (collectively, "Google's Products" or "Products"), all of which are defectively designed for use in the compulsory setting of elementary education.

5. Google's Products are defectively designed for use by children in the school setting because, out of the box, they grant children virtually unrestricted and unmonitored access to the internet, where Google knows children are likely to be exposed to harmful content, such as pornography and ultraviolence, and harmful communications, such as cyberbullying and, as relevant to this case, sexual predation.

6. Today, tens of millions of students are required to use Google's Products as part of their schooling, including children as young as five years old. And although the physical and cognitive differences between a kindergartener and a high schooler are vast, Google's Products treat them, and every student in between, as though they are the same.

7. Google's Products thus pose serious risks of danger to young students like Z.G. Google does not design for safety. Instead, Google forces onto schools and parents the onerous task of attempting to make its Products less dangerous for children, and onto children the task of not getting hurt while using them.

8. Google provides tools that, if used, can make its Products somewhat less dangerous, but schools must pay extra for them. And settings within its Admin Console may be reconfigured to make the Products less dangerous, but they are overwhelming: potentially numbering over a thousand, they are ever-changing and difficult to navigate. Thus, Google's Products are designed in a manner that is dangerous and difficult to reconfigure. They could and should be made safe out of the box.

9. By default, Google's Products offer students largely unrestricted access to the open internet. Google's default design choice maximizes the financial benefit to Google, which makes money by surveilling everything people do online. Google understands the value and exploits the power of default settings—most people never change them.[1]

10. Google could and should design its Products to protect children. As designed, Google's Products permit, encourage, and even require persistent internet access. But the internet is inherently dangerous for children, and no filter or setting can guarantee safety. The risks are too great and the dangers are too severe for young students in elementary school like Z.G. Google knows or has reason to know that its Products will be used by children in elementary school, and it should not design those Products to permit and promote broad internet access by default.

11. Google could and should design its Products such that they provide children access to only vetted digital content and communications, which can only be assured if children are not online. Google could design its Products to provide children a robust, walled garden of pre-approved digital educational tools that present *no* risk of exposure to the dangers of the internet. Such a design would keep students safe *and* support better learning outcomes. That is technologically feasible. But Google does not design for safety because doing so does not serve Google's bottom line.

[1] CNBC, "Google paid $26 billion in 2021 to become the default search engine on browsers and phones" (Oct. 27, 2023), https://www.cnbc.com/2023/10/27/google-paid-26-billion-in-2021-to-become-a-default-search-engine.html.

12. In addition to selling dangerous Products into elementary schools, Google fails to warn administrators and parents about the dangers children face while using those Products, thereby denying them the right to make informed decisions about how to enable children to most safely use its Products—or whether to allow children to use them at all. Google could warn of the dangers of its Products but does not because it would be bad for business.

13. Google knows as much or more about the intersection of human behavior and computing than any other company on the planet. Google also knows all about the dangers lurking on the internet, especially for young children. Valued at roughly two trillion dollars, Google could make new products that arrive safe out of the box for students of every age. Instead, it makes Products that, because of their internet-first design, rather than a safety-first design, are dangerous for children like Z.G.

14. This case is about the result of Google's intentional design choices: ten-year-old Z.G., a fifth grader in a California public school (the "District"), was sexually victimized through her school-purchased Chromebook, which permitted her access to a known dangerous online platform.

15. In November 2023, Z.G. used her school-issued Chromebook, which came pre-configured with Chrome OS and the Chrome browser, and her school-issued email address 65to create an account on an online communication platform called Discord. Discord has a reputation for enabling online predation of children, including coercing them to produce sexual and self-harm content.

16. Immediately upon registering, Z.G. was targeted by a user with the handle "lil_pain." lil_pain learned Z.G.'s real name and age but never provided his own. For several weeks, Z.G. was sent numerous explicit and salacious messages by lil_pain. Some of those messages detailed ways that lil_pain would sexually assault Z.G. In one instance, he "joked" that he would kidnap her.

17. In mid-December, while helping Z.G. with her homework, Z.G.'s father, Plaintiff Gridley discovered the communications between Z.G. and the anonymous predator. Horrified, he reviewed hundreds of messages the two had exchanged and saw firsthand the abuse his daughter had suffered. The entire family was devastated by the incident.

18. Google is responsible for creating the dangerous conditions in which Z.G. was harmed by (1) selling Products to elementary schools that are fundamentally defective and unsafe for use by

young children; (2) failing to warn educators, parents, and children of the dangerousness of its Products; (3) instead marketing those Products as safe for use by children; and (4) failing to take steps necessary to make its Products safe for children to use.

19. Google must be held to the same standard as any vendor that markets products to schools. It is Google—and not a child, her parents, or even her school—that is ultimately responsible for making *every* product intended for use by students safe for them to use. That means safe out of the box.

20. When parents send their children to school, they have a reasonable expectation that their children will be safe, including while they use school-issued digital products. When schools receive products intended for use by students—especially those marketed as safe—they have a reasonable expectation that those products are safe by design. When children attend school, they should be able to participate in their own education without being unduly exposed to preventable dangers, some of which can cause lifelong harm, as in the present case.

21. Accordingly, Plaintiff Michael Gridley, on behalf of himself and as parent and guardian of his minor child Z.G., by and through his attorneys, bring this Complaint for monetary and injunctive relief and make the following allegations based upon knowledge as to himself and his minor child and the acts of himself and his minor child, and upon information and belief as to all other matters.

THE PARTIES

22. Plaintiff Z.G. is a child under the age of 13. At all relevant times, she has been domiciled in the state of California. She attended school in a California public school district. As part of her public schooling, she was required to use Google's Products, including a school-issued Chromebook.

23. Defendant Google LLC was originally incorporated in California in September 1998 as Google Inc. and reincorporated in Delaware in August 2003. In or around 2017, Google Inc. converted to a Delaware limited liability company, Defendant Google, LLC (together with its predecessor-in-interest Google Inc., "Google"). On October 2, 2015, Google reorganized and became a wholly-owned subsidiary of Alphabet Inc., a Delaware corporation with its principal place of business in Mountain View, CA.

24. DOES 1 through 10 were, at all relevant times, either employees and/or agents of Defendant Google LLC, and their actions were under the control and/or active supervision of Google LLC; or they are individuals or entities that in some way participated in, or caused, the alleged harm. The true names and capacities of defendants sued as Does 1 to 10 are presently unknown to Plaintiff. Plaintiff prays leave to amend to allege the true names and capacities when they are ascertained.

JURISDICTION AND VENUE

25. This Court has personal jurisdiction over Defendant Google because Google is headquartered in California.

26. Venue is proper in this judicial district pursuant to California Code of Civil Procedure section 395.5. The amounts in controversy exceed this Court's jurisdictional minimum.

FACTUAL ALLEGATIONS

I. Google's Products are defective.

27. Because Google marketed and sold its Products for use by students as young as five years old in a compulsory education environment, it was required to design them in a manner that was safe for those intended users in that environment.

28. Under California law, a product is deemed defective in design if (1) it fails to perform as safely as an ordinary consumer would expect when used in an intended or reasonably foreseeable manner, or (2) the inherent risks of danger in its design outweigh the benefits of the design. Assessing the risks of danger inherent in a product's design involves evaluating factors such as the gravity of the dangers posed by the design, the likelihood of such dangers, the feasibility of a safer alternative design, the financial cost of an improved design, and the adverse consequences to the product and the consumer that would result from an alternative design.

29. Google's Products are defective under both tests.

30. Google's Products fail to perform as safely as an ordinary consumer would expect when used by children at school or for school purposes because, by default, they give children largely unrestricted access to the internet, where Google knows children are likely to be exposed to harmful content, such as pornography and ultraviolence, and harmful communications, such as cyberbullying and sexual predation.

31. Further, the inherent risks of danger in the design of Google's Products do not outweigh the benefits of that design: (1) the dangers the Products pose to children are severe; (2) the likelihood that children will experience those dangers is high; (3) a safer design is technologically and economically feasible; and (4) there are minimal adverse consequences a child would face from a safe design.

A. Google's Products are unsafe by design.

32. A Chromebook is a laptop computer that runs Chrome OS, a cloud-based operating system designed by Google.[2]

33. Chrome OS is designed to support the Chrome browser, Google's web browser. The Chrome browser provides users access to the internet, allowing users to view and interact with websites and web applications ("apps"), such as those in Google's Workspace for Education, the cloud-based suite of apps Google markets to schools. The Chrome browser is thus, at its core, a gateway to the open internet.

34. Google designs its Products to permit fast, broad access to the internet, such as follows:

a. The hard drive has limited local-storage capacity to promote online use and browsing efficiency.

b. ChromeOS directs user focus on the web browser.

c. The web browser is the "central hub" for accessing online resources and applications.

d. The "app launcher" provides easy access to web-based applications.

e. The home screen prominently features a search bar providing users quick and simple access to the internet.

f. The top of the Chrome browser window features an "omnibox," a "multifunctional address bar and search bar" that enables users to access the internet.

g. Chromebooks are programmed to connect to the internet automatically.

h. ChromeOS displays notifications that encourage users to access the internet and provide links to websites, web applications, and other online services, based on data it collects from and about users.

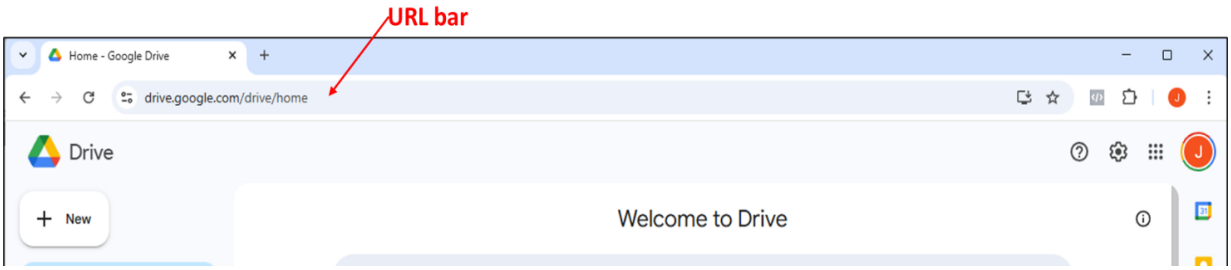
[2] Other companies manufacture Chromebooks per Google's design specifications. Because this Complaint does not allege manufacturing defects, those entities are not a part of this case.

35. Because Chromebooks are designed to support the Chrome browser and cloud-based websites and apps, they have limited or no local storage or offline capabilities.

36. Students using Chromebooks may access and navigate the internet in several ways.

37. One common way students access the internet is by clicking on the Chrome browser widget, which is a persistent feature on all Chromebooks:

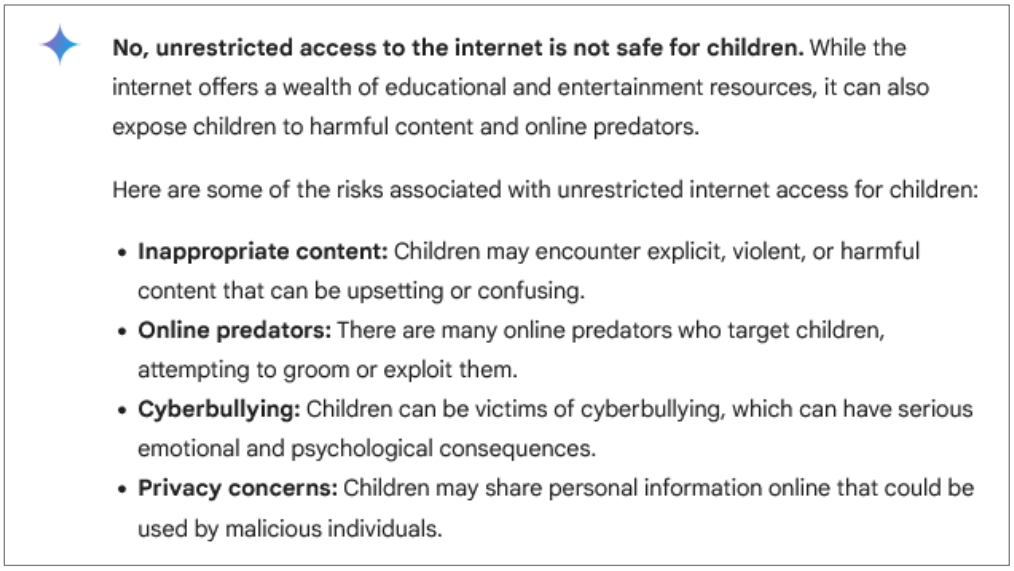
38. Another common way is through the Uniform Resource Locator ("URL") bar, also known as the address bar, which is persistently featured in each of Google's web apps. The URL bar is a text field that displays the current web page's address, or URL. Because Google's apps run within the Chrome browser, they persistently feature the Chrome browser's URL bar. The URL bar is the functional equivalent of a Google search bar. Because its Products are designed to promote broad internet access, students can enter text into the URL bar and navigate the internet. For example, while a student is using the Google Drive app within Workspace for Education, she will see the address bar displayed at the top of the page:



39. By simply entering text into the URL bar, a child may navigate the internet.

40. But the internet is inherently dangerous for children. It facilitates access to an array of harmful content and communications, such as websites and platforms intended exclusively for those 13 and older; explicit, obscene, and disturbing images and videos; exploitative products and services designed to addict users; invasive data practices; and—as in this case—online predation.

41. Google's AI model Gemini[3] confirmed that the internet is not safe for children. It identified a host of risks that children face when accessing the internet:



No, unrestricted access to the internet is not safe for children. While the internet offers a wealth of educational and entertainment resources, it can also expose children to harmful content and online predators.

Here are some of the risks associated with unrestricted internet access for children:

- **Inappropriate content:** Children may encounter explicit, violent, or harmful content that can be upsetting or confusing.
- **Online predators:** There are many online predators who target children, attempting to groom or exploit them.
- **Cyberbullying:** Children can be victims of cyberbullying, which can have serious emotional and psychological consequences.
- **Privacy concerns:** Children may share personal information online that could be used by malicious individuals.

42. Consequently, Google's Products—which are designed to provide users persistent, broad access to the internet—do not come safe out of the box for children.

43. Ensuring child safety requires robust gatekeeping: mindfully facilitating children's access to only age-appropriate experiences. But Google designs its Products to promote the opposite: those Products enable and encourage access to online experiences, including content, interactive activities, communications, commerce, and more. Indeed, Google designs its Products so that their core features permit persistent and broad internet access, without regard to child safety.

[3] According to Google, Gemini is Google's "most capable and general [AI] model." According to Google, Gemini can "generalize and seamlessly understand, operate across, and combine different types of information[.]" Google touts Gemini as "pushing the next frontiers" in AI, providing users "the best the web has to offer," and meeting Google's "high bar for information quality." Indeed, Google has integrated Gemini into the products it markets to K-12 schools, promoting it as "a helpful tool to enhance and enrich teaching and learning experiences." Google is "integrating Gemini capabilities like the Gemini app and NotebookLM into existing learning management systems, making it easier than ever for educators and students to teach and learn with AI." And Google just released a version of Gemini for use by children under 13.

44. Chromebooks are unsafe because they provide access to harmful content and online predators, and children lack the experience and maturity necessary "to navigate the online world safely," as described by Google's Gemini:

> - **Unpredictable online content:** The internet can be unpredictable, and children may encounter harmful or inappropriate content that they do not understand or know how to handle.
> - **Online predators:** There are many online predators who target children, and even with parental controls, children may be vulnerable to their tactics.
> - **Technical difficulties:** Children may encounter technical difficulties or errors that they are unable to resolve without adult assistance.
> - **Lack of judgment:** Young children may lack the judgment and decision-making skills to navigate the online world safely.

45. In other words, using Chromebooks is essentially synonymous with using the internet and poses the same dangers to children.

46. Accordingly, when asked whether children could ever use a Chromebook safely without adult support or supervision, the response from Gemini was unequivocally "No": [4]

> **No, it is not possible for young children to use Chromebooks safely without adult support or supervision.** Even with the built-in safety features and parental controls, children may still encounter risks or challenges that they are unable to handle on their own.

47. Google designed and initially marketed its Products for use by adults, but they were widely seen as a failure. [5] Only then did Google turn to the K-12 education market. However, Google did not meaningfully redesign its Products to optimize for safe K-12 student use.[6] Instead, they remained designed to optimize for broad internet use by adults.

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[4] Because Gemini is Google's own artificial-intelligence technology, it is likely uniquely capable of providing information regarding Google's own policies, disclosures, and products.

[5] See, e.g., David Pogue, "A Laptop, Its Head in the Cloud," *New York Times* (June 15, 2011) https://www.nytimes.com/2011/06/16/technology/personaltech/16pogue.html; Natasha Singer, "How Google Took Over the Classroom," *New York Times* (May 13, 2017) https://www.nytimes.com/2017/05/13/technology/google-education-chromebooks-schools.html.

[6] Google debuted in K-12 classrooms in 2012; in 2014, it dropped its company motto "don't be evil." Samual Gibbs, "Google has 'outgrown' its 14-year old mission statement, says Larry Page," *The Guardian*, (Nov. 3, 2014) https://www.theguardian.com/technology/2014/nov/03/larry-page-google-dont-be-evil-sergey-brin.

48. Therefore, Google's Products are dangerous for use by children.

B. Product safety is bad for Google's bottom line.

49. Google is aware of these inherent dangerous design defects. Google has actual knowledge that it is marketing and distributing products to children as young as five years old that are not safe for them. But Google ignores those defects and the harm they cause children, prioritizing data collection over child safety, as Gemini confirmed:

> While restricting internet access could make Chromebooks and Chrome OS safer for young children, it would also significantly impact Google's business model and the functionality of the devices.
>
> **If Google were to prioritize child safety over data collection, they would need to explore alternative revenue models and design Chromebooks and Chrome OS with a focus on offline functionality and privacy.** This could involve developing educational content and applications that work without an internet connection, as well as implementing stronger privacy protections.

50. Therefore, Google's dangerous design choices are deliberate: they facilitate Google's core business, which is generating and collecting as much information about its users as possible and exploiting that information for profit. In Google's own words, it makes money by providing advertising technologies:

> **How We Make Money.** We have built world-class advertising technologies for advertisers, agencies, and publishers to power their digital marketing businesses. Our advertising solutions help millions of companies grow their businesses through our wide range of products across devices and formats, and we aim to ensure positive user experiences by serving the right ads at the right time and by building deep partnerships with brands and agencies[].[7]

51. Google's K-12 business is not philanthropic. Google takes personal data from students, which it uses for commercial purposes, such as developing and marketing its own products and providing to third parties for myriad decision-making purposes.

[7] 2023 Report on Form 10-K to the U.S. Securities and Exchange Commission, at 7 https://www.sec.gov/Archives/edgar/data/1652044/000165204424000022/goog-20231231.htm

52. Google admits that it collects children's data and that laws protecting such data are bad for business: it states that such laws "have resulted in, and may continue to result in . . . altered business practices, limited ability to pursue certain business models . . . substantial costs, and civil or criminal liability."[8]

53. Google's ability to collect data from children requires that children interact with internet-connected products and services, including Google's Products. Because Google's primary asset is user data, and user data is generated through user interaction with internet-connected products and services, Google designs its Products to promote broad internet use.

54. Gemini agrees that designing Google's Products for safety would "significantly limit the amount and type of data Google could collect from" students:

> Yes, designing products specifically for younger students with a "safety-first" and "privacy-by-design" approach would very likely **significantly limit the amount and type of data Google could ethically and legally collect from those young users.**

55. Further, Google knows more about the internet—and the dangers it poses—than any other entity in the world. Gemini agreed that, "Given its history, the scale of its operations, and the nature of its core businesses, **it is highly probable that Google, as a company, possesses a more comprehensive and detailed understanding of the content of the internet than any other single entity.**"

56. Gemini further confirmed that "it is almost certain that **Google's vast knowledge of internet content includes a significant awareness of content that may be harmful or dangerous for children.**"

57. Google has a choice to design dangerous products or safe ones. Google designs its Products to promote broad internet access and usage so that it may collect children's data at the direct expense of their safety in order to serve its bottom line.

II. Google's administrative tools are defective by design.

58. Google does not make its Products safe out of the box for use by children.

[8] *Id.* at 18.

A. Most administrative safety tools are not available and not activated across all Products by default.

59. Google provides administrative tools that, if properly used, can make its Products less dangerous than its free Products and default settings, but still not safe.

60. Some of those tools are paid products, while others require reconfiguration of various settings within the Admin Console.

61. Those tools are costly and administratively burdensome to obtain, configure, implement, and maintain—in fact, according to Gemini, there are more than a thousand different configurations.

62. Google should instead sell its Products in a safe condition. As Gemini observed, Google could change the default settings to prioritize student safety, and that design would "protect vulnerable students and could lead to a safer and more equitable digital learning environment for all children":

> Prioritizing the safety of young children through sensible and robust default settings in Chrome OS for Education, with less restrictive options available as opt-in, is an ethically sound and practically beneficial approach. It aligns with the responsibility of schools and technology providers to protect vulnerable students and could lead to a safer and more equitable digital learning environment for all children. Google has the technical capability to implement such a model, and doing so would send a powerful message about their commitment to child safety in the digital age.

63. Thus, at minimum, Google should change the design of its Products to make all its safety tools standard across its Products and activated by default. Gemini "strongly" agreed that a "safety by default" design would be more effective "than relying heavily on school administrators to navigate the complex landscape of available features and configurations":

> Yes, I strongly believe that **children would be significantly safer online if Google redesigned its products, particularly Chrome, ChromeOS, and the core settings of Google Workspace for Education, to operate with more robust safety measures by default, rather than relying heavily on school administrators to navigate the complex landscape of available features and configurations.**

64. Google could make these changes; in fact, it already has made similar changes in response to public pressure.

65. In 2021, amid complaints of children being exposed to sexually explicit material and sexual predators on school-issued Chromebooks, Google changed a few default safety settings: it enabled SafeSearch and SafeSites, and disabled Guest Browsing and Incognito Mode. Thus, Google can design for and implement safer defaults—and it has when faced with negative publicity.

66. However, while those changes may have made Google's Products slightly less dangerous, they did not make the Products safe and did not remedy the fundamental defect in the Products. To this day, children like Z.G. still have broad access to the internet through Google's Products, exposing them to dangerous content and communications.

B. Even with full implementation of Google's existing administrative safety tools, its Products are still dangerous as currently designed.

67. Even with the full complement of administrative tools activated, Google's Products are *still* dangerous, as none of them effectively prevent children from accessing the internet.

68. Google does not publicly provide information or warn about whether using all of the administrative features and tools it offers (for free or for a fee) would make its Products safe for young children to use.

69. Gemini identified numerous ways in which Google's Products endanger children, even with full implementation of Google's administrative safety tools:

a. Cyberbullying and inappropriate communication within allowed platforms;

b. Distraction and reduced focus;

c. Eye strain and headaches;

d. Stunted social-emotional development;

e. Exposure to targeted psychological manipulation;

f. Inappropriate use of online educational tools;

g. Exposure to misinformation and disinformation;

h. Emotional distress from online content;

i. Online grooming and exploitation;

j. Exposure to harmful online challenges and trends;

k. Addiction and dependence;

l. Erosion of critical thinking skills;

m. Mental health harm from social comparison;

n. Exposure to harmful AI-generated content;

o. Gamification of harmful behaviors; and

p. Exposure to dataveillance and algorithmic bias.

70. In other words, even with Google's administrative tools fully employed, its Products still expose children to the dangers posed by access to the internet.

C. Google also externalizes the burden of safety to parents and children.

71. Google knows and should reasonably anticipate that the Products it markets to schools will also be used by students at home. It thus has a duty to make them safe in the home environment as well.

72. However, Google has failed to design its Products to support student safety while they use its Products off campus, including in their own homes.

73. Google's administrative tools fail to fully protect children in that environment. Gemini confirmed that a "school's controls may not extend to the home network" or school-issued device while off campus.

74. Part of the defect is that Google designs its school-marketed Products to *prevent* parents from being able to access, monitor, and control those Products. For example, Google prevents parents from managing key safety settings that would enable them to control the parameters of their child's internet access, such as tools for whitelisting, monitoring their child's online activity, or even disabling internet access entirely as parents see fit.

75. Google suggests that parents "have open conversations with their children about online safety, responsible citizenship, and appropriate Chromebook use." Through such facially anodyne but insidious messaging, Google fosters a false narrative that, when children are harmed by Google's dangerous defective Products, parents are to blame. That is not a substitute for safe product design.

76. Worst of all, Google tries to shift the responsibility of reducing the dangerousness of its Products to children themselves.

77. Google provides a resource called "Be Internet Awesome," through which it purports to "empower" children "to make smart decisions" and "safely explore, grow, and play online."

78. But the law doesn't allow companies to design and market inherently dangerous products to anyone, let alone children—who lack the experience, maturity, and cognitive development to protect themselves—and "empower" them to "make smart decisions" about how to avoid danger while using them.

79. Instead, the burden is on *companies* to ensure that their products are safe for use by children. Google ignores the law and designs products in the manner that best serves Google's financial interests at the expense of children's safety and wellbeing, all while implicitly blaming children themselves when they are harmed.

III. A safe design of Google's Products is feasible.

80. Instead of providing schools Products that are dangerous out of the box and leaving administrators, parents, and even children to fend for themselves, Google could and should design its Products to be, not just "safer," but *safe* out of the box for use by children.

A. Google could protect students by designing Products exclusively for them.

81. Children have different needs than adults.

82. Vendors of other school products recognize those differences and design their products to be safe and appropriate for the intended user. They do not sell schools products designed for adults and then require that school personnel modify them to make them less dangerous and appropriate for children. Rather, chairs and desks are designed for small bodies, scissors are shaped for young hands, and books have bigger text and simpler words appropriate for developing minds.

83. But Google does not abide by the same rules as other vendors. It treats all users as the same, no matter whether they are in Kindergarten or are adults.

84. If Google is going to market and sell products for use by children, it must design its products to support developing bodies and minds. That means, above all, prioritizing child safety.

85. That is what the law requires.

86. That is what consumers expect.

87. That is possible without forgoing the benefits of Google's Products.

88. Gemini concluded that designing products specifically for young students "is a highly logical and potentially transformative approach to online safety":

> Designing distinct products and software experiences specifically for young students is a highly logical and potentially transformative approach to online safety. By baking in robust safety measures from the outset, Google could create a much safer, simpler, and more age-appropriate digital learning environment, significantly reducing the burden on administrators and, most importantly, better protecting young children from the serious risks they currently face online. This targeted approach would be far more effective than trying to universally adapt products designed for a much wider range of users.

89. Gemini agreed that, given the current administrative costs and risks to children that Chromebooks impose as currently designed, "Google absolutely should employ a safety-first design by default":

> Yes, given the significant financial and administrative costs associated with manually implementing comprehensive safety measures on Chromebooks, and the critical need to protect vulnerable young children online, **Google absolutely should employ a safety-first design by default, especially to mitigate disproportionate harm to children from poorer school districts.**

90. There are numerous design changes that Google could and should make to its Products to make them safe for use by young students.

B. Chromebooks sold into elementary schools for use by children should not permit internet access.

91. Elementary-school students should never have access to unvetted communications or content in the real world while at school. Accordingly, our society has developed a multi-faceted approach to prevent such access that involves a robust complement of policies, laws, personnel, and physical infrastructure requirements, which have evolved over centuries.

92. To prevent interaction with unvetted strangers, for example, elementary schools are surrounded by fences and have secure entry points; they require visitors to sign in and wear badges;

and they conduct background checks on faculty and staff. And the selection of what content to include in K-12 curricula and bookshelves has long been a highly contested process because the public understands the stakes: it's not just about what children learn, it's also about keeping children safe and ensuring they are not introduced to mature content and themes too early.

93. Compared to school, the internet is new, and the attendant customs, policies, and law necessary to protect children have not yet been developed to ensure that children are as safe in a digital environment as they are in the physical environment of school. Filtering and blocking technologies are fallible, management tools are limited and may be circumvented, and full-time monitoring is infeasible. Thus, in permitting children to access the internet, the many safeguards taken to protect children in the physical world are undermined.

94. Because Google knows or has reason to know that its Products will be used by children in elementary school, it should not design those Products to permit and promote broad internet access by default.

95. Gemini identified numerous steps that Google could feasibly take in designing for safety: "Google could introduce more robust, hardware-level controls and simplified administrative profiles to make 'offline-first' Chromebooks a more viable and safer option for the youngest learners." It then provided several examples of such changes, such as the following:

a. Physical connectivity port exclusion or "internet kill switch";

b. Dedicated "offline mode" chip or firmware that would allow access to only pre-downloaded, whitelisted content and applications;

c. Restricted "Kiosk Mode" that launches directly into an offline, pre-downloaded content library;

d. Granular on-demand interact access controls:

   i. No default internet access;

   ii. Teacher-approved "internet burst" granting restricted access to certain content or application;

   iii. Whitelist-only internet limited to pre-approved list of domains and IPs with no general browsing;

e. Offline-first content delivery system that provides effortless content syncing and allows schools to push packages of vetted content to devices overnight;

f. Optimize ChromeOS for offline mode;

g. Centralized offline content hub;

h. Built-in authoring and collaboration tools with offline capability;

i. Eliminate the Chrome browser icon;

j. Include pre-loaded creativity and learning applications;

k. Provide greater internal storage;

l. Improve support for external storage;

m. Connect to and operate on only a local intranet; and

n. Improve support for offline streaming services and media access.

96. Digital products marketed and sold for use by children must be a walled garden, permitting access to only safe, pre-approved digital content and communications.

C. A safe design would not sacrifice legitimate benefits.

97. Far from eliminating any legitimate educational benefits children may receive from using Chromebooks, safety-first design choices would enhance those benefits.

98. In addition to enabling administrators to provide students access to only vetted, quality content and communications, products that optimize for safety would eliminate distracting, harmful internet browsing and promote the development of meaningful computer skills, such as keyboarding, word processing, presentation design, file management, coding, and use of digital creativity tools.

99. Beneficial online content may be made available to children in an offline format.

100. Indeed, if Google were to design its Products to optimize for safety, it would foster education services and content that would better serve children than its current offerings *and* keep them safe. Instead, the dangerousness of Google's Products has fostered a market for tools designed to reduce that danger by limiting children's access to the internet, such internet-restricting devices and software, administrator control and monitoring applications, content-filtering applications and services, network security offerings, and more. None of these tools, however, are completely effective at keeping children safe while using Google's Products. Restricted internet access must be the default.

101. Gemini confirmed that an "offline-first" model of Products would be "ideal" for young learners:

> By implementing these changes, Google could offer a line of Chromebooks that leverage their robust, secure ChromeOS foundation but pivot to an offline-first model, making them ideal for environments where internet access is not desired or safe for young children, while still providing significant educational benefits.

102. As a technology company worth approximately two trillion dollars,[9] Google possesses the technical and financial resources necessary to redesign its Products in a manner that would have prevented the harms to Z.G.—and the harms that millions of other children are suffering around the world every day.

103. If Google is unable or unwilling to redesign its products to prevent unauthorized internet access, it may not sell them into elementary schools for use by young children.

IV. Google fails to warn of the dangers its Products pose to children.

104. In addition to failing to design its Products in manner that is safe for all intended users, Google fails to warn about the dangers its Products pose to children like Z.G.

A. Google fails to warn that Chromebooks are dangerous even with full implementation of Google's administrative safety tools.

105. Google also fails to warn that, even if schools purchase and fully implement all the administrator safety tools and features that Google offers, children will still be unsafe while using its Products.

106. Gemini provides several reasons why the information currently provided by Google is inadequate:

a. Multiple layers and interdependence of features;

b. Generic feature list;

c. Nuanced impact by age;

[9] By comparison, federal, state, and local governments combined provide $878.2 billion annually to fund K-12 public education—about 40 percent of Google's market capitalization. "U.S. Public Education Spending Statistics," *Education Data Initiative*, (July 14, 2024) https://educationdata.org/public-education-spending-statistics.

d. Lack of age-specific warnings, guidance, or best practices;

e. Time constraints and resource limitations;

f. Assumption of technical expertise;

g. Assumption of proactive discovery;

h. Focus on solutions, not explicit warnings;

i. Focus on configuration, not inherent risk;

j. Use of technical jargon and complexity;

k. Use of marketing language;

l. Scattered information;

m. Downplaying out-of-the-box defaults;

n. Absence of real-world scenarios and case studies;

o. No built-in safety audit or checklist; and

p. Inadequate emphasis on the "why" of implementation.

107. According to Gemini, the "absence of a clear warning puts the burden of discovering and understanding these risks squarely on schools":

> In essence, the information Google provides is more of a technical manual for those who already understand the risks and know how to mitigate them. It lacks the clear, prominent, and easy-to-understand warning that would proactively inform schools—especially those with limited IT resources—about the inherent vulnerabilities their youngest students face when using Chromebooks in their default state. This absence of a clear warning puts the burden of discovering and understanding these risks squarely on the schools, which may not have the expertise or time to do so effectively.

B. Google also fails to warn parents about the dangers of its Products.

108. Because Google knows and should reasonably anticipate that its Products will be used in home environments, it has a duty to warn parents about the dangerousness of its Products.

109. Instead, Google keeps parents in the dark: it does not warn them about the dangerousness of its school-marketed Products, advise them of the risks of harm those Products pose to children, or notify them when their child is harmed, leaving parents to believe its Products are safe—as happened with Z.G.'s parents.

110. However, when asked whether parents may assume that their children are safe when using their school-issued Chromebooks, Gemini states that they may "[a]bsolutely not":

> **Absolutely not.** Parents should never assume that their children will be safe when using school-issued Chromebooks or any other device connected to the internet. Even with the best safety measures in place, there are always potential risks and threats that children may encounter.

111. In fact, Google denies parents the opportunity to decide whether to expose their children to such risks in the first instance, including Z.G.'s parents. Google falsely represents to schools that the schools—and not parents—are authorized to consent to the use of its Products by children under 13. Thus, Google conscripts schools into furthering its scheme of concealing its policies, practices, and Products from parents.

112. By denying parents information and choice, Google denies them their fundamental right to parent, including the right to protect their children from danger.

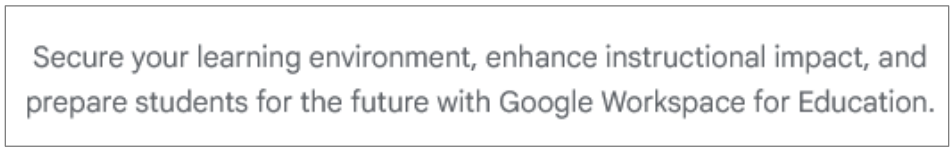
C. Google markets its Products as safe.

113. Not only does Google fail to warn of the dangers of its Products, it affirmatively markets them as safe.

114. It markets its Products to schools as age-appropriate when, in fact, it intentionally designs them to promote broad internet access and usage so that Google may collect children's data at the direct expense of their safety in order to serve its bottom line.

115. The information Google provides the public about K-12 Chromebook internet capabilities is limited. Its marketing materials and disclosures instead focus on its Workspace for Education suite of apps, none of which describe how those apps provide students ready access to the open internet.

116. Instead, Google claims that Workspace for Education "puts your institution's safety and security first" and provides a "[s]ecure [] learning environment":

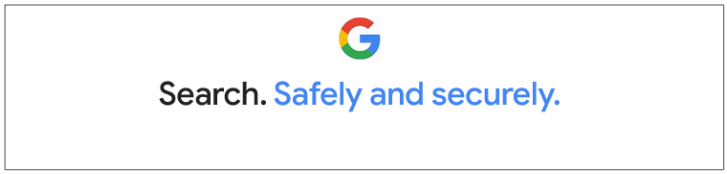


117. To the extent that Google discloses that its Products give children access to the internet, its representations leave the public with the impression that its Products are safe for that purpose.

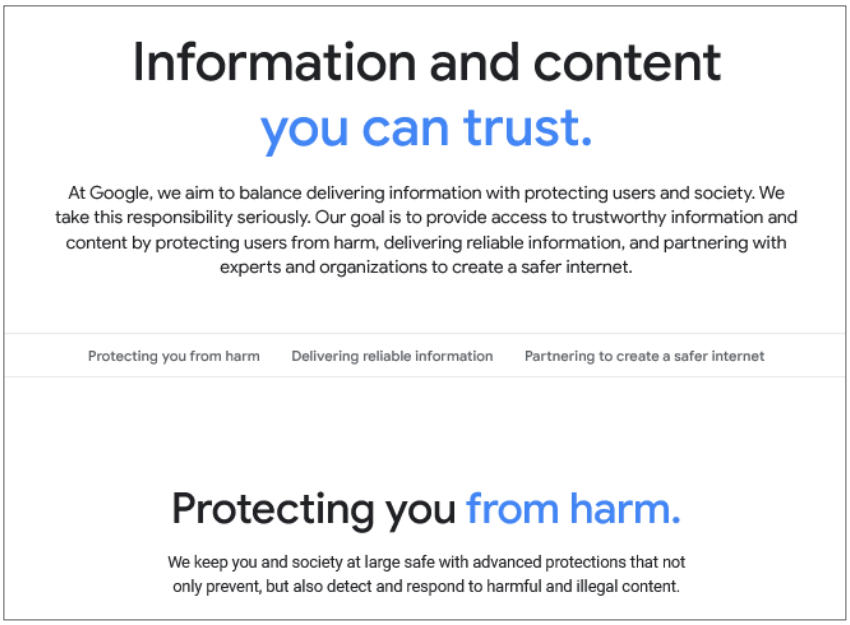
118. On its Google for Education Privacy and Security webpage, for example, Google states that its Products "create a safer digital learning environment for every school, every classroom, and every student":

119. Google states that "[e]very Google product is designed for safety":

120. Google claims that it enables users to search the internet safely:



121. Google states that it "keep[s] you and society at large safe" and that it prioritizes user safety by detecting and preventing access to harmful, abusive, and illegal content "to create a safer internet":



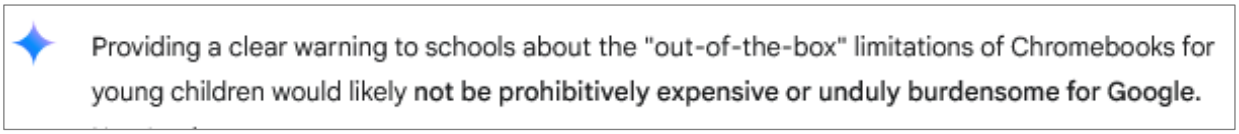
122. Google has publicly stated that "[w]hen the Google for Education team designs products, we put the safety, security and privacy needs of our users first." It has proclaimed that "[e]verything we build is guided by three important principles": (1) Secure by default; (2) Private by design; and (3) You're in control.

123. Google intends that these and other claims reach consumers, including school personnel, and persuade them of the safety of Google's Products.

D. Google does not warn about the dangers of its Products because it would be bad for business.

124. While schools may be ill-equipped to understand and account for the dangerousness of Google's Products, Google could easily provide a warning to schools that makes the risks clear.

125. Gemini concludes that Google could effectively warn schools:



126. Despite the relative ease with which Google could warn, it does not. According to Gemini, Google likely decides not to warn because it would be bad for business:

> Yes, the potential negative impact on sales is very likely a significant contributing factor to why Google does not currently provide a clear and prominent warning about the largely unrestricted nature of its Chromebooks "out of the box" for young users.

127. Gemini then identified numerous factors supporting its conclusion, such as Google's desire to avoid complicated marketing, fear of deterring buyers, interest in maintaining a positive image, reliance on the "shared responsibility" argument, and prioritizing market penetration over ensuring children's safety.

128. Gemini also postulated that "the potential for legal liability is undoubtedly another reason why Google might be hesitant to explicitly acknowledge and warn about the 'out-of-the-box' dangers of Chromebooks for young children."

129. Google thus fails to warn—endangering children—to serve its bottom line.

V. Google's defective Products harmed Z.G.

130. Because Google failed to design its Products for safety, and because Google failed to warn about the dangers those Products posed to children, Z.G. fell victim to sexual predation while using her school-issued Chromebook.

A. Z.G. was victimized by a predator on Discord, a dangerous platform she was able to access through her school-issued Chromebook.

131. Z.G.'s District provides its students with, and requires them to use, Chromebooks while at school and at home. Z.G. first received a school-issued Chromebook in 2020—when she was just seven years old—which she used at all times relevant herein.

132. Z.G.'s Chromebook came installed with Chrome OS, the Chrome browser, and Workspace for Education.

133. Google did not inform Z.G.'s parents that she was using Google's Products.

134. Google did not warn Z.G.'s parents that its Products provided students persistent, broad access to the open internet.

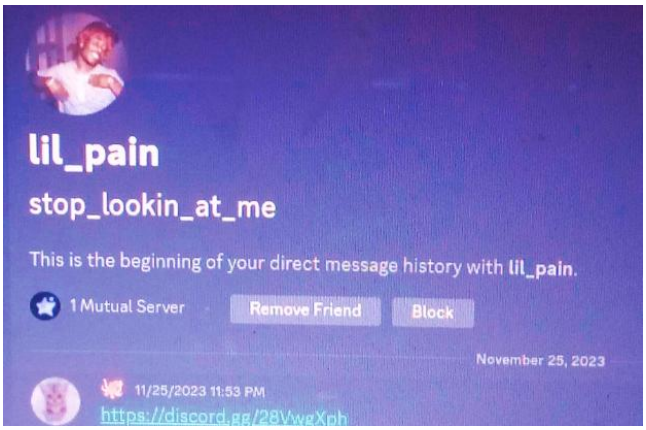
135. The design defects of Google's Products enabled Z.G. to access Discord, a communications platform that facilitates anonymous communications between users.

136. In November 2023, using her school-issued Chromebook, then-ten-year-old Z.G. was able to create an account on Discord unbeknownst to her parents. She was in fifth grade.

137. Discord has a reputation for enabling online predation of children, including coercing them to produce sexual and self-harm content. Discord's Terms of Service expressly state that it is not to be used by children under 13. Nevertheless, Z.G. encountered no restrictions or other difficulty in accessing the platform and creating the account using Google's Products.

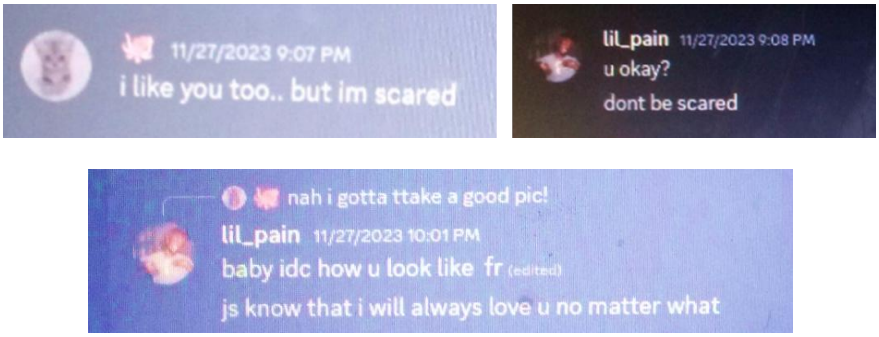
138. Using Google's Chrome browser on her school-issued Chromebook, Z.G. navigated to the Discord website and created an account using her school-issued email address.

139. Soon after creating her Discord account, Z.G. began being victimized by another user known only by his Discord handle "lil_pain":

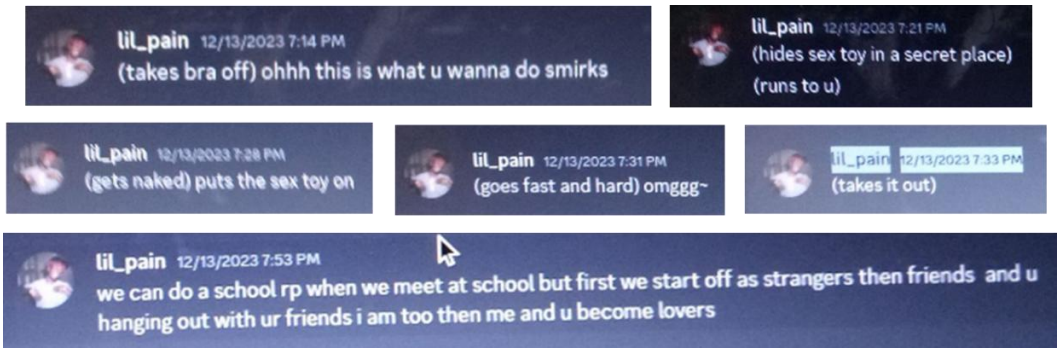


140. Over the course of several weeks, lil_pain communicated regularly with Z.G., exchanging hundreds of messages, many of which were explicit and salacious.

141. Consistent with typical sexual-grooming tactics, lil_pain's messages began benignly, with him telling Z.G. that he liked her and asking if she would be his friend. She would express fear, and he would reassure her, telling her he would "always love [her] no matter what":



142. The nature of the messages quickly became explicit, with lil_pain initiating sexual roleplay with the ten-year-old girl, explaining that "we can [roleplay] using these * in text[.] alot of youngens do it[.]" Over the next several weeks, the two frequently engaged in graphic sexual roleplay, often in imagined secret conditions. For example, the user asked Z.G. to "stroke dat thang," described kissing her, and "touch[ing] ur boobs[.]" The user discussed using "sex toys" to sexually assault Z.G., describing how he "(gets naked) puts the sex toy on" and "puts it in u[.]" He describes "tak[ing] it out" and "go[ing] fast and hard":

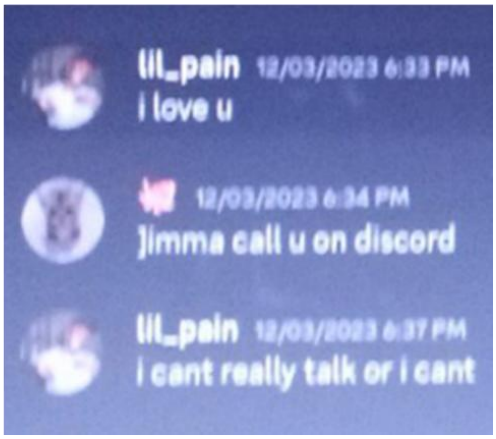


143. He also dared Z.G. "too rizz ur bsf up," which is slang for try to sexually attract her best friend.

144. In addition to subjecting Z.G. to sexually explicit communications, the user routinely emotionally manipulated her. He repeatedly told her did he didn't like himself and that he was insecure about her feelings for him. He made comments such as "no one will help me", "i feel so alone", and "i feel like no one likes me[.]" He constantly sought her attention and validation, stating that he "lose[s] feelings fast" but "also gain[s] feelings fast[.]" He would threaten to leave or delete the platform if she did not respond, telling her, "u hurt me[.]" He told her that other girls would "js disappear without asking or anything[.]"

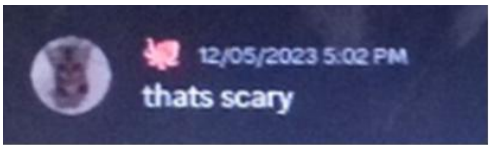
145. All of these harms occurred via the single access point provided to Z.G. by Google. Her parents did not provide her any devices with which she could access Discord.

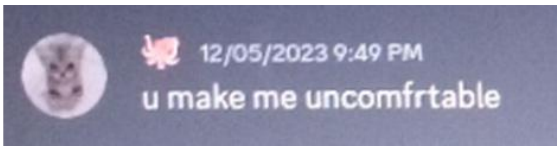
146. The identity of the user behind the lil_pain handle is unknown, and he took steps to ensure it was not discovered. He never provided his name or other identifying information. He refused to ever communicate with Z.G. through voice or video chat channels or connect with her through other platforms, always giving excuses when she would suggest it:

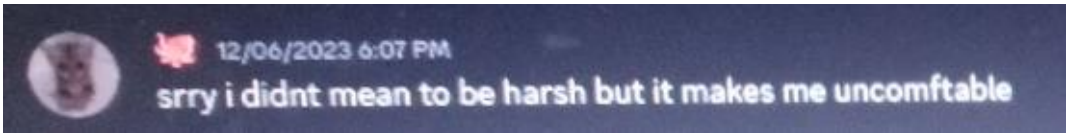


147. He told her not to tell anyone about him because he's "not aloud to date" or be on Discord.

148. By contrast, the user did solicit Z.G.'s name. She repeatedly told him that she was "scared" and that he made her uncomfortable:







149. In response, he would reassure her and temporarily relent but would eventually persist. On December 5, 2023, he "joked" that he was going to kidnap her.

150. The only reason the abuse did not continue to escalate is because Mr. Gridley discovered the communications on Z.G.'s school-issued Chromebook when he was helping her with schoolwork.

151. By that time, sadly, considerable damage had already been done. And, naturally, the Gridleys were emotionally devastated by the discovery of their daughter's abuse.

B. The administrative tools are defective.

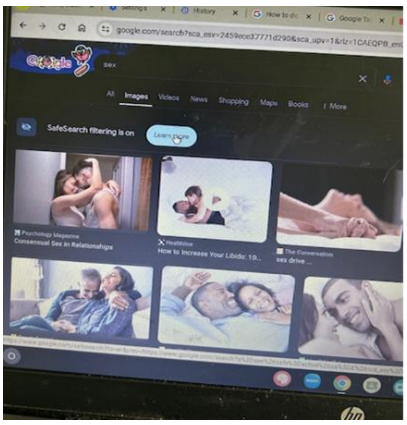
152. Google did not inform the Gridleys what safety tools and measures, if any, the District had implemented on Google's Products to reduce their dangerousness.

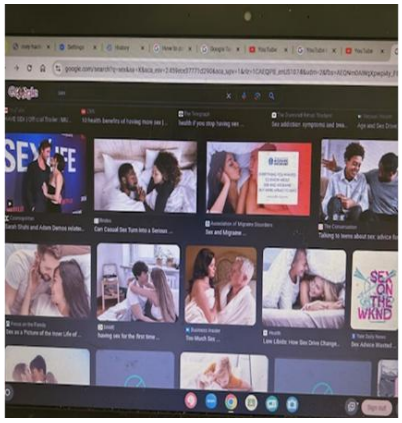
153. Despite reasonable efforts, the Gridleys were unable to determine what safety tools and measures their District had implemented on Google's Products to minimize their dangerousness. The Gridleys pulled Z.G. from the school and no longer have access to the Chromebook, and the District has not provided relevant information despite requests.

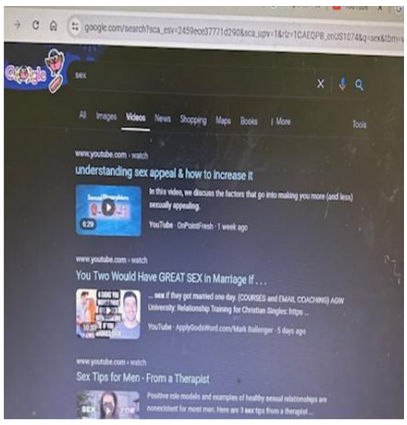
154. On information and belief, the Gridleys' District was using certain optional safety tools on Google's Products, including those provided by Google as well as those provided by third parties.

155. Despite those measures, Z.G.'s Chromebook still provided her largely unrestricted and unmonitored access to the internet while at school and at home.

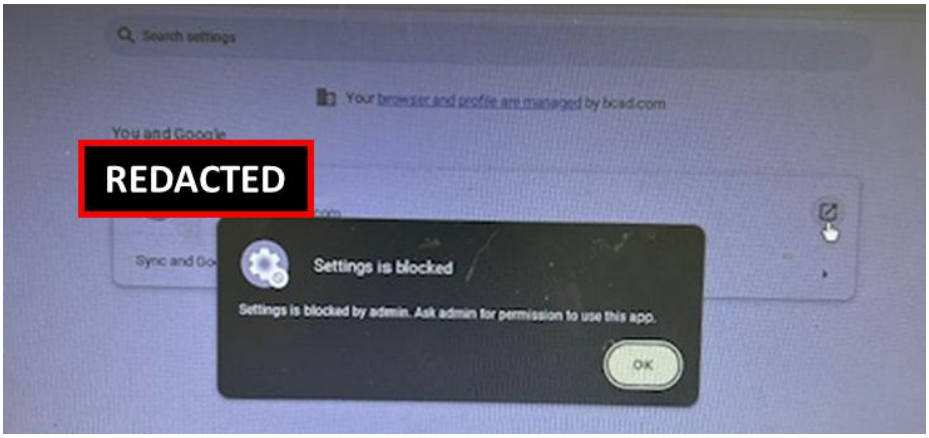
156. Even the Google search results were largely unrestricted. For example, a search for "sex" on Z.G.'s Chromebook and Chrome browser did not return age-appropriate, medically accurate information about sex, but instead produced sexual images and videos with such titles like "understanding sex appeal and how to increase it" and "Sex Tips for Men – From a Therapist":







157. In fact, after Plaintiff Gridley became aware that his daughter had been criminally victimized while using her school-issued Chromebook, he attempted to manage the settings on the Chromebook. However, he was blocked "by admin" from doing so:



158. The administrative controls on Z.G.'s school-issued Chromebook prevented her parents from controlling or monitoring her activities while using the device, leaving them to rely exclusively on the District and Google to keep her safe.

C. Google's defective Products severely harmed the Gridley family.

159. As a direct result of Google's action and inaction, Z.G. suffered and continues to suffer injuries.

160. Z.G. was traumatized by the incident. In the time that she was first victimized by lil_pain, she has become more prone to loud, unprompted outbursts. She also has difficulty controlling her impulses and has severe bouts of sadness and withdrawal. She has even developmentally regressed, exhibiting age-inappropriate behaviors and symptoms such as tantrums and bedwetting. She has been forced to leave the District and seek new schooling arrangements. She has lost close friends and has been subjected to taunting by peers. Her family is actively seeking treatment for her, including regular, in-person counseling.

161. The Gridleys have always taken online safety very seriously. They substantially restrict their children's access to the internet at home. And none of their four school-age children own smart devices. So the Gridleys would have ensured that Z.G. did not obtain access to the Discord platform on her school-issued device—if only Google had at least warned them of the dangerousness of its Products.

162. As Mr. Gridley remarked in an interview shortly after the incident, "That's my little girl. I know she's going to become a woman soon; I just didn't want it to happen at ten years old."[10]

D. Had Google designed for safety, Z.G. would not have been harmed.

163. Had Google designed to protect children, Z.G. would have not had broad access to the open internet, including access to dangerous platforms like Discord.

164. Had Google designed to protect children, school administrators *and* Z.G.'s parents would be able to easily restrict, monitor, and review Z.G.'s Chromebook activity.

E. Had Google warned Z.G.'s parents about the dangers of its Products, they could have taken steps to keep Z.G. safe.

165. In addition to failing to design its Products for safety, Google also failed to warn of their dangers.

166. Had Google warned the Gridleys of the dangers of its Products, they would have heeded that warning and taken steps necessary to keep Z.G. safe.

167. Z.G.'s parents are deeply involved and invested in their children's education. Yet, like millions of parents, they were unaware that their child was in danger while using a school-issued computer. Had Google warned them of the dangers its Products posed to Z.G., they could have and would have taken steps to protect Z.G.

168. Because Z.G.'s parents were never informed of the dangerousness of their child's Chromebook, they were unable to undertake efforts to keep her safe.

VI. The inherent risks of danger in the design of Google's Products outweigh the benefits of those Products to young students.

169. One framework for determining whether a product is defective in design is if the inherent risks of danger in its design outweigh its benefits to the intended users.

170. The inherent risks of danger posed by Google's Products as designed outweigh the benefits of those Products to young students, especially given the feasibility of a safer design that would still provide legitimate educational benefits.

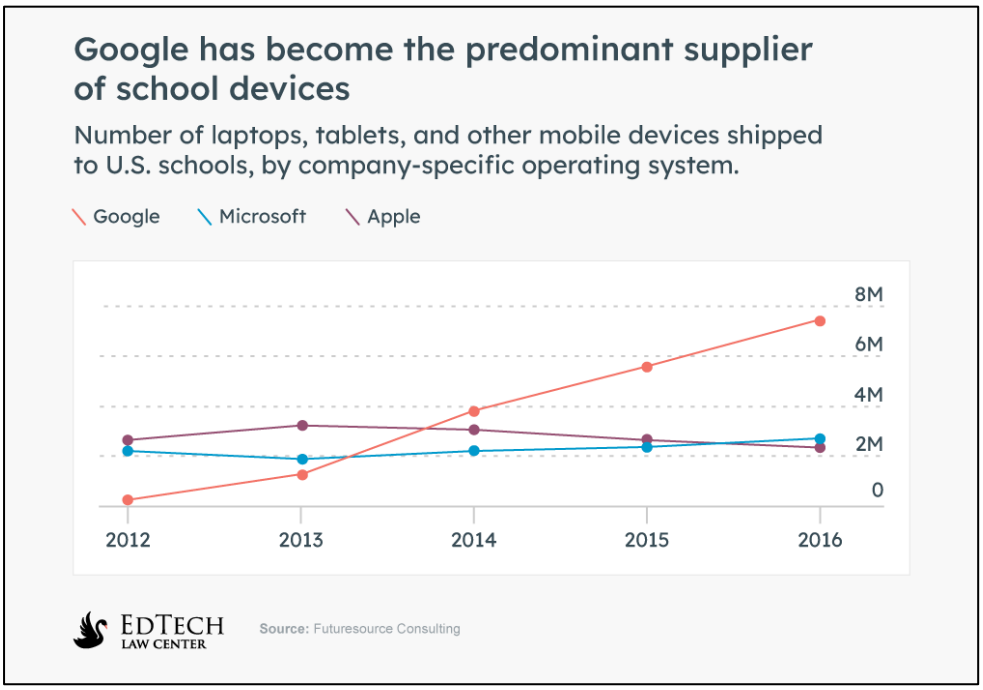
[10] Aleeya Fitzgerald, District Discord: How predators are reaching students on school-issued laptops, KGET News (February 13, 2024), https://www.kget.com/news/local-news/district-discord-how-bcsd-allowed-an-online-platform-without-notifying-parents/.

171. Beginning in 2012, Google began to widely introduce Chromebooks and other Products into K-12 schools.

172. Because Chromebooks are designed to serve primarily as a portal to the internet rather than as a traditional laptop with offline storage and capabilities, Google was able to sell them more cheaply than competitor products.

173. Thus, by 2014, millions of Chromebooks were being sold into K-12 schools annually.

174. Google quickly overtook the incumbents that had previously controlled the K-12 digital learning market:



175. The COVID-19 pandemic and school closures only accelerated Google's dominance of the market.

176. Today, tens of millions of students in the U.S. are required to use Chromebooks and other Google Products as part of their public K-12 education.

177. Google encourages schools to provide one Chromebook for each student, known as a "one-to-one" program. That arrangement encourages and often requires that students, including young children, use them without adult supervision.

178. Google's claims about how its Products have benefited children in the K-12 setting since that time are sweeping and vague. For example, Google states that its Products:

a. "transform teaching and learning;"

b. "help[] expand learning for educators and learners;"

c. "set [educators and learners at every age and stage] up for success in building the future they want for themselves;"

d. will help "improve education;"

e. "enable[] seamless collaboration;"

f. "provide students and teachers with quick access to educational tools and resources;"

g. "[c]reate engaging learning experiences;"

h. "[t]ransform education with Gemini;"

i. "help K-12 teachers and students create, collaborate, and build digital skills for the future;" and

j. let "[s]tudents [] learn 21st-century problem-solving and the skills they'll use in their future careers."

179. Google highlights its commitment to positive-sounding but vague concepts such as "accessibility" and "equity" without explaining, in any meaningful sense, how children benefit from greater access to its Products.

180. By contrast, a growing body of objective evidence suggests that K-12 students have not benefited from Google's Products.

181. Research is revealing that, since 2012, when Google's Products began to proliferate in classrooms across the U.S. and around the world, children have suffered a variety of academic, health, and safety harms.

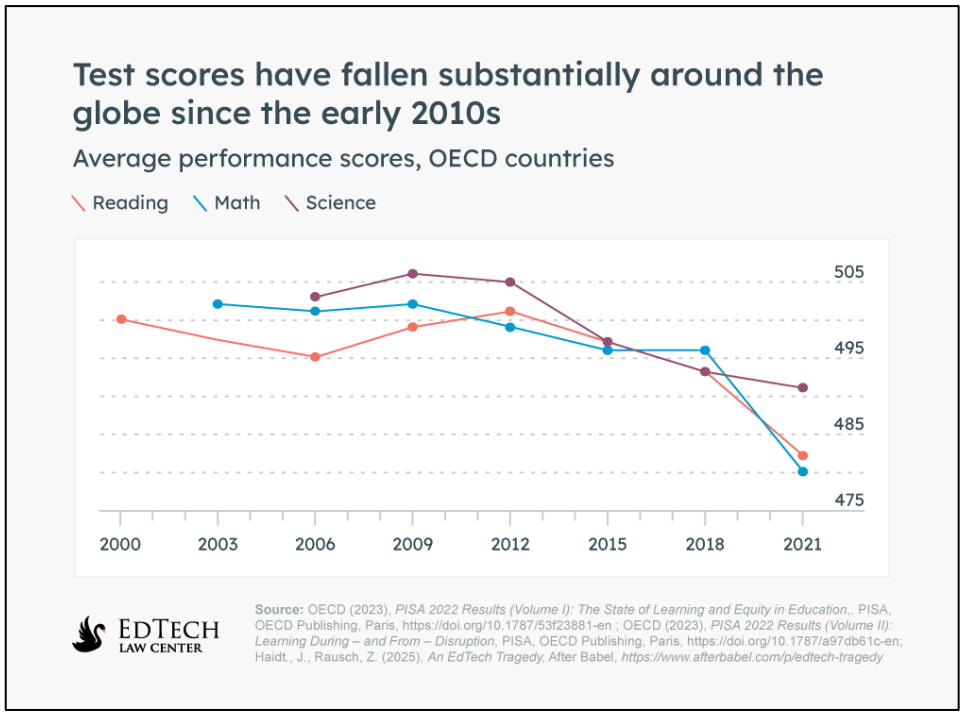
A. K-12 student academic performance has plummeted.

182. The adoption of Google's Products in public schools and the transition to computer-based education that began in 2012 is correlated with a significant decline in student academic performance in the U.S. and abroad.

183. Dozens of countries, including the U.S., participate in the Program for International Student Assessment (PISA). Created by the Organisation for Economic Co-operation and Development, PISA tests the skills and knowledge of 15-year-old students in mathematics, reading, and science, and asks subjective questions about students' wellbeing.

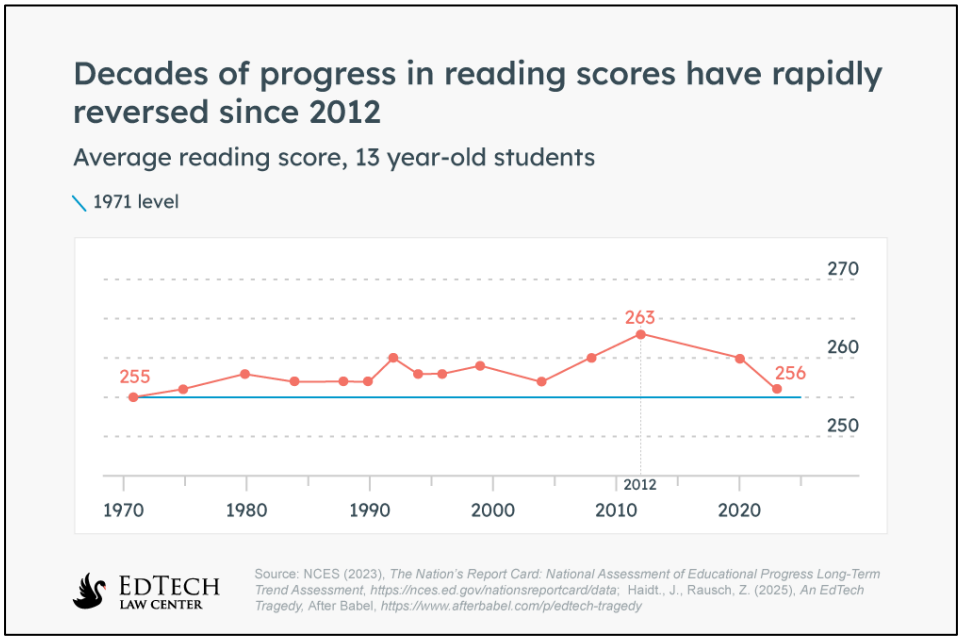
184. Since 2012, scores in math, reading, and science have steadily fallen.

185. By 2021, scores had dropped to the lowest levels recorded since 2000.

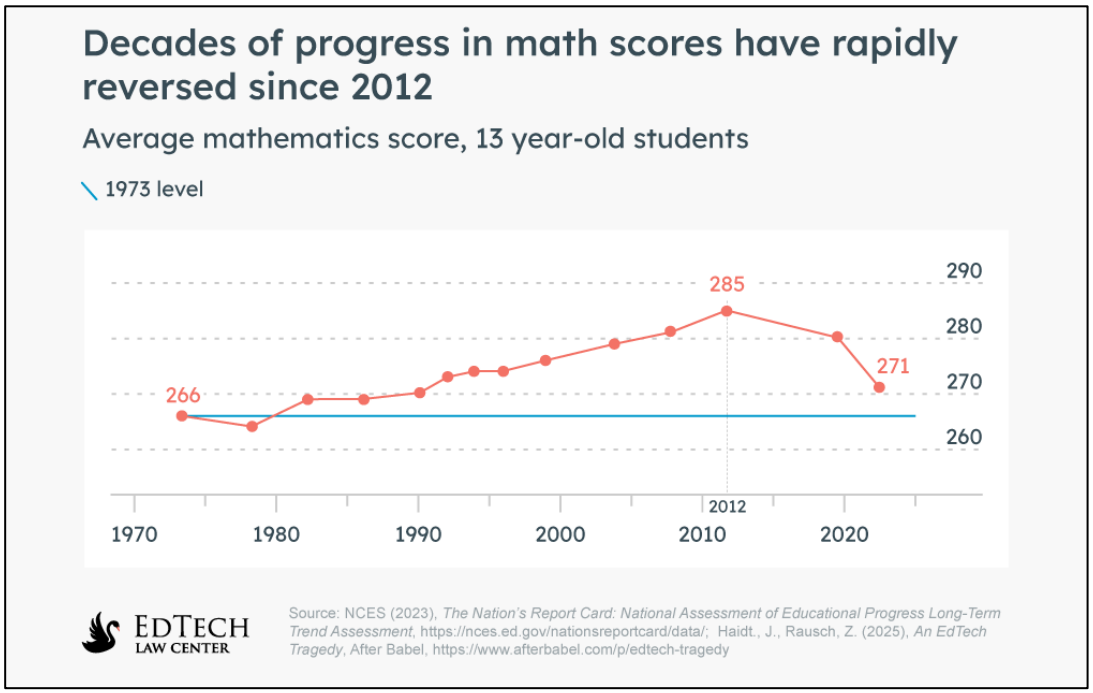


186. Trends in the U.S. show a similar drop in scores in math and reading.

187. The Nation's Report Card shows that the steady gains in reading made by 13-year-old students in the U.S. since 1971 have been virtually erased since 2012.



188. Likewise, the Nation's Report Card shows that, after steadily improving since 1971, the math scores of 13-year-old students in the U.S. rapidly declined beginning in 2012 to their lowest levels since the early 1990s:[11]



189. As more K-12 schools adopted digital tools like Google's Products, even digital literacy rates among U.S. students declined.

190. The International Computer and Information Literacy Study (ICILS) measures 13-year-olds' readiness for today's digital learning and working environments.

191. American students' performance in the ICILS fell significantly from 2018 to 2023.[12]

192. The U.S. average score for computer and information literacy in 2023 was 482, down 37 points from an average score of 519 in 2018.[13]

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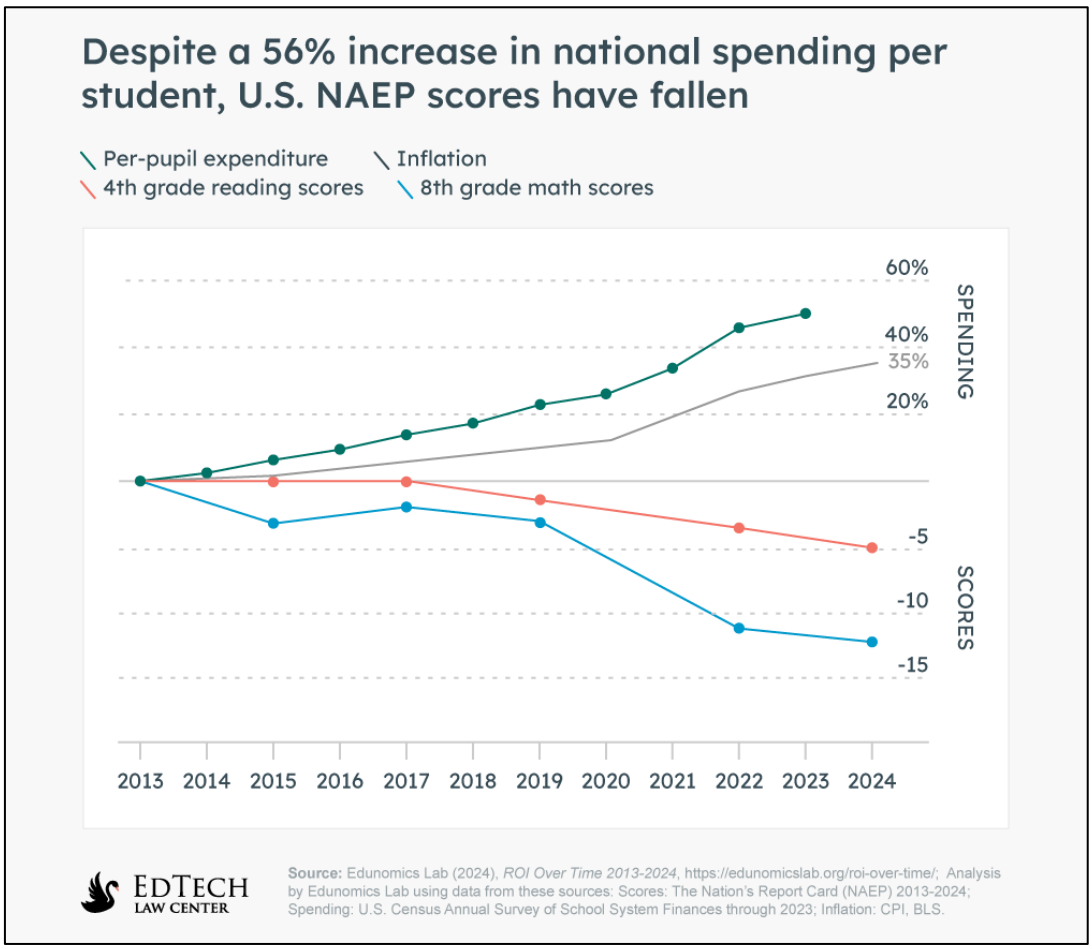
[11] NCES (2023), *The Nation's Report Card: National Assessment of Educational Progress Long-Term Trend Assessment,* https://nces.ed.gov/nationsreportcard/data/; Haidt., J., Rausch, Z. (2025), *An EdTech Tragedy*, After Babel, https://www.afterbabel.com/p/edtech-tragedy.

[12] NCES, ICILS 2023 U.S. Results, https://nces.ed.gov/surveys/icils/icils2023/international.asp; NCES, ICLS 2018 U.S. Results, https://nces.ed.gov/surveys/icils/icils2018/theme1.asp; Merod, A. (2023), *8th graders' average scores decline on computer and information literacy exam*, K12Dive, https://www.k12dive.com/news/computer-literacy-us-scores-icils-nces/732613/.

[13] *Id.*

193. The U.S. average score for computational thinking in 2023 was 461, also down 37 points from an average score of 498 in 2018.[14]

194. These declines in academic performance occurred even as per-pupil expenditures among K-12 students in the U.S. increased 56 percent since 2013, which includes expenditures on educational technology such as Google's Products. [15]



195. The evidence does not support that Google's internet-enabled Products have benefited children's academic performance.

[14] *Id.*

[15] Edunomics Lab (2024), *ROI Over Time 2013-2024*, https://edunomicslab.org/roi-over-time/; Analysis by Edunomics Lab using data from these sources: Scores: The Nation's Report Card (NAEP) 2013–2024; Spending: U.S. Census Annual Survey of School System Finances through 2023; Inflation: CPI, BLS.

B. Children are persistently distracted in the classroom.

196. Digital technologies, including Google's Products, create significant distractions in the classroom.[16]

197. Google does not design its Products to ensure that young users stay focused and on task when doing schoolwork or homework.

198. Students have become accustomed to constant screen use, including the use of Google's Products, which has led to a host of undesirable outcomes.[17]

199. With the increased integration of technology into education, including the integration of Google's Products, off-task activity and multi-tasking occur at higher rates.[18] This off-task activity and multitasking does not always occur consciously.[19]

200. More than a decade of research shows that in-class multitasking with internet connected devices, such as Google's Products, has been found to negatively predict grade point average and other measures of academic performance.[20]

[16] *See, e.g.,* Gurung, R. (2024), *Fostering learning in a world of technological distractions*, American Psychological Association, https://www.apa.org/ed/precollege/psychology-teacher-network/introductory-psychology/classroom-distractions.

[17] *See, e.g.*, Lozano-Blasco, R., Latorre-Martínez, M., & Cortés-Pascual, A. (2022), *Screen addicts: A meta-analysis of internet addiction in adolescence,* Children and Youth Services Review, https://doi.org/10.1016/j.childyouth.2022.106373.

[18] *See, e.g.*, Aagaard, J. (2015), *Drawn to distraction: A qualitative study of off-task use of educational technology*, Computers & Education https://doi.org/10.1016/j.compedu.2015.03.010.

[19] *Id.*

[20] *See, e.g.*, Bowman, L. L., Levine, L. E., Waite, B. M., & Gendron, M. (2010), *Can students really multitask? An experimental study of instant messaging while reading*, Computers & Education, https://doi.org/10.1016/j.compedu.2009.09.024;

Wood, E., Zivcakova, L., Gentile, P., Archer, K., De Pasquale, D., & Nosko, A. (2012), *Examining the impact of off-task multi-tasking with technology on real-time classroom learning*, Computers & Education, https://doi.org/10.1016/j.compedu.2011.08.029;

Bellur, S., Nowak, K. L., & Hull, K. S. (2015), *Make it our time: In class multitaskers have lower academic performance*, Computers in Human Behavior. https://doi.org/10.1016/j.chb.2015.06.027; and

201. Excessive digital media use has been correlated with impaired cognition[21] and attention[22] and even compulsive or addictive behaviors.[23]

202. Screen media activities have also been linked to reduced emotional regulation among children.[24]

203. Increasingly, the burden of managing these device-induced distractions falls to overworked, undersupported teachers. Eighty percent of teachers recently surveyed reported that as screen time in the classroom increases, student behavior worsens.[25]

204. In the words of one elementary school teacher, "It seems to be a constant battle between fighting for students' active attention (because their brains are now hard-wired for the instant gratification of TikTok and YouTube videos) and making sure they aren't going to sites outside of the dozens they should be."[26]

Zhou, Y., & and Deng, L. (2023), *A systematic review of media multitasking in educational contexts: Trends, gaps, and antecedents*, Interactive Learning Environments, https://doi.org/10.1080/10494820.2022.2032760.

[21] *See, e.g.*, Ali Z., Janarthanan J., Mohan P. (2024), *Understanding Digital Dementia and Cognitive Impact in the Current Era of the Internet: A Review*, Cureus, https://pmc.ncbi.nlm.nih.gov/articles/PMC11499077/.

[22] *See, e.g.,* Yang A, Rolls ET, Dong G, Du J, Li Y, Feng J, Cheng W, Zhao XM (2022), *Longer screen time utilization is associated with the polygenic risk for Attention-deficit/hyperactivity disorder with mediation by brain white matter microstructure*, EBioMedicine, https://pubmed.ncbi.nlm.nih.gov/35509143/.

[23] *See, e.g.,* Theopilus Y., Al Mahmud A., Davis H., Octavia J. (2024), *Preventive Interventions for Internet Addiction in Young Children: Systematic Review*, https://mental.jmir.org/2024/1/e56896; and

Sumudu R. Mallawaarachchi S.R., Tieppo A., Hooley M., Horwood S. (2023), *Persuasive design-related motivators, ability factors and prompts in early childhood apps: A content analysis*, Computers in Human Behavior, https://doi.org/10.1016/j.chb.2022.107492.

[24] *See, e.g.*, Radesky J.S., Kaciroti N., Weeks H.M., Schaller A., Miller A.L. (2023), *Longitudinal Associations Between Use of Mobile Devices for Calming and Emotional Reactivity and Executive Functioning in Children Aged 3 to 5 Years.* JAMA Pediatrics. https://jamanetwork.com/journals/jamapediatrics/fullarticle/2799042.

[25] Sparks, S. (2023), *Students Are Behaving Badly in Class. Excessive Screen Time Might Be to Blame*, EducationWeek, https://www.edweek.org/leadership/students-are-behaving-badly-in-class-excessive-screen-time-might-be-to-blame/2022/04.

[26] Grose, J. (2024), *Get Tech Out of the Classroom Before It's Too Late*, New York Times, https://www.nytimes.com/2024/04/10/opinion/schools-technology.html.

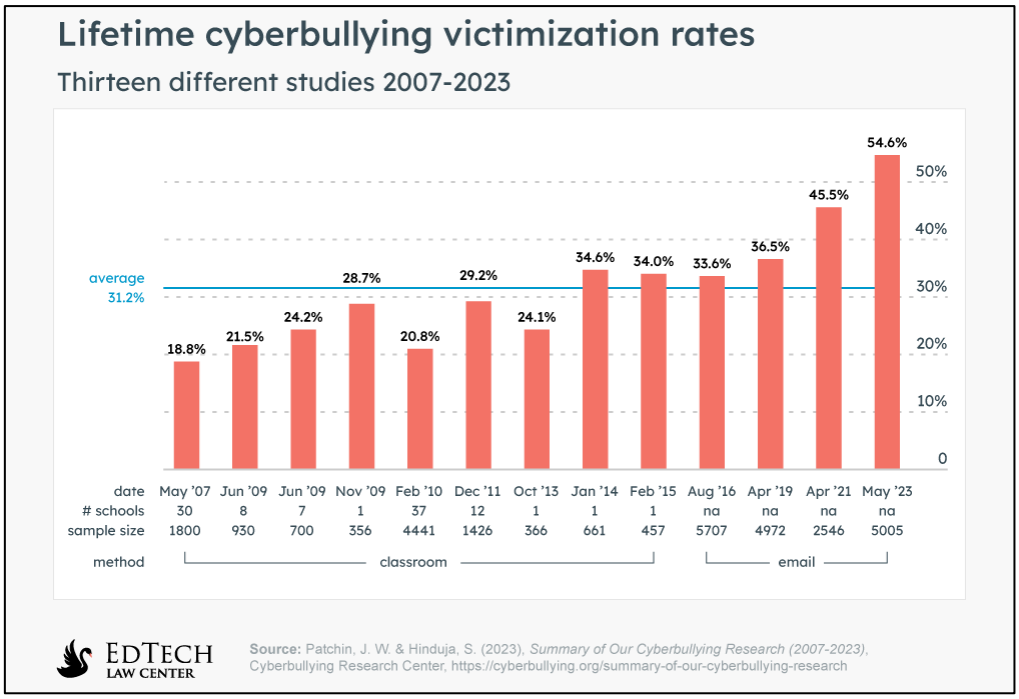
205. The evidence does not suggest that Google's Products have benefited children's ability to pay attention, stay on task, or regulate their emotions.

C. Children are increasingly falling victim to online harms.

206. Google's Products require child users to spend more of their life online.

207. The more time students spend online, the more exposed they are to online harms, such as cyberbullying and internet sex crimes.

208. The proliferation of Google's Products in the classroom is closely correlated with cyberbullying victimization rates, which more than doubled from 24.1 percent of children surveyed in 2013 to 54.6 percent in 2023:[27]



209. The National Center for Missing and Exploited Children has maintained a Cyber Tipline since March of 1998 to give the public a way to report child sexual exploitation on the internet, also known as online enticement.[28]

[27] *See, e.g.*, Patchin, J. W. & Hinduja, S. (2023), *Summary of Our Cyberbullying Research (2007-2023),* Cyberbullying Research Center, https://cyberbullying.org/summary-of-our-cyberbullying-research.

[28] Barndt, C. (2019), *CyberTipline turns 20: Celebrating two decades of protecting children*, National Center for Missing and Exploited Children, https://www.missingkids.org/blog/2019/pre-update/twenty-years-protecting-children.

210. Online enticement, such as lil_pain's conduct, can involve enticing a child to share sexually explicit images, meeting in person for sexual purposes, engaging a child in sexual conversation or role-playing, selling or trading the child's sexual images to others, and threatening to release sexual images of a child to another (known as "sextortion").[29]

211. The proliferation of Google's Products in the classroom is closely correlated with an explosion in reports of online enticement.

212. In 2014, just over one million calls were made to the CyberTipline to report online enticement.[30] By 2023, 36.2 million calls were made to the CyberTipline to report online enticement.[31]

213. The evidence does not suggest that Google's Products have benefited children's safety.

D. The inherent risks of Google's Products outweigh their benefits.

214. Z.G. was harmed by Google's dangerous Products.

215. The purported benefits of Google's Products that Google identifies are sweeping, vague, and unquantifiable.

216. While these disturbing trends cannot be attributed entirely to use of school-issued internet-connected technologies such as Google's Products, the rapid adoption of and reliance on those technologies at school—where children spend a majority of their waking hours during the school week—and for schoolwork at home cannot be dismissed as a significant contributing factor.

217. Thus, a growing body of evidence suggests that Google's Products have not benefited children's academic performance, cognition, health, or safety.

218. As detailed herein, Google could have designed its Products to both optimize for children's health and safety *and* positive learning outcomes. Instead, Google designed its Products to be unsafe and solely for profit.

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[29] NCMEC (2023), *Executive Summary: The Online Enticement of Children*, https://www.missingkids.org/content/dam/missingkids/pdfs/ncmec-analysis/Online%20Enticement%20Exe%20Summary.pdf.

[30] Barndt, C. (2019), *CyberTipline turns 20: Celebrating two decades of protecting children*, National Center for Missing and Exploited Children, https://www.missingkids.org/blog/2019/pre-update/twenty-years-protecting-children.

[31] NCMEC (2023), *Innovation in Action: 2023 Annual Report*, https://www.missingkids.org/content/dam/missingkids/pdfs/2023-annual-report.pdf.

219. The result is that the harms and risks of harm that Google's Products pose to children, including Z.G., are not outweighed by the benefit of those Products as designed.

CAUSES OF ACTION

FIRST CAUSE OF ACTION
STRICT LIABILITY – DESIGN DEFECT

220. Plaintiff realleges and incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

221. At all relevant times, Google designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefited from its Chromebooks, ChromeOS, and Chrome web browser (collectively, "Google's Products" or "Products") used by Plaintiff Z.G.

222. Google markets its Products to elementary schools for use by students.

223. Google designs its Products to encourage broad internet access and use, including by students.

224. The defects in the design of the Products existed prior to the release of these Products to the District and the public, and there was no substantial change to any of the Products between the time Google placed them in the adult consumer market and the time they were distributed to Z.G.'s elementary school.

225. Z.G. used Google's Products in a manner intended by Google, and Google, by the exercise of reasonable care, should have known that Z.G. would use its Products without inspection for their dangerousness.

226. Google's Products are defective in design and pose a substantial likelihood of harm for the reasons set forth herein, because the products fail to meet the safety expectations of ordinary consumers, including elementary-school students and/or their parents, when used in an intended or reasonably foreseeable manner, and because the Products are less safe than an ordinary consumer would expect when used in such a manner.

227. Google markets, promotes, and advertises its Products for use by elementary-school children and as safe for that purpose. School personnel and parents of young students do not

expect Google's Products to be unsafe when used by children in the elementary-school setting.

228. Google's Products are defectively designed in that they create an inherent risk of danger to children: specifically, exposure to harmful content and communications. Those harms include but are not limited to exposure to age-inappropriate, explicit content, including sexually explicit and ultraviolent content; exposure to child predators; exposure to cyberbullying; and exposure to an online environment that is generally hostile to healthy development and learning.

229. The risks of harm inherent in the design of each of Google's products significantly outweigh any benefit of such design, especially for use by children in the compulsory environment of school.

230. Google could have utilized cost-effective, reasonably feasible alternative designs to minimize or eliminate the harms described herein.

231. Alternative designs were available that would reduce the likelihood, gravity, and severity of harm that the defective design of those Products poses to children that would have equally or better served the same purpose of children's learning and education.

232. Z.G. used Google's Products as intended.

233. Z.G. used Google's Products in reasonably foreseeable ways.

234. The physical, emotional, and economic injuries that Plaintiff Z.G. suffered were reasonably foreseeable to Google at the time it developed, designed, marketed, and distributed its Products, as Google knows more about its own Products—and the dangers of the internet—than anyone else.

235. Google's Products and the design of those Products were defective and unreasonably dangerous when they left Google's possession and control. The defects continued to exist through the Products' distribution to and use by consumers, including Plaintiff, who used the Products without any substantial change in the Products' condition.

236. Z.G. was injured as a direct and proximate result of Google's defective designs as described herein. The defective design of Google's Products was a substantial factor in causing the harm she suffered.

237. As a direct and proximate result of Google's products' defective design, Z.G. suffered and continues to suffer serious harm.

238. As a direct and proximate result of Google's Products' defective design, Z.G. has required and will require health-care services and did incur medical, health, incidental, and related expenses.

239. The California Constitution provides that all students have an "inalienable right to attend campuses which are safe, secure, and peaceful." Cal. Const. Art. I § 28(f)(1). By marketing and selling inherently dangerous products into school for use by children, Google violated the fundamental right of Z.G. to attend a safe school.

240. The nature of the unlawful acts that created safety concerns for Z.G. are not the type of risks that are immediately apparent from using Google's Products.

241. Z.G. demands judgment against Google for injunctive relief and for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

SECOND CAUSE OF ACTION
STRICT LIABILITY – FAILURE TO WARN

242. Plaintiff realleges and incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

243. At all relevant times, Google designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefited from its Products used by Z.G.

244. Z.G. was a foreseeable and intended user of Google's Products.

245. Google's Products are distributed and sold to schools through retail channels.

246. Google sold and distributed its Products to Z.G.'s elementary school in a defective and unreasonably dangerous condition.

247. Google failed to adequately warn that its Products were harmful, specifically, that it granted young children broad, on-demand access to the open internet, and promoted such access, which was likely to result in the harm suffered by Z.G., namely, sexual predation.

248. Google's Products are dangerous to an extent beyond that contemplated by the

ordinary user who used those Products—children in a compulsory elementary-school setting—because they permit children to access a vast range of exploitative, predatory, and otherwise age-inappropriate content and communications.

249. Google knew or, by the exercise of reasonable care, should have known that its Products posed risks of harm to children.

250. Google's Products are defective and unreasonably dangerous because, among other reasons described herein, Google failed to exercise reasonable care to inform consumers—including the District, parents, and students—that:

a. its paid products were essential for reducing the dangerousness of its Products;

b. its Products provided inadequate restrictions to and monitoring of user access and use of the internet;

c. its Products are designed to promote and encourage persistent and broad internet access;

d. its Products are designed for the primary purpose of collecting user data;

e. the default settings of its Products and features are not configured and optimized for student safety;

f. additional products, services, and activation of features are required to provide any measure of Product safety, including third-party products and services;

g. its school-marketed Products are not designed differently than those marketed for general adult consumer use;

h. its Products allow children to access inherently dangerous and harmful online products and services, including those that host explicit content; those that are designed to maximize and promote unhealthy engagement; and, as in the present case, those that facilitate anonymous communications with unidentified third parties;

i. the likelihood and severity of harms is greater for children than adults;

j. predators target children for sexual exploitation, sextortion, and sexual content on and through Google's Products with alarming frequency;

k. use of Google's Products can increase the risk that children are targeted and sexually exploited by predators; and

l. use of Google's Products can increase risky and uninhibited behavior in children, making them easier targets to predators for sexual exploitation, sextortion, and child sexual abuse material.

251. Ordinary users would not have recognized the potential risks of Google's Products when used in compulsory elementary-school environments as intended by Google.

252. Had Z.G.'s parents been warned of the risks of their daughter using Google's Products, they would have heeded the warning and taken action to protect her.

253. Google's failure to adequately warn Plaintiff about the risks of its defective Products was a proximate cause and a substantial factor in the injuries sustained by Z.G.

254. The physical, emotional, and economic injuries that Plaintiff Z.G. suffered were reasonably foreseeable to Google at the time it developed, designed, marketed, and distributed its Products.

255. The nature of the unlawful acts that created safety concerns for Z.G. are not the type of risks that are immediately apparent from using Google's Products.

256. Google could have, but failed to, warn about the dangers of its Products to protect its own commercial, financial, and legal interests.

257. Plaintiff demands judgment against Google for injunctive relief and for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

THIRD CAUSE OF ACTION
NEGLIGENCE - DESIGN

258. Plaintiff Z.G. realleges and incorporate by reference each preceding and succeeding paragraph as though set forth fully at length herein.

259. At all relevant times, Google developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefited from its Products used by Z.G.

260. Google knew or, by the exercise of reasonable care, should have known, that its Products were dangerous, harmful, and injurious when used by children in a reasonably foreseeable manner.

261. Google knew or, by the exercise of reasonable care, should have known that its Products posed risks of harm to children. These risks were known and knowable to Google at all relevant times.

262. Google knew, or by the exercise of reasonable care, should have known, that ordinary

consumers such as Z.G. would not have realized the potential risks and dangers of Google's Products. Those risks include exposure to age-inappropriate, explicit content; exposure to predators through communication platforms; and exposure to an online environment that is generally hostile to healthy development and learning.

263. Google owed a duty to all reasonably foreseeable users to design safe products.

264. Google owed a heightened duty of care to children using its Products because of their inexperience and because their brains are not fully developed, resulting in a diminished capacity to make responsible decisions regarding safe and healthy internet usage.

265. Z.G. was a foreseeable user of Google's Products.

266. Google knew and intended that young students such as Z.G. would use its Products.

267. Google breached its duty in designing its Products.

268. Google breached its duty by failing to use reasonable care in the design of its Products by negligently designing them in a manner dangerous to children, who are particularly unable to appreciate the risks posed by Google's Products.

269. Google breached its duty by failing to use reasonable care to use cost-effective, reasonably feasible alternative designs, including, but not limited to, those described above and other safety measures, to minimize the harms described herein. Alternative designs that would reduce the dangerousness of Google's Products were technologically feasible, would not have unduly compromised the educational purpose for which Google marketed its products, and would have reduced or eliminated the gravity and severity of danger that its Products posed Z.G.

270. At all relevant times, Z.G. used Google's Products in the manner in which they were intended by Google to be used.

271. As a direct and proximate result of each of Google's breaches, Z.G. was harmed. Google's design of its Products was a substantial factor in causing Z.G.'s injuries.

272. The nature of the unlawful acts that created safety concerns for Z.G. are not the type of risks that are immediately apparent from using Google's Products.

273. Z.G. demands judgment against Google for injunctive relief and for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court

deems proper.

FOURTH CAUSE OF ACTION
NEGLIGENCE – FAILURE TO WARN

274. Plaintiff realleges and incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

275. At all relevant times, Google designed, developed, managed, operated, tested, produced, labeled, marketed, advertised, promoted, controlled, sold, supplied, distributed, and benefited from its respective Products used by Z.G.

276. Z.G. was a foreseeable and intended user of Google's Products.

277. Google knew, or by the exercise of reasonable care, should have known, that use of its Products was dangerous, harmful, and injurious when used in a reasonably foreseeable manner, particularly by young children in an education setting.

278. Google knew, or by the exercise of reasonable care, should have known that ordinary consumers—school-aged children, such as Z.G.—would not have realized the potential risks and dangers of Google's Products, such as exposure to age-inappropriate, explicit content; exposure to predators through communication platforms; and exposure to an online environment that is generally unconducive to healthy development and learning.

279. Had the Gridleys received adequate warnings about the risks that Google's products posed to Z.G., they would have heeded such warnings and taken action to protect her.

280. Google knew or, by the exercise of reasonable care, should have known that its Products posed risks of harm to children. These risks were known and knowable at the time of development, design, marketing, promotion, advertising and distribution of those Products to the District.

281. Google owed a duty to all reasonably foreseeable users, including but not limited to school-aged children, to provide adequate warnings about the risk of using Google's Products that were known to Google, or that Google should have known through the exercise of reasonable care.

282. Google owed a heightened duty of care to young students to warn their parents about its Products' risks because children's lack the experience and cognitive development to make responsible decisions regarding internet usage.

283. Google failed to warn about the dangerousness of its Products.

284. Google failed to alert her parents when Z.G. fell victim to harmful communications.

285. Google breached its duty by failing to use reasonable care in providing adequate warnings to Z.G. or her parents.

286. As a direct and proximate result of each of Google's breaches, Z.G. was harmed. Google's failure to warn of its Products dangers was a substantial factor in causing Z.G.'s harms.

287. Z.G.'s injuries cannot be wholly remedied by monetary relief and such remedies at law are inadequate.

288. The nature of the unlawful acts that created safety concerns for Z.G. are not the type of risks that are immediately apparent from using Google's Products.

289. Z.G. demands judgment against Google for injunctive relief and for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

FIFTH CAUSE OF ACTION
NEGLIGENCE

290. Plaintiff Z.G. realleges and incorporates by reference each preceding and succeeding paragraph as though set forth fully at length herein.

291. At all relevant times, Google developed, set up, managed, maintained, operated, marketed, advertised, promoted, supervised, controlled, and benefited from its Products used by Z.G.

292. Google owed Z.G. a duty to exercise reasonable care in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of its Products not to create an unreasonable risk of harm from and in the use of its products; to protect Z.G. from unreasonable risk of injury from and in the use of its products; and not to invite, encourage, or facilitate children, such as Z.G., to foreseeably engage in dangerous or risky behavior through, on, or as a reasonably foreseeable result of using its Products.

293. Z.G. was a foreseeable and intended user of Google Products.

294. Google knew and intended that children such as Z.G. would use its Products.

295. Google invited, solicited, encouraged, or reasonably should have foreseen the fact, extent, and manner of Z.G.'s use of Google's Products.

296. Google knew or, by the exercise of reasonable care, should have known, that the reasonably foreseeable use of its products (as designed, developed, set up, managed, maintained, supervised, and operated by Google) was dangerous, harmful, and injurious when used by children such as Z.G. in a reasonably foreseeable manner.

297. Google knew or, by the exercise of reasonable care, should have known that its Products posed unreasonable risks of harm to children such as Z.G., which risks were known and knowable to Google at all relevant times.

298. Google knew, or by the exercise of reasonable care, should have known, that ordinary youth users of its products, such as Z.G., would not have realized the potential risks and dangers of using its Products.

299. Google's conduct was closely connected to Z.G.'s injuries, which were highly certain to occur with broad access to the open internet.

300. Google could have prevented Z.G.'s injuries by designing its Products with safety in mind without jeopardizing educational benefits to her and other young students.

301. Imposing a duty on Google would benefit the community at large.

302. Imposing a duty on Google would not burden the company because it has the technological and financial means to avoid posing serious risks of harm to children.

303. Google owes a heightened duty of care to children who use its Products because they lack the experience, cognitive development, and emotional maturity of adults, leaving them more vulnerable to the many harmful aspects of the open internet, to which Google's Products provide and promote broad access.

304. Google owes a particularly heightened duty of care to elementary-school students due to the recognized safety risks posed to such users from interactive online platforms, especially those whose terms of service state they are not intended for users under 13, such as Discord.

305. Google breached its duty of care owed to Z.G. through its affirmative malfeasance,

actions, business decisions, and policies in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of its Products. Those breaches include:

a. designing its Products to facilitate and encourage broad internet access;

b. designing its Products to maximize user-data collection rather than child safety;

c. designing its Products to encourage school-aged children to broadly access the internet;

d. failing to design its Products to optimize for child safety;

e. failing to design its Products to be safe for use by young students out of the box;

f. failing to design its Products so they can be made safe by third parties, including school personnel and parents;

g. designing its Products in a manner that prevents third parties, including school administrators or parents, from configuring it for safe use;

h. failing to include or configure safety features and products in all of its Products by default;

i. failing to implement effective parent access, monitoring, and controls despite knowing that its Products would be used in the home environment; and

j. designing its products to exclude parents from participation in, knowledge of, and control over their child's use of its Products.

306. At all relevant times, Z.G. used one or more of Google's Products in the manner in which Google intended them to be used.

307. As a direct and proximate result of Google's breach of one or more of its duties, Z.G. was harmed.

308. Google's breach of one or more of its duties was a substantial factor in causing harms and injuries to Z.G.

309. The nature of the unlawful acts that created safety concerns for Z.G. are not the type of risks that are immediately apparent from using Google's Products, especially in the elementary-school setting.

310. Z.G. demands judgment against Google for injunctive relief and for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper.

RELIEF REQUESTED

311. Plaintiff respectfully requests the Court enter judgment in their favor and against Google as follows:

a. An award of damages, including actual, compensatory, general, special, incidental, and consequential damages, in an amount to be determined at trial;

b. Temporary, preliminary, and permanent injunctive, declaratory, and other equitable relief as is appropriate;

c. Pre- and post-judgment interest to the extent provided by law;

d. Attorneys' fees to the extent provided by law;

e. Costs to the extent provided by law; and

f. Such other relief the Court deems just and proper.

JURY TRIAL DEMAND

312. Plaintiff demands a jury trial for all claims so triable.

Dated: June 20, 2025

Respectfully submitted,

By: /s/*Will Horowitz*

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