

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 EMMA JOHNSON 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, Emma Johnson, declare as follows:

1. I am an Environmental Justice Educator at Utah Youth Environmental Solutions (“UYES”), a youth-led grassroots organization that empowers young people in Utah to mobilize around climate and environmental issues through action, education, and legislation. Since its founding in 2017, UYES’s mission has been to connect students to environmental advocacy by cultivating reciprocal relationships among Utah’s youth, environmental organizations, and community leaders. UYES also seeks to normalize participation in the political process and pragmatically address local environmental issues.

2. Every summer, UYES runs an educational program for 14-17 year-olds called the Environmental Justice Training Program. This program seeks to educate teenagers about environmental justice and protecting Utah’s natural resources while working alongside community partners such as indigenous leaders. UYES also educates teenagers about practical leadership skills and how to further protect the environment through legislative advocacy and other actions. UYES works to connect and empower local youths to give them the knowledge, training, and tools they need to eventually take on leadership roles in UYES or other organizations, if they so choose.

3. The summer program and other involvement in UYES has been transformative for many Utah high school students. Often, these students are frustrated with the lack of information about climate change and environmental science that they have learned in the Utah school system, and are looking for more information to better understand the world around them. Many also gain a greater sense of confidence and ability to work with community leaders and enact positive change, especially at such a young age. UYES also encourages these students to identify the environmental issues they care about the most (for example, water quality, climate change, or carbon emissions) and cultivate spaces for them to explore these issues.

4. UYES promotes these opportunities, as well as other resources and information about environmental advocacy, through social networks—namely, Instagram. Social networks are the primary means by which Utah teenagers learn about UYES and its programs. Specifically, many teenagers first learn about UYES upon viewing one of the organization’s posts, “stories” (photos or videos that auto-play in a slideshow format for 24-hour periods), or “reels” (edited video clips) on Instagram. UYES also posts a link to the summer program application on its Instagram page. Upon seeing such information, interested youths will then often direct-message the UYES Instagram account for more information, or submit an application. UYES also uses the direct-messaging function on Instagram to coordinate with its high-school volunteers during group projects and direct actions.

5. The Utah Minor Protection in Social Media Act (the “Act”) will directly affect UYES and its mission. The Act requires social networks to disable auto-play and continuous scrolling/pagination for Utah minors and non-age-verified accounts; and parents cannot override this provision. Instagram’s user interface relies inextricably on auto-play and continuous scrolling. For example, the user experience revolves around the aforementioned posts, stories, and reels that UYES uses to promote its educational opportunities and share environmental education. Posts are viewable via continuous scrolling, while stories and reels are viewable via autoplay. Thus, the Act appears to ban Utah minors from using Instagram at all.

6. If the Act takes effect in October, this provision will eviscerate the primary means by which UYES communicates and shares information and education with its target population—Utah high school students. The Act’s ban of these particular features is especially troubling because interfaces like those on Instagram often provide some of the best means for young people to explore and learn about ideas and concepts outside of their immediate (often sheltered)

communities. For example, many Utah teenagers are unaware of the environmental justice movement until they stumble upon it through a “For You” page on Instagram. Stifling this kind of self-discovery and education would stunt Utah youths during a critical stage of their development.

7. Even if the Act did not entirely ban Utah minors from using Instagram, it obstructs UYES’s ability to communicate with Utah youths in numerous other ways as well. For example, the Act prohibits Utah minors (and non-age-verified accounts) from direct-messaging any account that they are not connected to. UYES has an internal policy of not “following” minor accounts (although it allows minors to follow the UYES account), primarily out of concern for protecting the minors’ privacy. But some Utah minors may be hesitant to publicly friend or follow UYES on social networks, especially if their family members or communities have different beliefs on environmental science. Accordingly, such minors would be unable to communicate with UYES over Instagram’s direct-message feature—the most common means by which high-school students interested in environmental advocacy interact with UYES.

8. Although this particular provision of the Act regarding direct-messaging can be overridden with the consent of the minor’s parent, not all Utah teenagers have parents who support their engagement in social or political advocacy. UYES works with some teens whose parents hold different views about environmental science—such as that climate change is a myth—who may withhold parental consent under the Act to prevent their children from seeking additional information on this topic.

9. The Act also prohibits Utah minors (or non-age-verified accounts) from receiving push notifications, even if their parents consent. This provision is deeply troubling for UYES, as the organization relies on such notifications to help keep Utah teenagers safe and informed during


events. For example, when UYES is organizing a protest or other environmental advocacy event, it uses Instagram stories and posts (which send push notifications when enabled on the platform) to alert high-school student members of any emergency information such as location changes or supply needs. UYES also uses such notifications to remind its high-school student members of time-sensitive information, such as the deadline for applying for the annual summer program. Without such notifications, high school students may miss important application deadlines, or worse, fail to receive time-sensitive safety information.

10. The Act's age-verification requirement is concerning to UYES as well, as it forces social network users (including those over 18) to either give up their anonymity and privacy or face severe restrictions on their ability to freely communicate. This provision may negatively affect some of UYES's members or potential future members, such as undocumented immigrants and at-risk youths who do not have access to a government ID. Thus, even if these individuals are over the age of 18, they may be unable to receive UYES's information or reach out to the organization over social networks.

11. Finally, the Act's requirement that social network companies disable search engine indexing for the accounts of Utah minors and non-age-verified individuals could further obstruct UYES's ability to identify and engage with Utah high school students interested in environmental justice through Instagram. And the fact that the Act forces social network companies to restrict access to Utah minor accounts to only connected accounts could prevent UYES leaders from contacting or sharing information with students they meet in real life who request further materials.

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

Signed in Salt Lake City, Utah this 30th day of May, 2024.



Emma Johnson