

AMBIKA KUMAR*
ambikakumar@dwt.com
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, WA 98104
Telephone: (206) 622-3150

ADAM S. SIEFF*
adamsieff@dwt.com
DAVIS WRIGHT TREMAINE LLP
865 South Figueroa Street, 24th Floor
Los Angeles, CA 90017
Telephone: (213) 633-6800

DAVID M. GOSSETT*
davidgossett@dwt.com
CHELSEA T. KELLY*
chelseakelly@dwt.com
DAVIS WRIGHT TREMAINE LLP
1301 K Street NW, Suite 500 East
Washington, DC 20005
Telephone: (202) 973-4200

ROBERT CORN-REVERE*
bob.corn-revere@thefire.org
FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION
700 Pennsylvania Avenue SE, Suite 340
Washington, DC 20003
Telephone: (215) 717-3473 Ext. 209

DAVID RUBIN*
David.Rubin@thefire.org
FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION
700 Pennsylvania Avenue SE, Suite 340
Washington, DC 20003
(215) 717-3473 Ext. 283

JEROME H. MOONEY (Utah Bar #2303)
jerrym@mooneylaw.com
WESTON, GARROU & MOONEY
50 West Broadway, Suite 300
Salt Lake City, UT 84101
Telephone: (310) 442-0072

Attorneys for Plaintiffs
**Admitted Pro hac vice*

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

HANNAH PAISLEY ZOULEK, a Utah resident; JESSICA CHRISTENSEN, a Utah resident; LU ANN COOPER, a Utah resident; M.C., a Utah resident, by and through her parent, LU ANN COOPER; VAL SNOW, a Utah resident; and UTAH YOUTH ENVIRONMENTAL SOLUTIONS, a Utah association,

Plaintiffs,

v.

KATIE HASS, in her official capacity as Director of the Utah Dept of Commerce Division of Consumer Protection; SEAN REYES, in his official capacity as Utah Attorney General,

Defendants.

**DECLARATION OF M.C., A MINOR,
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Case No. 2:24-cv-00031-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

I, M.C., declare as follows:

1. I am a 17-year-old high school student in Roy, Utah. I am active in my school's debate club and enjoy pursuing my creative passions of dance and music.

2. My peers and I have grown up with social networks being a significant part of the world around us. We use it to communicate, make new friends, strengthen current friendships, learn new things, obtain news and information, and express our creativity. I mostly use Instagram, Pinterest, and YouTube now, and have previously also used BeReal and Lemon8.

3. My main form of social networks is Instagram, which I predominantly use as a creative space. I watch content posted by other dancers, dance studios, musicians, and bands on Instagram "stories" (photos or videos that auto-play in a slideshow format for 24-hour periods) and "reels" (edited video clips) through my "For You" page (Instagram's personalized feed based on a user's interests and engagement patterns on the app, which is available via continuous scrolling). Following these creative forces inspires and excites me to create my art and strengthen my dance technique. I am currently working towards creating my own videos to post on Instagram about my process of creating music and explaining the process behind other artists' work. My hope is to reach and inspire other teenagers who are just starting out creating music.

4. In addition to watching and creating content, I also interact with other dancers, artists, and musicians over Instagram. For example, I sometimes direct-message other musicians asking for advice about making music. A lot of the talented dancers and artists with whom I engage on Instagram are under 18. Many of them use Instagram as a means to promote their art and share their talent with the world.

5. I also use Instagram to strengthen my dance and debate communities and fundraise to support my teams. For example, if my debate team or dance team is hosting a fundraiser, I will promote it on Instagram and people will direct-message me to indicate their interest in donating or

otherwise participating. Direct-messaging on Instagram is an important tool for my dance community—for example, my dance teacher receives direct-messages from teens who are interested in joining the studio and want to know how to apply.

6. I have used social networks for educational purposes as well. For example, I used Instagram to help prepare and refine arguments for my debate class by researching opinions and ideas that would appeal to an audience. Additionally, sometimes one of my classmates will mention something they saw on social networks during history class, and it will provoke an interesting group discussion. I also use Goodreads to learn about new books and share my thoughts and opinions on books I am reading.

7. In addition to education, I use social networks as my main source of news about current events, as I prefer not to watch traditional news on television. Instagram helps keep me informed of big events and controversies occurring in the world, both here in the United States and abroad. I find that it provides me with many different perspectives and ideas on current events, which help me form my own opinions.

8. Instagram also notifies me of time-sensitive public safety information. Recently, there were a serious of gun-related incidents at my high school. My classmates and I noticed increased police presence around the school, but did not know why. We found out about the gun-related incidents because of information posted by school parents on Instagram, long before the school resolved the problem and issued a public statement. This kind of timely information makes me feel informed and safe.

9. The Utah Minor Protection in Social Media Act (the “Act”) will directly affect me and my peers. Because I am under 18, if the Act takes effect in October, no one will be able to see the content that I post on social networks unless they are already connected to me. This will

dramatically limit my ability to share my music and other creative works with the world, or to obtain feedback and commentary on these works from the public that is critical to my improvement and development as a young artist. Additionally, I will not be able to discover new music, art, or other content created by other Utah minors with whom I am not already connected—nor will I be able to comment on others’ content or direct-message them. And because the Act restricts the visibility of Utah minor accounts, I may not even be able to find the accounts of other Utah teenagers who I meet in real life to “friend” or “follow” them, obstructing my ability to make and deepen friendships.

10. Additionally, the Act prohibits minors from using auto-play or continuous scrolling/pagination features in social network applications—even if their parents consent. My favorite social network app, Instagram, relies heavily on both auto-play and continuous scrolling, and they are the means by which I gain access to new, interesting, educational, and inspiring content. Indeed, the “For You Page” on Instagram shows me new content via continuous scrolling based on my past activity on the app. Over time, through my own engagement on Instagram, I have carefully cultivated my “For You Page” to serve as a creative space for me by, for example, swiping quickly past content that I find less compelling and focusing on content about dance and music. This scrolling feature has thus allowed me to personalize my experience on social networks to provide exactly the kind of content I’m looking for; and the Act prohibits me from creating such a curated space to obtain information and expression.

11. By forbidding Utah minors from using these features, it seems that the Act will completely ban us from using Instagram, TikTok, YouTube, and many other highly popular and useful applications that we use to interact with the world, at least in their current form. And by


depriving us of access to these fundamental tools that teenagers in every other state can access, Utah is forcing us onto a very uneven playing field with our peers across the country.

12. The Act would also prevent me and my classmates from receiving push notifications over social networks, which can be used to alert us regarding time-sensitive matters of public safety—such as the gun-related incidents at my school. Despite its stated intentions, I believe that the Act will make me less safe rather than safer.

13. The Act assumes that Utah teenagers like me do not have the ability to think critically and regulate our own social network usage. This has not been my experience. To the contrary, many of my peers take breaks from social networks if they realize they are spending too much time on the apps. My school even offered a class on how to use social networks responsibly, which I found very informative. Indeed, when I first got an Instagram account, my parents imposed certain restrictions, but eventually lifted them when they saw that I was able to use the platform responsibly and safely on my own. I think it is an important part of teenage development to learn how to use these tools appropriately on our own, or in consultation with our parents, without the state telling us what to do.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Roy, Utah this 30th day of May, 2024.


M.C.