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CASE NO: A-25-925766-C
Department 16

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, v. MEDIALAB AI, INC. and KIK, Defendants.	Case No. Dept. No. **COMPLAINT AND DEMAND FOR JURY TRIAL** **Exempt from Arbitration:** Business Court Matter Declaratory Relief Sought Amount in Controversy Greater than $50,000 **Business Court Requested:** EDCR 1.61 – Business Tort

Case Number: A-25-925766-C

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Plaintiff, the State of Nevada, by and through Aaron D. Ford, Attorney General, and the undersigned attorneys (the "State") brings this Complaint against Defendant MediaLab AI, Inc. ("MediaLab") and its social media platform[1], Kik (collectively, MediaLab and Kik are referred to herein as "Defendants") and alleges, upon information and belief, as follows:

INTRODUCTION

1. The State of Nevada, by and through Aaron D. Ford, Attorney General for the State of Nevada, and Ernest Figueroa, Consumer Advocate, files this Complaint on behalf of the State to eliminate the hazard to public health and safety caused by Defendants' social media platform Kik, and to recover civil penalties and other relief arising out of Defendants' false, deceptive and unfair marketing and other unlawful conduct arising from the design and implementation of Kik.

2. For over a decade, the Kik app has positioned itself as an anonymous messaging app built for a teen audience. Its initial point of differentiation from its competitors was its comparatively low barrier to entry for establishing an account: users did not need to authenticate their identity—they did not have to provide either an email address or a telephone number to create an account on the platform. This enabled children, who often had neither

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[1] In general, the term "social media platform" refers to a website and/or app (often operating in conjunction, under the same name) that allows people to create, share, and exchange content (such as posts of text, photos, videos, etc.) with other users of the platform. Examples of popular social media platforms include Kik, Instagram, Messenger, Snapchat, and TikTok.

a phone number nor an email address, to create an account and instantly start communicating with others on the platform. Shortly after launching, Kik boasted that 40% of US teens used its platform.

3. But this also quickly made Kik a haven for child predators, who realized that the anonymous nature of the accounts, coupled with the teen user base, made the platform a "predator's paradise" in the words of one serial-offender. As one police officer explained in support of seeking a search warrant: "Kik Messenger is frequently used by individuals who trade child pornography because it is free, simple to set up, easily accessible, potentially anonymous and allows users to share digital data privately."

4. While Kik indisputably was aware of the harms posed to the children on its platform, the company did nothing to protect those children. Within a few years, Kik went from being a company with a billion-dollar valuation to finding itself on the verge of being shuttered. It was only at the eleventh hour, in 2019, that MediaLab stepped in to purchase the platform from its previous owners.

5. But MediaLab did nothing to address the harms to children that were rampant on the Kik platform. In the years that followed MediaLab's purchase of Kik, Defendants continued to simultaneously court a teen user base while allowing child predators to run rampant on the app. As of 2024, [redacted] stating, *inter alia*, that

- [redacted]
- [redacted]
- [redacted]
- [redacted]

6. To the extent that law enforcement and regulators learned of Defendants' malfeasance, Kik [redacted]

7. Notwithstanding this appeal from [redacted] Defendants continued to ignore or otherwise minimize [redacted]

8. More egregious: Defendants spent years actively courting a teen audience, but during this time, they failed to provide meaningful warnings to teen users or their parents or guardians as to the known risks that Kik presented.

9. Currently, Kik purports to no longer be a platform for teens, instead claiming that it is for users 18 and older. However, it does nothing to meaningfully age gate Kik, and thus implicitly still courts a teen audience. Defendants still fail to educate the public as to the dangers inherent to the Kik platform, and still allow children to be subject to harm on their platform.

10. In sum, through its acts, omissions, and statements, Defendants carefully created the impression that Kik was a safe platform where minors were unlikely to experience significant harm and where their safety was an important priority. That representation was material, false, and misleading.

11. Based on this misconduct, and as more fully described below, Nevada brings this action pursuant to the Nevada Deceptive Trade Practices Act, N.R.S. §§ 598.0903 through 598.0999 ("NDTPA"), and further brings claims of negligence, products liability, and unjust enrichment.

12. The State brings this action exclusively under the laws of the State of Nevada. No federal claims are being asserted, and to the extent that any claim or factual assertion set forth herein may be construed to have stated any claim for relief arising under federal law, such claim is expressly and undeniably disavowed and disclaimed by the State.

13. Nor does the State bring this action on behalf of a class or any group of persons that can be construed as a class. The claims asserted herein are brought solely by the State and are wholly independent of any claims that individual Nevadans may have against Defendants. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity[2] on behalf of the persons residing in Nevada—to remedy violations of Nevada law.

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[2] *See, e.g.,* NRS 598.0963(3).

PARTIES

14. The State of Nevada is a body politic created by the Constitution and laws of the State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign capacity in order to protect the interests of the State of Nevada and its residents as *parens patriae*, by and through Aaron D. Ford, the Attorney General of the State of Nevada. Attorney General Ford is acting pursuant to his authority under, inter alia, NRS 228.310, 338.380, 228.390, and 598.0963(3).

15. Defendant MediaLab AI Inc. is a Delaware corporation headquartered in Santa Monica, California. MediaLab is a holding company that acquires and manages a host of online entities, including the platforms Kik, Imgur, Genius. Worldstar HipHop, Amino, Whisper, and datpiff.

16. Defendant Kik is a wholly-owned subsidiary of MediaLab, headquartered in Santa Monica, California. It operates the Kik social media platform.

17. All of the allegations described in this Complaint were part of, and in furtherance of, the unlawful conduct alleged herein, and were authorized, ordered and/or done by Defendants' officers, agents, employees, or other representatives while actively engaged in the management of Defendants' affairs within the course and scope of their duties and employment, and/or with Defendants' actual, apparent and/or ostensible authority.

/ / /

JURISDICTION AND VENUE

18. Subject matter jurisdiction for this case is conferred upon this Court pursuant to, inter alia, Article 6, Section 6 of the Nevada Constitution.

19. This Court has personal jurisdiction over Defendants because Defendants do business in Nevada and/or have the requisite minimum contacts with Nevada necessary to constitutionally permit the Court to exercise jurisdiction with such jurisdiction also within the contemplation of the Nevada "long arm" statute, NRS § 14.065.

20. More specifically, Defendants have promoted the Kik platform in Nevada. In 2024, alone, there were [redacted] in Nevada, and [redacted] within the State.

21. Similarly, Defendants reported [redacted] within the State.

22. Further, Defendants' own [redacted]

23. The instant Complaint does not confer diversity jurisdiction upon the federal courts pursuant to 28 USC § 1332, as the State is not a citizen of any state and this action is not subject to the jurisdiction of the Class Action

Fairness Act of 2005.[3] Likewise, federal question subject matter jurisdiction pursuant to 28 USC § 1331 is not invoked by the Complaint, as it sets forth herein exclusively viable state law claims against Defendants. Nowhere herein does Plaintiff plead, expressly or implicitly, any cause of action or request any remedy that arises under federal law. The issues presented in the allegations of this Complaint do not implicate any substantial federal issues and do not turn on the necessary interpretation of federal law. No federal issue is important to the federal system as a whole under the criteria set by the Supreme Court in *Gunn v. Minton*, 568 U.S. 251 (2013) (*e.g.*, federal tax collection seizures, federal government bonds). Specifically, the causes of action asserted, and the remedies sought herein, are founded upon the positive statutory, common, and decisional laws of Nevada. Further, the assertion of federal jurisdiction over the claims made herein would improperly disturb the congressionally approved balance of federal and state responsibilities. Accordingly, any exercise of federal jurisdiction is without basis in law or fact.

24. In this Complaint, to the extent Plaintiff may refer—either expressly or impliedly—to federal statutes and regulations. Plaintiff does so to state the duty owed under Nevada law, not to allege an independent federal cause of action and not to allege any substantial federal question under *Gunn v.*

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[3] *See, e.g.*, *Postal Tel Cable Co. v. Alabama*, 155 U.S. 482, 487, 15 S.Ct. 192, 194, 39 L.Ed. 231 (1894) ("A State is not a citizen. And, under the Judiciary Acts of the United States, it is well settled that a suit between a State and a citizen or a corporation of another State is not between citizens of different States....").

Minton. "A claim for negligence in Nevada requires that the plaintiff satisfy four elements: (1) an existing duty of care, (2) breach, (3) legal causation, and (4) damages." *Turner v. Mandalay Sports Entertainment, LLC*, 124 Nev. 213, 180 P.3d 1172 (2008). The element of duty is to be determined as a matter of law based on foreseeability of the injury. *Estate of Smith ex rel. Smith v. Mahoney's Silver Nugget, Inc.*, 127 Nev. 855, 265 P.3d 688, 689 (2011).

25. To be clear, to the extent Plaintiff cites federal statutes and federal regulations, it is for the sole purpose of stating the duty owed under Nevada law to the residents of Nevada. Thus, any attempted removal of this complaint based on a federal cause of action or substantial federal question is without merit.

26. Venue is proper in this Court pursuant to NRS § 598.0989(3) because Defendants' conduct alleged herein took place in Clark County, Nevada.

FACTUAL BACKGROUND

I. Kik is released in 2010, experiences astronomic growth, and quickly becomes known as a "predator's paradise."

27. Kik is a direct-messaging app, originally released in 2010 by the Canadian company Kik Interactive.

28. Since its inception, the app's selling point has been its emphasis on protecting users' anonymity—allowing them to register accounts without the need to provide a telephone number or valid email address.

29. From its initial release, the app was exceedingly popular, reaching one million user registrations within its first 15 days.[4] By May 2016, Kik announced that it was used by approximately 40% of U.S. teens.[5]

30. However, that announcement was preceded by an alarming revelation: Kik was becoming a haven for child predators.

31. Three months earlier, in March 2016, police in Raleigh, North Carolina arrested a registered sex offender who turned out to be an avid Kik user, belonging to more than 200 Kik groups dedicated to trading in child sexual abuse material ("CSAM").[6] In total, the predator shared and received CSAM with as many as 300 different individuals—via Kik—in under one year.[7]

32. A joint investigation by *Forbes* and *Point Report* "uncovered evidence of a vast number of child exploitation cases involving the use of Kik," with "appalling material…being shared and young girls and boys…being targeted for grooming."[8]

---

[4] "Kik Messenger app blows past 1 million users," Intomobile.com (Nov. 5, 2010) (available via Internet Archive at https://web.archive.org/web/20101230125446/http:/www.intomobile.com/2010/11/05/kik-messenger-app-iphone-blackberry-android/)

[5] Lucas Matney, "Kik already has over 6,000 bots reaching 300 million registered users," TechCrunch (May 11, 2016) (available at https://techcrunch.com/2016/05/11/kik-already-has-over-6000-bots-reaching-300-million-registered-users/)

[6] Thomas Brewster, "This $1 Billion App Can't 'Kik' Its Huge Child Exploitation Problem," Forbes (Aug. 3, 2017) (available at https://www.forbes.com/sites/thomasbrewster/2017/08/03/kik-has-a-massive-child-abuse-problem/?sh=52862c6e1a14)

[7] *Id.*

[8] *Id.*

33. The investigators, who posed as 14-year-old girls, "discovered just how quickly predators were on the prowl and how third-party apps for sharing profiles appeared to be facilitating access to minors."[9]

34. Kik was recognized as a boon to child predation *by* child predators. As one convicted child molester told CBS News' 48 Hours, Kik is a "predator's paradise."[10] The exposé detailed horrifying accounts of tweens and teens being groomed, abducted, and even murdered by predators on Kik.[11]

35. As one police officer explained in support of seeking a search warrant: "Kik Messenger is frequently used by individuals who trade child pornography because it is free, simple to set up, easily accessible, potentially anonymous and allows users to share digital data privately."[12]

36. Further, the platform contained a host of design features—and lack of safeguards—that made it especially easy for would-be predators to identify and approach prospective victims. Beyond not requiring any real-world identity verification for users who set up profiles, Kik also allows users to instantly join "public groups" on its platform, and the communication settings

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[9] *Id*.
[10] Josh Yager, "Killer App," CBS News' 48 Hours (Sep. 24, 2016) (available at https://www.cbsnews.com/news/nicole-lovell-murder-smartphone-predator-stranger-danger-killer-app/)
[11] *Id*.
[12] Thomas Brewster, "This $1 Billion App Can't 'Kik' Its Huge Child Exploitation Problem," Forbes (Aug. 3, 2017) (available at https://www.forbes.com/sites/thomasbrewster/2017/08/03/kik-has-a-massive-child-abuse-problem/?sh=52862c6e1a14)

within those groups allow each member to see who is participating in the group, and communicate privately via direct messaging.

37. In the *Forbes* investigation, the reporters—posing as a 14-year-old-girl—joined public groups that came up after searches for "teenagers," "friends," and "14." Within an hour of joining those groups, the fake 14-year-old's account had 10 private messages, all from grown men.[13] Over the following weeks, the number of private messages increased, as did the aggressiveness of the sexual overtures, with multiple strangers sending explicit messages and even nude photographs.[14]

38. Even more concerning, Kik would not delete the profiles of individuals charged and even *convicted of* child abuse offenses.[15] One reporter spent two hours doing Google searches of individuals linked to child abuse crimes in public records, and found 11 corresponding Kik accounts:

> In one of the most horrific crimes *Forbes* reviewed, 26-year-old Jason Janatsch was operating the username *TheLoverOfTheLittle* to send images of a female toddler, taken whilst he was babysitting, to a Kik contact in New Zealand. Janatsch was sentenced to 30 years behind bars in October 2016. His profile was still active as of Friday last week.

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[13] *Id.*
[14] *Id.*
[15] Thomas Brewster, "Kik Messenger Promised To Remove Child Predators -- I Just Found 10 In 2 Hours," Forbes (Sep. 20, 2017) (available at https://www.forbes.com/sites/thomasbrewster/2017/09/20/kik-slow-to-delete-child-abuse-profiles-despite-promise/?sh=7a064b78dda8)

> In another example, the profile *jmayes773*, operated by Jarrod Mayes, who was sentenced in 2016 to 60 months in prison, was still online. According to the DoJ, he admitted to first encountering child pornography on Kik, where he would later go on to share and acquire the illegal content.[16]

39. Accordingly, for years, Kik has been considered one of the most harmful platforms for young people, consistently making the annual "Dirty Dozen List" issued by the National Center on Sexual Exploitation ("NCOSE").[17]

40. Kik's increasingly ugly reputation became known throughout the tech industry, causing reputable companies to distance themselves from the platform. Microsoft, for example, removed the app from its Windows Store in 2017.[18]

41. By 2019, Kik's CEO announced that the app—once valued at $1 billion—would be shuttered.[19] However, at the eleventh hour, the company was acquired by Defendant MediaLab in October 2019.[20]

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[16] *Id.*
[17] https://endsexualexploitation.org/kik/
[18] "Kik says goodbye to Windows Phone," MS PowerUser (Dec. 17, 2017) (available at https://mspoweruser.com/kik-says-goodbye-to-windows-phone/).
[19] Thomas Brewster, "Kik, a $1 Billion App Plagued by Child Abuse, Closes," Forbes (Sep. 24, 2019) (available at https://www.forbes.com/sites/thomasbrewster/2019/09/24/kik-a-1-billion-app-plagued-by-child-abuse-closes/).
[20] Shannon Liao, "Kik app won't shut down after acquisition by MediaLab," CNN (Oct. 19, 2019) (available at https://www.cnn.com/2019/10/19/tech/kik-messenger-saved/index.html)

II. Despite being aware of rampant child-abuse on the platform, MediaLab [redacted]

A. MediaLab was [redacted]

42. MediaLab either knew or should have known of the proliferation of CSAM and other harmful content on Kik at the time it purchased the platform, and of how the platform's unsafe and inadequate warnings catalyzed and amplified these problems. But even if it did not know, there can be no doubt that [redacted]

43. For example, on [redacted] [redacted].[21]

44. But even this [redacted]

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[21] *See, also,* MEDIALAB_NVAG_00053791

45. For example, on [redacted]

[redacted][22]

46. Kik's [redacted] replied that [redacted] are as follows:

- [redacted]
- [redacted]

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[22] MEDIALAB_NVAG_00055300
[23] *Id.* (emphasis original).
[24] *Id.*

- [redacted]
- [redacted]
- [redacted]

47. That was the same response that the [redacted]

[redacted]”[26]

48. However, as explained below, each of these representations has proven to be either misleading or outright untrue, or else describes [redacted]

49. Internal documents show that MediaLab was [redacted]

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[25] *Id.*

[26] MEDIALAB_NVAG_00055302

[redacted]

50. For example, a [redacted]

[redacted]

[redacted][27]

B. For years after its acquisition of Kik, and continuing through the present, MediaLab [redacted]

51. At some point following its acquisition of Kik, Defendants [redacted]

[redacted]

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[27] MEDIALAB_NVAG_00000166 (emphasis added).

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

52. [redacted]

[redacted][34]

53. But the most concerning [redacted]

---

[28] MEDIALAB_NVAG_00000023
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*

[redacted]

54. Specifically, the [redacted][35]

55. The [redacted][37]

56. As noted above, the [redacted][38]

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[35] *Id.* (emphasis original).
[36] MEDIALAB_NVAG_00000023
[37] MEDIALAB_NVAG_00000023
[38] *Id.*

57. This would be in part due to the fact that [redacted][39]

58. This [redacted] would have profound implications. The [redacted]

59. [redacted]

60. And,

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[39] *Id.*
[40] *Id.* (emphasis original).
[41] *Id.*

[redacted][2]

61. The [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[42] *Id.* (emphasis original).
[43] *Id.* (emphasis original).
[44] *Id.* (emphasis original).

62. A separate, internal [redacted]

[redacted][45]

63. The [redacted]

[redacted][46]

64. While the [redacted]

[redacted]

---

[45] MEDIALAB_NVAG_00053898 [redacted]

[46] MEDIALAB_NVAG_00000023 (emphasis added).

[redacted]

[redacted][47]

65. If regulators [redacted]

[redacted]

[redacted][48]

66. The report concludes with the following, [redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted][9]

C. The [redacted] Defendants' Plans to Monetize Kik.

67. Sadly, while the [redacted]

[redacted]

---

[47] *Id.*

[48] *Id.* (emphasis added).

[49] *Id.* (emphasis original).

[redacted]

68. Another [redacted]

[redacted]

69. Among others, [redacted]

[redacted][50]

70. This [redacted]

[redacted]

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[50] MEDIALAB_NVAG_00000001

71. A section titled [redacted][51]

72. The [redacted][52]

73. However, [redacted][54]

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[51] *Id.* (emphasis original)
[52] *Id.*
[53] *Id.*
[54] Taormino, T. (2012). *The ultimate guide to kink: Bdsm, role play and the erotic edge*. Cleis Press; *see, also*, Yates, S. M., & Neuer-Colburn, A. A. (2019).

74. [redacted][56]

75. In a draft version of the document, two of its authors engage in a back and forth on this very issue in the Comments, with the first stating [redacted][57]

76. The second author replies [redacted][58]

77. The document acknowledges the [redacted]

Counseling the Kink Community: What Clinicians Need to Know. Journal of Counseling Sexology & Sexual Wellness: Research, Practice, and Education, 1 (1). https://doi.org/10.34296/01011007

[55] *Id.*

[56] *Id.*

[57] *Id.* (emphasis added).

[58] *Id.* (emphasis added).

[redacted][59]

78. The document concludes, [redacted] One of the most upsetting examples of [redacted]

[redacted][60]

D. Despite being well aware of the dangers to children on the platform, Defendants actively courted a teen users base.

79. Since its inception, Kik was focused on acquiring a teen user base. As early as 2015, the company reported that 40% of all US teens used the platform. "Our focus is on U.S. teens and hopefully maintaining them as they grow up," said Anthony Green, Kik's business development lead.[61]

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[59] *Id.*
[60] *Id.*
[61] Kathleen Chaykowski, *Kik, The Teen Messaging Giant, To Focus On U.S. And Viral Ads,* Forbes (Oct. 6, 2015) (available at https://www.forbes.com/sites/kathleenchaykowski/2015/10/06/kik-the-teen-messaging-giant-to-focus-on-u-s-and-making-ads-go-viral/).

80. In doing so, the company leaned into the features that made it so enticing to predators, as well, including not requiring an email address or a real name to establish an account. "It's just very easy to get onto and use when you're young," Green said. "The user name itself is becoming a lot like the email address for the younger demographic. If they [users] want to chat with someone, they are essentially giving out their Kik username."[62]

81. Then-CEO Ted Livingston elaborated further on the import of this growth tactic: "With Kik you sign up with a user name, not a phone number," he said. "[W]here the user name is really good is if you don't have a phone number or you don't want to give out your phone number." Specifically, young people would exchange their Kik names on Instagram, Tumblr, and Twitter to chat with new people. "That's where everybody uses Kik," Livingston said.[63]

82. It bears repeating: Kik knew that much of its audience *was too young to have a phone number*, but allowed them and others to communicate anonymously on the platform.

83. Once MediaLab acquired Kik, it continued to [redacted]

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[62] *Id.*

[63] Jennifer Van Grove, *Kik rides teen interest to 100M users*, CNET (Dec. 12, 2013) (available at https://www.cnet.com/tech/services-and-software/kik-rides-teen-interest-to-100m-users/).

[redacted][64]

E. Through misrepresentation and omission, Defendants consistently presented Kik as a safe space for teens, despite knowing that the opposite was true.

84. Throughout Kik's existence, the platform has kept the existence of threats to children hidden from the public—not only preventing disclosure of the gruesome facts described herein, but also making affirmative misrepresentations as to the safety of Kik for children.

85. The examples provided herein are merely illustrative, and far from exhaustive.

86. For example, Kik drafted and disseminated for public consumption a document titled "Kik's Guide for Parents," first released in May 2019 but updated at least as of January 2021 (following MediaLab's acquisition of Kik). The document states "Kik is for anyone over the age of 13, who uses a smartphone. It's the smartphone messenger that lets you connect with your friends and family, stay in the loop, and explore – all through chat."[65]

87. Conspicuously omitted from this document is the fact that [redacted]

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[64] MEDIALAB_NVAG_00000001 (emphasis original).
[65] Kik's Guide for Parents

[redacted][66]

88. Similarly, a representation from Kik's website, circa December 20, 2020, suggests that Kik is "always working on features that will keep Kik a fun and safe space for everyone."

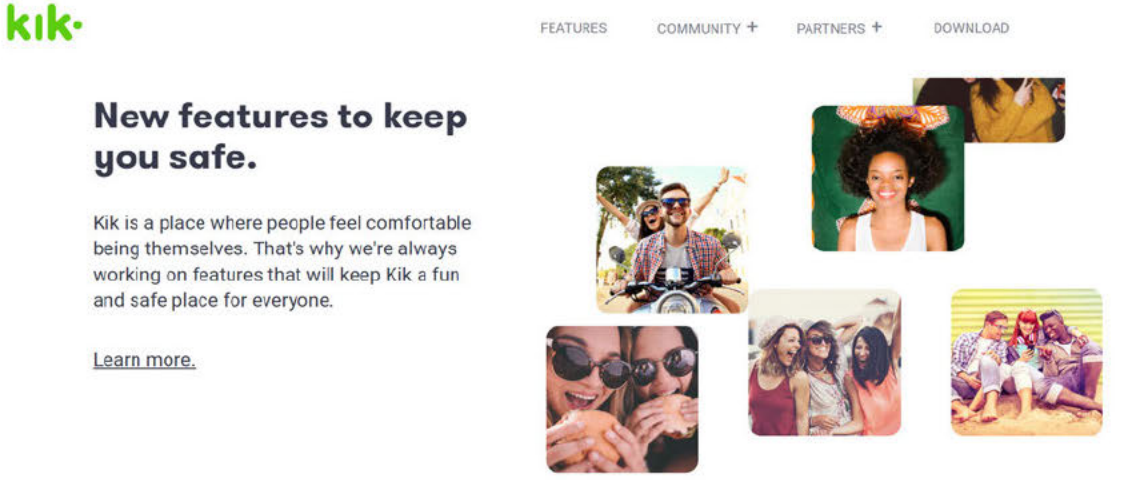


Fig. 1[67]

89. But was not true at the time, nor would it be true in the future. In a draft of an [redacted]

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[66] MEDIALAB_NVAG_00000023 (emphasis original).

[67] Image of Kik's website as of December 20, 2020 (available at https://web.archive.org/web/20201220003513/https://www.kik.com/features/)

[redacted]

[redacted]

90. The above exchange also makes plain that the [redacted] were demonstrably false or, at best, materially misleading. *See, e.g.*, paragraphs 45-48, *supra*. For example, Kik was not speaking truthfully when it stated that

- [redacted]
- [redacted]
- [redacted]
- [redacted]

91. In reality, Kik's [redacted] prove that these statements are false.

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[68] MEDIALAB_NVAG_00055300 (emphasis original).
[69] *Id.*
[70] *Id.*
[71] *Id.*

92. Similarly, Kik's Terms of Service in October 2020: "Without limiting MediaLab's absolute rights of termination or removal (see Section 17 below), there are certain actions that will result in immediate removal of User Content and/or account termination. User Content that…is a threat to community members…or violates these Terms will be immediately removed."[72]

93. This is not true. As noted, *supra*, harmful content is *not* immediately removed, and accounts typically are not terminated, even when they have been determined to be owned by people who actively seek to harm children. *See, e.g.,* paragraph 38, citing a news investigation in which the accounts of known predators were not deactivated.[73]

F. Presently, Defendants purport to have made Kik a platform only for users over 18 years of age. However, their efforts to keep children off of the platform are misleading and ineffective, and demonstrate continued bad faith.

94. At some point in 2024, Defendants appear to have decided to address the fact that Kik is unsafe for children by reversing their decade-plus

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[72] Available at https://web.archive.org/web/20201218113127/https://www.kik.com/terms-of-service/#5-how-we-respond-to-violations. Identical representations were made in subsequent Terms of Service, including those operative as of August 2021—which remained the operative terms through at least 2023 (available at https://web.archive.org/web/20220116021426/https://www.kik.com/terms-of-service/#5-how-we-respond-to-violations), and remain in Kik's operative Terms of Service at present (available at https://kik.com/terms-of-service/).

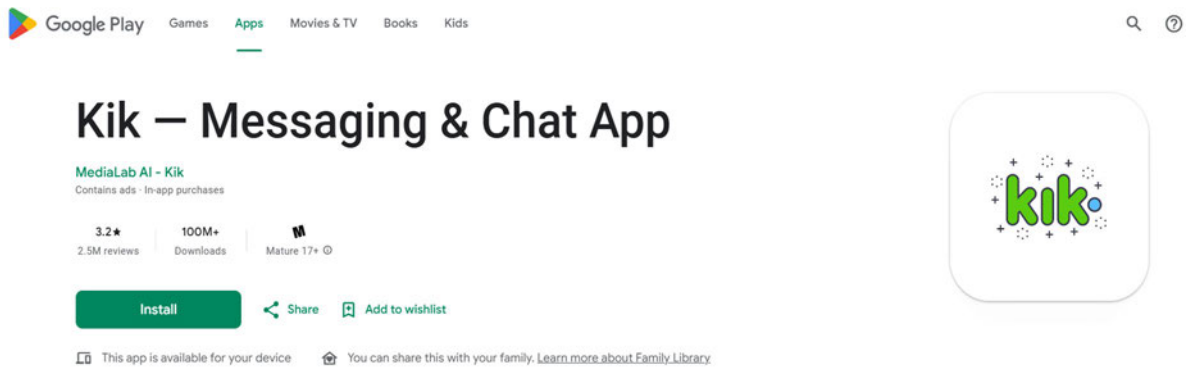
[73] Thomas Brewster, "Kik Messenger Promised To Remove Child Predators -- I Just Found 10 In 2 Hours," Forbes (Sep. 20, 2017) (available at https://www.forbes.com/sites/thomasbrewster/2017/09/20/kik-slow-to-delete-child-abuse-profiles-despite-promise/?sh=7a064b78dda8)

1. AUDIENCE AND ACCOUNTS

You must be at least 18 years of age to use the Services or submit any information to MediaLab. If you are under 18, please do not attempt to register for the Services or send any personal information about yourself to us. If you believe that a user under the required minimum age may have provided us personal information, please contact us via our contact form .

efforts to court a teen market. At present, in Kik's Terms of Service, it states that the platform is only for users ages 18 and above:

Fig. 2[74]



95. However, Kik only makes this age requirement explicit in its Terms of Service. On Google's app store—Google Play—it is listed as 17+

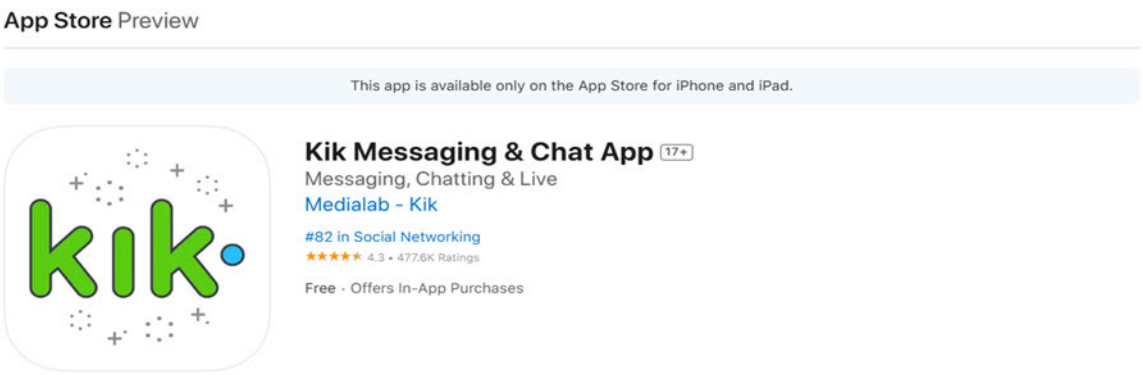


Fig. 3[75]

96. The same is true for Apple's App Store:

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[74] https://kik.com/terms-of-service/
[75] https://play.google.com/store/apps/details?id=kik.android

Fig. 4[76]

97. Moreover, if a child downloads Kik and attempts to create an account, Defendants provide an "age gate"—a screen where a user is required to enter his or her age prior to creating an account—that defaults to an age over 18:

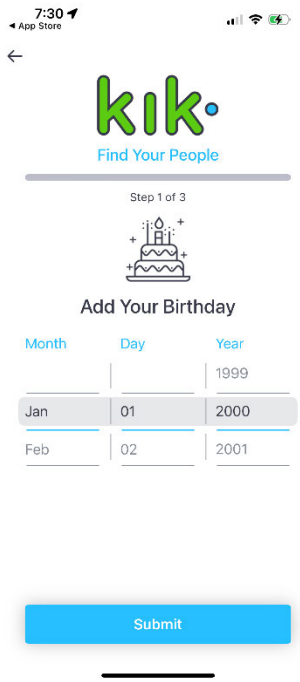


Fig. 5

98. Thus, rather than attempting to proactively screen children from adult users prior to account creation, Kik engages in a common practice among social media platforms: utilization of "dark patterns" or "nudges," to induce a user to take the path of least resistance—and of greatest benefit for the

[76] https://apps.apple.com/us/app/kik-messaging-chat-app/id357218860

platform. Here, Kik attempts to have it both ways, by providing an age gate in an effort to pretend that it wishes to screen users based upon the age-appropriateness of the app, will encouraging the user to simply click through the prompt and provide Kik with an age that is inaccurate, but that also gives Defendants plausible deniability.

99. Defendants' approach to [redacted] Prior to the [redacted][77]

100. [redacted] even if that means fabricating user age data in order to justify allowing the users to remain on the platform.

101. Defendants' claims about being an 18-and-over platform in 2025 continue to ring hollow.

102. At present, Kik remains one of the most severe threats to minors currently in operation.

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[77] MEDIALAB_NVAG_00035345

CAUSES OF ACTION

COUNT I:

DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION OF NEVADA'S DECEPTIVE TRADE PRACTICES ACT (N.R.S. §§ 598.0903 through 598.0999)

103. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

104. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.,* NRS 598.0963 and 598.0999.

105. At all times relevant herein, the Defendants violated the Nevada Deceptive Trade Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing deceptive acts or practices, in the conduct of commerce, which are violations of the Act.

106. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper in this Court because Defendants are using, have used, and/or are about to use practices that are unlawful under the Act. NRS § 598.0915(5).

107. Defendants willfully committed deceptive trade practices because of false representations as well as omission of material facts. *See* NRS § 598.0915(5); *see also* §§ 598.0915(2) ("[k]knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services for

sale…"), 598.0915(3) ("[k]knowingly makes a false representation as to affiliation, connection, association with or certification by another person"), and 598.0915(15) ("[k]nowingly makes any other false representation in a transaction").

108. Defendants acted knowingly under Nevada law, which states that under the NDTPA, "'knowingly' means that the defendant is aware that the facts exist that constitute the act or omission." *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, *2. Similarly, "a 'knowing[ ]' act or omission under the NDTPA does not require that the defendant intend to deceive with the act or omission, or even know of the prohibition against the act or omission, but simply that the defendant is aware that the facts exist that constitute the act or omission." *Id.* at *8 (alteration original).

109. As set forth, *supra*, Defendants knowingly failed to disclose the material facts concerning the true nature of the risks of harm posed to children on Kik.

110. As set forth, *supra*, Defendants knowingly misrepresented to regulators and the public that Kik was safe for children, and prioritized the safety of children on the platform, when in fact Defendants knew that those representations were false.

111. As set forth, *supra*, Defendants, at all times relevant to this Complaint, willfully violated the Deceptive Trade Practices Act by committing deceptive trade practices by representing that Kik "ha[s] … characteristics, … uses, [or] benefits" that it does not have. NRS § 598.0915(5).

112. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by causing confusion or misunderstanding as to the safety and risks associated with the Kik social media platform. NRS § 598.0915(2).

113. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by making "false representation as to [the] affiliation, connection, association with or certification" of Kik. NRS § 598.0915(3).

114. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by representing that Kik was "of a particular standard, quality or grade" (to wit, designed to be safe for children), despite knowing that this was not true. NRS § 598.0915(7).

115. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by representing that Kik is safe and not harmful to children's wellbeing when such representations were untrue, false, and misleading. NRS § 598.0915(15).

116. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by using exaggeration and/or ambiguity as to material facts and omitting material facts, which had a tendency to deceive and/or did in fact deceive. NRS § 598.0915(15).

117. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by violating one or more laws relating to the sale or lease of goods or services. NRS § 598.0923(1)(c).

118. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by failing to disclose a material fact in connection with the sale or lease of goods or services. Nev. Rev. Stat. Ann. § 598.0923(1)(b).

119. As set forth, *supra*, Defendants willfully committed further deceptive trade practices by making false assertions of scientific, clinical or quantifiable facts in its advertisements and public statements which would cause a reasonable person to believe that such assertions were true. NRS § 598.0925(1)(a).

120. Defendants' deceptive representations, concealments, and omissions were knowingly made in connection with trade or commerce, were reasonably calculated to deceive the public and the State, were statements that may deceive or tend to deceive, were willfully used to deceive the public and the State, and did in fact deceive the public and the State.

121. As described more specifically above, Defendants' representations, concealments, and omissions constitute a willful course of conduct which continues to this day. Unless enjoined from doing so, Defendants will continue to violate the Nevada Deceptive Trade Practices Act.

122. But for these representations, concealments, and omissions of material fact, Nevada's child citizens (and their families) would not have suffered the harms detailed herein.

123. Defendants' deceptive trade practices are willful and subject to a civil penalty and equitable relief. NRS § 598.0999.

124. Because Defendants' deceptive trade practices are toward minors, Defendants are subject to additional civil penalties and equitable relief. NRS § 598.09735.

125. Each exposure of a Nevada Young User to Kik resulting from the aforementioned conduct of each Defendant constitutes a separate violation of the Nevada Deceptive Trade Practices Act.

126. Defendants engaged in deceptive and unconscionable trade practices in violation of NRS 598.0903 through 598.0999 knowingly, willfully, or with fraudulent intent. Their conduct was malicious and carried out with a conscious disregard for the rights and safety of consumers, particularly vulnerable populations such as minors and Young Users.

127. Defendants' actions were fraudulent, oppressive, and despicable, and would be regarded with contempt by ordinary, decent people. Through misrepresentation, concealment, or material omissions, Defendants intentionally misled consumers to gain an unfair business advantage while disregarding the foreseeable harm their conduct would cause.

128. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief and all recoverable penalties under all sections of the Deceptive Trade Practices Act including all civil penalties per each violation, attorney fees and costs, and pre- and post-judgment interest.

129. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or

permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

130. Pursuant to NRS 42.005 and 42.007, Defendants are liable for exemplary and punitive damages. *See D.R. Horton, Inc. v. Betsinger*, 130 Nev. 842, 335 P.3d 1230 (2014). The misconduct was authorized, ratified, or committed by Defendants' officers, directors, or managing agents, or was adopted and implemented as a matter of corporate policy. Defendants are therefore vicariously liable for the fraudulent and malicious conduct of their agents and representatives.

COUNT II:

UNCONSCIONABLE ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION OF NEVADA'S DECEPTIVE TRADE PRACTICES ACT (N.R.S. §§ 598.0903 THROUGH 598.0999)

131. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

132. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.,* NRS 598.0963 and 598.0999.

133. At all times relevant herein, Defendants violated the Nevada Deceptive Trade Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing unconscionable trade practices, in the conduct of commerce, which are violations of the Act.

134. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper in this Court because Defendants are using, have used, and/or are about to use practices that are unlawful under the Act. NRS § 598.0915(5).

135. As set forth, *supra*, Defendants willfully committed unconscionable trade practices in designing and deploying the Kik social media platform. Such conduct violates the NDTPA's prohibition of knowingly using "an unconscionable practice in a transaction." NRS § 598.0923(1)(e).

136. Defendants acted knowingly under Nevada law, which states that under the NDTPA, "'knowingly' means that the defendant is aware that the facts exist that constitute the act or omission." *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, *2. Similarly, "a 'knowing[ ]' act or omission under the NDTPA does not require that the defendant intend to deceive with the act or omission, or even know of the prohibition against the act or omission, but simply that the defendant is aware that the facts exist that constitute the act or omission." *Id*. at *8 (alteration original).

137. The design of Kik as a platform that both is marketed to teens and simultaneously a threat to teens, discussed *supra*, is an "unconscionable trade

practices" because they (1) "[t]ake[] advantage of the lack of knowledge, ability, experience or capacity of the consumer to a grossly unfair degree;" and (2) "[r]esult[] in a gross disparity between the value received and the consideration paid, in a transaction involving transfer of consideration." NRS § 598.0923(2)(b)(1)-(2).

138. NRS § 598.0923(2)(b)(1): As discussed, *supra*, the Kik platform demonstrates a vast asymmetry in sophistication and knowledge between Defendants, on the one hand, who have devoted extensive time, energy, and resources in identifying ways in which children may be harmed on Kik; and children (and their caretakers), on the other hand, who do not—and could not be expected to—have the same fundamental and sophisticated knowledge of said harms. This asymmetry in knowledge is compounded by the fact that Defendants knowingly and intentionally hide, obscure, or minimize critical information, preventing public access to anything that might be damaging to their reputation and that would alert the public to the harms identified herein.

139. NRS § 598.0923(2)(b)(2): Further, as discussed, *supra*, use of the Kik platform is a transaction that involves consideration (exemplified by the fact that Defendants seek to bind children and their caretakers to, *inter alia*, a contract in the form of Kik's Terms of Use). Due to the harms identified herein that afflict children as a result of using Kik, the disparity between the value received and the consideration paid is so vast as to be unconscionable.

140. As described more specifically above, Defendants' conduct is willful and continues to this day. Unless enjoined from doing so, Defendants will continue to violate the Nevada Deceptive Trade Practices Act.

141. But for this unconscionable conduct, Nevada's Young User citizens would not have suffered the harms detailed herein.

142. Defendants' unconscionable practices are willful and subject to a civil penalty and equitable relief. NRS § 598.0999.

143. Because Defendants' unconscionable practices are toward minors, Defendants are subject to additional civil penalties and equitable relief. NRS § 598.09735.

144. Each exposure of a Nevada child to Kik resulting from Defendants' aforementioned conduct constitutes a separate violation of the Nevada Deceptive Trade Practices Act.

145. Defendants engaged in deceptive and unconscionable trade practices in violation of NRS 598.0903 through 598.0999 knowingly, willfully, or with fraudulent intent. Their conduct was malicious and carried out with a conscious disregard for the rights and safety of consumers, particularly vulnerable populations such as minors and Young Users.

146. Defendants' actions were fraudulent, oppressive, and despicable, and would be regarded with contempt by ordinary, decent people. Through misrepresentation, concealment, or material omissions, Defendants intentionally misled consumers to gain an unfair business advantage while disregarding the foreseeable harm their conduct would cause.

147. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief and all recoverable penalties under all sections of the Nevada Deceptive Trade Practices Act including all civil penalties per each violation, attorney fees and costs, and pre- and post-judgment interest.

148. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

149. Pursuant to NRS 42.005 and 42.007, Defendants are liable for exemplary and punitive damages. *See D.R. Horton, Inc. v. Betsinger*, 130 Nev. 842, 335 P.3d 1230 (2014). The misconduct was authorized, ratified, or committed by Defendants' officers, directors, or managing agents, or was adopted and implemented as a matter of corporate policy. Defendants are therefore vicariously liable for the fraudulent and malicious conduct of their agents and representatives.

COUNT III:

PRODUCT LIABILITY – DESIGN DEFECT

150. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

151. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of Nevada law.

152. Nevada recognizes the "sound public policy favoring the strict product liability doctrine." *Ward v. Ford Motor Co.*, 99 Nev. 47, 49, 657 P.2d 95, 96 (1983).

153. Defendants designed, created, distributed Kik, and have continued to maintain and distribute it to Nevada consumers, including Young Users in Nevada, rendering Defendants the product's designer, manufacturer, and distributor for strict product liability purposes.

154. Defendants designed defective features of Kik that render it unreasonably dangerous to end users, including Young Users in Nevada.

155. Because those design defects are built into the Kik product, it is defective upon distribution.

156. Kik's end users, including Young Users in Nevada, use Kik in a manner reasonably foreseeable by Defendants.

157. The Kik product lacks adequate, feasible safety features.

158. Kik's defective designs have caused and continue to cause injury to end users, including Young Users in Nevada.

A. Kik is a Product for Purposes of Nevada's Strict Product Liability Law.

159. Defendants do not provide content via Kik, but rather Defendants design and distribute the Kik platform itself. And because Kik is defectively designed, it creates a safety risk for users and is subject to strict product liability.

1. Recognizing Kik as a product for purposes of strict product liability advances the three public policy objectives as required under Nevada law.

160. Nevada has expressly declined to adopt a limited definition of "product" for purposes of strict product liability and instead requires a case-by-case analysis under the policy objectives outlined in Restatement (Second) section 402A. *Schueler v. Ad Art, Inc.*, 136 Nev. App. 447, 454 (2020). Those objectives are: (1) promot[ing] safety by eliminating the negligence requirement; (2) spread[ing] the costs of damages from dangerously defective products to the consumer by imposing them on the manufacturer or seller; and (3) removing concerns about a plaintiff's ability to prove a remote manufacturer's or seller's negligence." *Id.* (quoting *Calloway v. City of Reno*, 116 Nev. 250, 268 (2000)). This "case-by-case approach [] ***allows the [product liability] doctrine to adapt to technological advances***." *Id.* at 455. (emphasis added).

i. Recognizing Kik as a "product" promotes safety by incentivizing Defendants to make Kik safer for the Nevada public.

161. Imposing the cost of injuries resulting from Kik on Defendants, who created and put Kik on the market, "creates an incentive for Defendants to

make the product safer." *Schueler*, 136 Nev. at 462. "This imposition is justified because [Defendants have] undertaken and assumed a special responsibility toward" Kik's end users, which include Young Users in Nevada, by releasing Kik into the market. *Id*. (quoting Restatement (2d) of Torts, § 402A cmt. c). These Young Users, and their parents or guardians, were entitled to assume that the platform was fit for ordinary use, and Defendants knew or should have known that Kik would be used by Young Users without inspection for defects, the likes of which include the ability of minors *and predators* to create accounts anonymously and to begin engaging in unchecked and harmful communication, as well as ineffective parental controls.

ii. Recognizing Kik as a "product" spreads the costs of Young Users' harm to Defendants.

162. It is beyond dispute that Defendants are in the business of designing, making, marketing, and introducing Kik into the market (or "stream of commerce"). At all times relevant to this action, Defendants have had—and continue to have—the ability and opportunity to design and develop safe products, as well as the ability and opportunity to bear the costs and negative consequences to society and Young Users associated with those products. Whereas Young Users—and their parents or guardians—do not.

iii. Recognizing Kik as a "product" removes concerns about a Young User's ability to prove Defendants' negligence.

163. As discussed in the preceding paragraphs, it is Defendants—not Young Users or their parents or guardians—who have complete and total

control over Kik's design, manufacture, marketing, and introduction into the stream of commerce. Thus, Young Users and their parents or guardians may not be in a position to prove Defendants' negligence.

2. Kik is sufficiently analogous to tangible products to be considered a product for product liability purposes.

164. In addition to the three policy objectives outlined above, Nevada courts may use "appropriate definitions as guidance when determining whether an item is indeed a product for purposes of strict liability." *Schueler*, 136 Nev. at 455. The Restatement (Third) of Torts: Product Liability's definition of product is "tangible personal property distributed commercially for use or consumption." § 19 (Am. Law Inst. 1998). Under this definition, the Restatement (3d) of Torts recognizes that even electricity is a "product[] ***when the context of [its] distribution and use is sufficiently analogous to [that] of tangible personal property***." *Id*. (emphasis added).

165. Like the example of electricity, which is distributed via a complex physical infrastructure that includes power plants, towers, substations, and cables, Kik is distributed via a complex physical infrastructure that includes servers, data centers, cables, and various online "stores" where users can download Kik onto their devices—the modern equivalent of purchasing a tangible software product, *e.g.*, Microsoft Windows, at a brick-and-mortar store. The user's "purchase" (download) causes Kik to occupy physical storage space on the user's device hard drive, like a purchased clothing item occupies physical storage space in a user's closet. Once Defendants' Kik product is downloaded

onto a user's device, it transmits the user's personal information back to Defendants by means of "packets," or discreet and measurable blocks of data traveling across a network, again using physical components (servers, data centers, cables).

166. Further, like providers of electricity and tangible items, such as supermarket products or pharmaceutical drugs, Defendants closely monitor and measure how much of their product users consume, and the more product a user consumes, the more Defendants profit (via data and attention then sold to advertisers).

167. Further, like providers of tangible products, Defendants create customer demand for and reliance on the Kik product through marketing (analogous to most tangible products), innovation (analogous to vehicles, computers, and appliances), fear of missing out (FOMO) (analogous to certain clothing brands and children's toys), and addictive features (analogous to addictive pharmaceutical drugs).

168. The context of Kik's use is also sufficiently analogous to that of tangible personal property for Kik to be considered a product for product liability purposes. Analogous use examples of tangible products include MP3 players and electronic readers. Individuals use these products as personal entertainment, at home and on the move, choose specific content or consume via shuffle play or recommendations, and interact with the content via pausing songs, saving books, or leaving book reviews. Also like Kik, these products are used as *platforms* for the discovery, curation, and viewing of content; the

designer, manufacturer, and/or distributor of the MP3 player or electronic reader does not *create* the songs or books.

169. Other, more modern examples of analogous products are mobile applications ("Apps") that, while not directly comparable to a *tangible* product, have been found to be products for the purposes of strict product liability. For example, courts have found that the rideshare Lyft App is a product because, like Defendants and their Kik product, "Lyft designed and placed the Lyft App into the stream of commerce for the general public, putting Lyft in the best position to control the risk of harm associated with the App caused by the design choices, similar to designers of defective tangible products." *Ameer v. Lyft*, 2025 WL 679373 *13-14 (Mar. 4, 2025); *see also Brookes v. Lyft Inc.*, 2022 WL 19799628 (Fla. Cir. Ct. Sept. 30, 2022) (determining Lyft App is product for product liability purposes); *Doe v. Lyft, Inc.*, 756 F. Supp. 3d 110, 2024 (D. Kansas. Nov. 1, 2024) (same); *In re Uber Techs., Inc.*, 745 F. Supp. 3d 869 (N.D. Cal. 2024) (determining Uber App is product for product liability purposes). This recognition furthers Nevada's acknowledgement that the case-by-case approach to determining what is a product "allows the [product liability] doctrine to adapt to technological advances." *Schueler,* 136 Nev. App. at 455; *Ameer*, 2025 WL 679373 *14 (noting that the "Court must recognize the changes rippling through our society as a result of the technology at issue, and decide whether the Lyft App should be forced into the old square holes of pre-existing legal categories, when none are a perfect fit") (cleaned up and quotation omitted).

170. Similarly, in determining that the Grindr dating App may be a product for strict liability purposes, a Florida court focused on the purpose behind Florida's strict liability law, which is the same purpose as Nevada's: "product liability shifts the burden to ensure a safe, non-defective product on the party who is most able to protect against the harm and bear the cost." *T.V. v. Gindr, LLC*, 2024 WL 4128796 *63 (M.D. Fla. Aug. 13, 2024). Defining the Grindr App as a product met this purpose because Grindr "[1] designed the Grindr app for its business, [2] made design choices for the Grindr app, [3] placed the Grindr app into the stream of commerce, [4] distributed the Grindr app in the global marketplace, [5] marketed the Grindr app, and [6] generated revenue and profits from the Grindr app[.]" *Id.* at *63-64. Grindr's role in designing and distributing the App "mak[es] Grindr's role different from a mere service provider, putting Grindr in the best position to control the risk of harm associated with the Grindr app, and rendering Grindr responsible for any harm caused by its design choices in the same way designers of physically defective products are responsible." *Id.* at *64; *see also Maynard v. Snapchat, Inc.*, 313 Ga. 533, 552, 870 S.E.2d 739 (2022) (recognizing that protecting public from defective products important aspect of public policy and finding Snap App may be product for strict liability purposes). Further, Grindr's argument that plaintiffs were "trying to hold Grindr liable for users' communications," or "ideas and expressions," was unpersuasive because plaintiffs had pled that Grindr's "design choices, like Grindr's choice to forego age detection tools (akin to a design choice to forego an effective safety cap on a medicine bottle), and

Grinder's choice to provide an interface displaying the nearest users first (akin to a design choice to make a dangerous feature prominent)," were sufficient to allege a defect in the product's *design*. 2024 WL 4128796 at *65. Likewise, here Defendants designed Kik for their business, made design choices for Kik, placed Kik into the stream of commerce, and continue to distribute, market, and generate revenue and profits from Kik. Finally, like the Nevada Supreme Court in *Schueler* and the Missouri Appellate Court in *Ameer*, the Florida court in *Grindr* recognized that the "common law must keep pace with changes in our society and may be altered. . . when the change is demanded by public necessity or required to vindicate fundamental rights." *Id*. at *45 (quotation omitted).

B. The Kik Product is Defective.

171. Kik fails to perform in the manner reasonably to be expected in light of its nature and intended function and is more dangerous than would be contemplated by the ordinary user of such technology having ordinary knowledge available in the community. *See Ford v. Motor Co. v. Trejo*, 133 Nev. 520, 523, 402 P.3d 649, 652 (2017).

172. An ordinary user of Kik would expect the product to enable them to easily share content with other users.

173. However, an ordinary user of Kik, including a minor or their guardian in Nevada, would *not* contemplate the unreasonable dangers arising from ordinary use of the platform, such as an increased risk of exposure to child predators. These unreasonable dangers are even more unexpected to the

ordinary user because they are insidious, operating without awareness as the user's safety is jeopardized.

174. Kik's design features that create the unreasonable dangers to the ordinary user are *purposefully* designed by Defendants to elicit the very dangers they cause, in an effort to dominate the market and increase commercial profits.

C. The Kik product's defects exist at the time Defendants place Kik into the stream of commerce.

175. Defendants design, create, and distribute Kik. Therefore, the design defects exist at the time Defendants place the product in the stream of commerce.

D. The Kik product lacks adequate, feasible safety features.

176. The Kik product lacks adequate, feasible safety features, *e.g.*, proper parental controls, verification of user age, proper content moderation, safeguards preventing minors from being contacted by predators, and other features.

177. Defendants could easily implement these safety features into Kik but have failed to do so.

E. The Kik product's defects caused the State's harms.

178. Kik's design defects caused injury to minors and their guardians in Nevada.

179. As a result of Defendants' conduct, the State is entitled to—and does—seek damages (including punitive damages) in an amount to be proven at trial.

180. As set forth, *supra,* Kik has a design defect that renders it unreasonably dangerous. Specifically, Kik failed to perform in the manner reasonably to be expected in light of its nature and intended function and was more dangerous than would be contemplated by the ordinary user having the ordinary knowledge available in the community.

181. As set forth, *supra*, the defect existed at all times relevant hereto, including the time the product left the manufacturer (*i.e.,* Defendants).

182. As set forth, *supra*, the defect caused injury to minors in Nevada.

183. As a result of Defendants' conduct, the State is entitled to—and does—seek damages (including punitive damages) in an amount to be proven at trial.

184. The actions of Defendants set forth herein and above, were undertaken knowingly, wantonly, willfully, and/or maliciously.

185. Defendants' conduct was despicable and so contemptible that it would be looked down upon and despised by ordinary decent people and was carried on by Defendants with willful and conscious disregard for the rights and safety of anyone using the product, and particularly minors.

186. The misconduct was authorized, ratified, or committed by Defendants' officers, directors, or managing agents, or was adopted and implemented as a matter of corporate policy. Defendants are therefore vicariously liable for the fraudulent and malicious conduct of their agents and representatives.

187. Defendants' outrageous and unconscionable conduct warrants an award of exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an example of Defendants, and to deter similar conduct in the future.

188. Pursuant to NRS 42.007, to the extent any of the conduct alleged herein and above was committed by someone other than managing agents, speaking agents, officers, directors, corporate representatives, or those with actual or implied authority to act on behalf of Kik, Kik authorized, benefited from and/or ratified said conduct. Defendants had advanced knowledge that the employee or employees responsible for the wrongful conduct were unfit for the purposes of the employment and Defendants employed the employee(s) with a conscious disregard of the rights or safety of others.

189. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

190. Defendants are directly and vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its employees, agents, and/or servants, as set forth herein.

COUNT IV:

PRODUCT LIABILITY – FAILURE TO WARN

191. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

192. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of Nevada law.

193. Nevada recognizes the "sound public policy favoring the strict product liability doctrine." *Ward v. Ford Motor Co.*, 99 Nev. 47, 49, 657 P.2d 95, 96 (1983).

194. The State incorporates paragraphs 159 through 176 of this Complaint (alleging Kik is a product for purposes of Nevada's strict product liability law).

195. Defendants designed, created, and distributed the Kik product, which they continue to update and distribute to consumers, including consumers in Nevada.

196. Defendants placed Kik in the hands of end users, including end users in Nevada, without adequate warning regarding safe and proper use.

197. Defendants' failure to provide adequate warning regarding safe and proper use of Kik renders the Kik product unreasonably dangerous. Kik's end users, including end users in Nevada, would not generally know that ordinary use of the Kik product.

198. As set forth, *supra,* Kik has a defective warning that renders it unreasonably dangerous. Any and all representations, misrepresentations, and omissions made in relation thereto that Defendants made regarding the suitability and safety of Kik for children have not been accompanied by suitable and adequate warnings concerning its safe and proper use.

199. As set forth, *supra*, Defendants had reason to anticipate that a particular use of Kik—*i.e.*, its use by children—may be dangerous without such warnings.

200. As set forth, *supra*, any warnings that Defendants made in connection with children' use of Kik was not (1) designed so it can reasonably be expected to catch the attention of the consumer; (2) be comprehensible and give a fair indication of the specific risks involved with the product; and (3) be of an intensity justified by the magnitude of the risk.

201. As set forth, *supra*, the defective warning existed at all times relevant hereto, including the time the product left the manufacturer (*i.e.,* Defendants).

202. As set forth, *supra*, Defendants' failure to warn about the safe and proper use of the Kik product has caused and continues to cause injury to end users, including Young Users in Nevada.

203. Kik has a defective warning that renders it unreasonably dangerous. Any and all representations, misrepresentations, and omissions made in relation thereto that Defendants made regarding the suitability and safety of Kik for Young Users have not been accompanied by suitable and adequate warnings concerning its safe and proper use.

204. Defendants had reason to anticipate that a particular use of Kik—*i.e.*, its use by Young Users—may be dangerous without such warnings.

205. Any warnings that Defendants made in connection with Young Users' use of Kik was not (1) designed so it can reasonably be expected to catch the attention of the consumer; (2) be comprehensible and give a fair indication of the specific risks involved with the product; and (3) be of an intensity justified by the magnitude of the risk.

206. The defective warning existed at all times relevant hereto, including the time the product left the manufacturer (*i.e.*, Defendants). *See.*

207. The defective warning caused injury to Young Users in Nevada.

208. As a result of Defendants' conduct, the State is entitled to—and does—seek damages (including punitive damages) in an amount to be proven at trial.

209. The actions of Defendants set forth herein and above, were undertaken knowingly, wantonly, willfully, and/or maliciously.

210. Defendants' conduct was despicable and so contemptible that it would be looked down upon and despised by ordinary decent people and was

carried on by Defendants with willful and conscious disregard for the rights and safety of anyone using the product, and particularly Young Users.

211. The misconduct was authorized, ratified, or committed by Defendants' officers, directors, or managing agents, or was adopted and implemented as a matter of corporate policy. Defendants are therefore vicariously liable for the fraudulent and malicious conduct of their agents and representatives.

212. Defendants' outrageous and unconscionable conduct warrants an award of exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an example of Defendants, and to deter similar conduct in the future.

213. Pursuant to NRS 42.007, to the extent any of the conduct alleged herein and above was committed by someone other than managing agents, speaking agents, officers, directors, corporate representatives, or those with actual or implied authority to act on behalf of Kik, Kik authorized, benefited from and/or ratified said conduct. Defendants had advanced knowledge that the employee or employees responsible for the wrongful conduct were unfit for the purposes of the employment and Defendants employed the employee(s) with a conscious disregard of the rights or safety of others.

214. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this

State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

215. Defendants are directly and vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its employees, agents, and/or servants, as set forth herein.

COUNT V:

NEGLIGENCE

216. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

217. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of Nevada law.

218. Defendants had and continue to have a duty to exercise reasonable care in designing, implementing, maintaining, and otherwise introducing Kik into the stream of commerce.

219. This duty of reasonable care extends to children in the State of Nevada.

220. As set forth, *supra*, Defendants breached that duty.

221. As a result of Defendants' breach of that duty, children in Nevada have been injured.

222. Defendants' conduct was the legal cause of that injury.

223. As set forth, *supra*, Defendants' conduct was willful, wanton, malicious, reckless, oppressive, and/or fraudulent.

224. Plaintiff, the State of Nevada, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, restitution, disgorgement of profits, compensatory and punitive damages, and all damages allowed by law to be paid by the Defendants, attorney fees and costs, and pre- and post-judgment interest.

225. Defendants' conduct was despicable and so contemptible that it would be looked down upon and despised by ordinary decent people and was carried on by Defendants with willful and conscious disregard for the rights and safety of anyone using the product, and particularly Young Users.

226. Defendants' outrageous and unconscionable conduct warrants an award of exemplary and punitive damages pursuant to NRS 42.005, in an amount appropriate to punish and make an example of Defendants, and to deter similar conduct in the future.

227. Pursuant to NRS 42.007, to the extent any of the conduct alleged herein and above was committed by someone other than managing agent, speaking agent, corporate representatives, or those with actual or implied authority to act on behalf of Defendants, Defendants authorized, benefitted from and/or ratified said conduct. Defendants had advanced knowledge that the

employee or employees responsible for the wrongful conduct were unfit for the purposes of the employment and employed the employee(s) with a conscious disregard of the rights or safety of others. Defendants are directly and vicariously liable for punitive damages arising from the outrageous and unconscionable conduct of its employees, agents, and/or servants, as set forth herein.

228. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

COUNT VI:

UNJUST ENRICHMENT

229. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

230. The Attorney General is authorized to bring an action—independently in the name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of Nevada law.

231. Children in the State of Nevada have conferred a benefit on Defendants in the form of being a monetizable audience (providing not just an opportunity for Defendants to grow its user base among a coveted demographic, but also for Defendants to acquire sensitive and valuable personal data associated with children; as well as for all other reasons that Defendants have described a monetary value to children).

232. Defendants knew of the benefits conferred.

233. Defendants accepted the benefits conferred.

234. It would be unjust to allow Defendants to retain the benefits conferred without paying their reasonable value.

235. Plaintiff, State of Nevada, further seeks all available relief—including without limitation a temporary restraining order, a preliminary or permanent injunction, the recovery of a civil penalty, disgorgement, restitution and/or the recovery of damages—as *parens patriae* of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly. *See,* NRS 598.0963(3)(a).

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. On the First Cause of Action, Judgment in favor of the State and against Defendants declaring that all acts and omissions of the Defendants described in this Complaint constitute multiple, separate violations of the Deceptive Trade Practices Act and that thereby Defendants willfully and knowingly violated the Nevada Deceptive Trade Practices Act, NRS §§ 598.0903 to 598.0999;

B. On the Second Cause of Action, Judgment in favor of the State and against Defendants declaring that all acts and omissions of the Defendants described in this Complaint constitute multiple, separate violations of the Deceptive Trade Practices Act and that Defendants willfully and knowingly violated the Nevada Deceptive Trade Practices Act, NRS §§ 598.0903 to 598.0999;

C. On the Third Cause of Action, Judgment in favor of the State and against Defendants that Defendants' challenged social media platform contains one or more design defects that caused damages as alleged herein;

D. On the Fourth Cause of Action, Judgment in favor of the State and against Defendants that Defendants failed to provide adequate warnings about the challenged social media platform and that failure caused damages as alleged herein;

E. On the Fifth Cause of Action, Judgment in favor of the State and against Defendants that Defendants' negligence caused damages as alleged herein;

F. On the Sixth Cause of Action, Judgment in favor of the State and against Defendants that Defendants were unjustly enriched as alleged herein;

G. That Plaintiff recover all measures of damages allowable under all applicable State statutes and the common law, but in any event more than $15,000, that Judgment be entered against Defendants in favor of Plaintiff, and requiring that Defendant pay punitive damages;

H. That Defendants be ordered to pay civil penalties pursuant to the Deceptive Trade Practices Act including disgorgement and civil penalties of up to $15,000 for each violation of the Deceptive Trade Practices Act, and up to $25,000 for each violation of the Deceptive Trade Practices Act directed toward a minor person;

I. That Plaintiff be awarded all injunctive, declaratory, and other equitable relief appropriate and necessary based on the allegations herein;

J. That, in accordance with the Nevada Deceptive Trade Practices Act, Defendants, their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents, and employees thereof, and all other persons acting or claiming to act on their behalf or in concert with them, be enjoined and restrained from in any manner continuing, maintaining, or renewing the conduct, alleged herein in violation of the above stated Nevada

laws, or from entering into any other act, contract, or conspiracy having a similar purpose or effect;

K. That Plaintiff recover the costs and expenses of suit, pre- and post-judgment interest, and reasonable attorneys' fees as provided by law; and

L. That the Court order such other and further relief as the Court deems just, necessary, and appropriate.

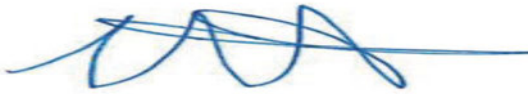
JURY DEMAND

Pursuant to NRCP 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated this 15th day of August, 2025.

Submitted by:





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