

APR 11 2025

David W. Slayton, Executive Officer/Clerk of Court

By: A. Morales, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

VIDEOGAME ADDICTION CASES

Case No.: JCCP 5363

~~TENTATIVE~~ ORDER GRANTING
PETITION FOR COORDINATION

Hearing Date: April 11, 2025

Hearing Time: 1:45 p.m.

Dept.: 7

Plaintiffs and petitioners Yvette Magallanes, as Guardian ad Litem of Vanessa Saenz and of E.S., Saenz's child, a minor (collectively, "Petitioners"), petition the Court to coordinate their case with five other cases and to venue the coordinated proceeding here, in Los Angeles County. The plaintiffs in each of the other five cases support the petition. Most if not all defendants in the six cases oppose the petition — defendants Roblox Corporation; Epic Games, Inc; Sony Interactive Entertainment, LLC; Apple, Inc.; and Google, LLC (collectively, "Defendants").

For the reasons explained below, the Court concludes that coordination is appropriate and GRANTS the petition.

1 I. Introduction

2 Petitioners seek to coordinate the following six cases:

- 3 (1) Their case, *Saenz v. Roblox Corporation* (Super. Ct. L.A. County, Case
4 No. 24STCV21076, filed Aug. 19, 2024),
5 (2) *Conant v. Roblox Corporation* (Super. Ct. L.A. County, Case No.
6 24STCV20942, filed Aug. 16, 2024),
7 (3) *Jasper v. Roblox Corporation* (Super. Ct. Kern County, Case No. BCV-24-
8 102789, filed Aug. 16, 2024),
9 (4) *Freeman v. Roblox Corporation* (Super. Ct. L.A. County, Case No.
10 24STCV20804, filed Aug. 19, 2024),
11 (5) *Martin v. Roblox Corporation* (Super. Ct. L.A. County, Case No.
12 24STCV20820, filed Aug. 16, 2024), and
13 (6) *Jefferson v. Roblox Corporation* (Super. Ct. L.A. County, Case No.
14 24STCV20810, filed Aug. 16, 2024).¹

15 (Declaration of Anya Fuchs in Support (Nov. 14, 2024) ("Fuchs Decl.") ¶ 4, Exh. 1.) Their
16 counsel also represents the plaintiffs in *Conant*, whereas different counsel represents the
17 plaintiffs in the other four cases — *Jasper*, *Freeman*, *Martin*, and *Jefferson*. All but *Jasper*,
18 the case pending in Kern County, have been designated as "complex" cases within the
19 meaning of rule 3.400 of the California Rules of Court.

20 Petitioner Magallanes is the guardian ad litem of petitioners Saenz and her minor
21 child, E.S. (Complaint (Aug. 18, 2024) ¶ 1.) E.S. was eight years old at the time Petitioners
22 filed their case. (*Id.* at ¶ 95.) They (E.S.)² had begun playing video games — specifically
23 Roblox, Fortnite, and Minecraft — at around age three, using various gaming devices,
24 specifically an iPhone and an iPad, having accessed the games via the App Store;
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26
27 ¹ After the petition was fully briefed, Petitioners filed a document titled "Status Update" identifying
28 additional cases they believe are appropriate to include in the proposed coordinated proceeding. The Court
is aware of the filing but does not address it here, given that Defendants have not had the opportunity to
address the additional cases that Petitioners propose to include in the coordinated proceeding.

29 ² Per Petitioners' complaint, the Court, to protect E.S.'s privacy, refers to E.S. using the pronouns
they/them.

1 PlayStation4 and PlayStation5 gaming consoles; and PlayStation Network. (*Id.* at ¶¶ 97-
2 98.) E.S. allegedly became addicted to the video games, causing, among other things,
3 brain damage and delayed development, depression, rage and aggression, and a
4 compulsive inability to participate in activities besides gaming. (*Id.* at ¶ 99.) E.S. allegedly
5 now plays the video games for five to nine hours daily, on average. (*Id.* at ¶ 104.)

6 Petitioners have named six defendants in their case, all of whom allegedly
7 designed, manufactured, marketed, or distributed that video games that E.S. played. The
8 defendants are Roblox Corporation; Epic Games, Inc.; Sony Interactive Entertainment
9 LLC; and Apple, Inc., against whom petitioners seek damages, including punitive
10 damages, based on theories of negligence, strict liability, and fraud. (Complaint, ¶¶ 68-
11 91, 338-502.)

12 The plaintiffs in the other five cases proposed for coordination are all minors who
13 allege they have been harmed by playing either Roblox or Fortnite or both. (Fuchs Decl.,
14 ¶ 8(f), Exh. 4.) Their alleged harm is a collection of the same or similar symptoms of what
15 they call "videogame addiction."

16 17 II. Legal Standard: Petition for Coordination

18 Coordination of civil actions sharing a common question of fact or law is
19 appropriate if one judge hearing all of the actions for all purposes in a selected site or
20 sites will promote the ends of justice taking into account whether (a) the common question
21 of fact or law is predominating and significant to the litigation; (b) the convenience of
22 parties, witnesses, and counsel; (c) the relative development of the actions and the work
23 product of counsel; (d) the efficient utilization of judicial facilities and manpower; (e) the
24 calendar of the courts; (f) the disadvantages of duplicative and inconsistent rulings,
25 orders, or judgments; and, (g) the likelihood of settlement of the actions without further
26 litigation should coordination be denied. (Code Civ. Proc., § 404.1.)

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1 III. Analysis

2 Petitioners and Defendants dispute whether coordination is appropriate.³

3 A. Common Question “Predominating and Significant”

4 The first element that ensures a coordinated proceeding will promote the ends of
5 justice is the common question of fact or law “is predominating and significant to the
6 litigation.”

7 As with any coordinated proceeding of products-liability cases, the common
8 question, in general terms, is whether the defendants’ product caused the plaintiffs’
9 alleged harm. Defendants here argue this common question is not predominating and
10 significant because three of its terms raise issues specific to each case proposed for
11 coordination — the terms “products,” “defendants,” and “plaintiffs.”

12 First is the term “products.” Petitioners argue the cases proposed for coordination
13 define the term “Products” consistently to mean “certain video games (Roblox and
14 Fortnite, or both, inherently including their patent-protected technologies of addictive
15 design features), as well as the mechanisms, systems, and/or devices through which
16 minors use, access, and consume those games.” (Memorandum, 4:14-16.) Defendants,
17 on the other hand, emphasize that “video games vary widely” — “To say that all video
18 games are essentially the same would be like saying that all toys or television shows are
19 essentially the same.” (Opposition Brief, 7:21-25.) They do not dispute that the plaintiffs
20 allege exposure to Roblox or Fortnite or both. In their view Roblox, however, cannot be
21 considered a single videogame, but is more accurately a gaming platform “that hosts and
22 enables users to create their own games.” (*Id.* at p. 8, fn. 4.) Roblox, according to
23 Defendants, in fact hosts over six million different user-created games. (*Ibid.*)

24 Defendants further argue there is variation in the plaintiffs’ means of exposure to
25 Roblox and Fortnite, that is, the platforms they allegedly used to play the video games.

26
27 ³ Defendants request the Court take judicial notice of two orders by other trial courts that denied
28 petitions for coordination. (Request for Judicial Notice in Opposition (Feb. 19, 2025) Exhs. A-B.) The Court
29 denies Defendants’ requests for judicial notice. Orders by other trial courts have no precedential value, and
judicial notice cannot be used to circumvent this rule. (*Crab Addison, Inc. v. Superior Court* (2008) 169
Cal.App.4th 958, 963, fn. 3.)

1 The plaintiffs allege they played Roblox and Fortnite using Sony's PlayStation, the Apple
2 App Store, Google Play, and Microsoft Xbox. Citing the various plaintiffs' allegations,
3 Defendants argue each platform has its own "unique design, controls, restrictions, and
4 user experiences." (Opposition Brief, 9:3-5.)

5 However, in product-liability cases, variation in the challenged products — both in
6 which products were used and how they were used — does not necessarily render
7 coordination of the cases inappropriate. In *McGhan Medical Corp. v. Superior Court*
8 (1992) 11 Cal.App.4th 804, 814 (*McGhan*), plaintiffs in over 300 separate cases alleged
9 they had been injured by products that were "several and differ[ed] in terms of
10 manufacture, design and content" that were nevertheless "similar in that they relate[d] to
11 breast implant devices." (*Ibid.*) Coordination of the cases was appropriate. The products
12 here, however defined, are similar in that are — or at least relate to — Roblox and
13 Fortnite. Although there might be variations in games the plaintiffs allegedly played on
14 Roblox, for example, or in the gaming platforms they used to access Roblox and Fortnite,
15 the common question is predominating and significant — the question of whether a
16 plaintiff's exposure to and use of Roblox or Fortnite caused his or her alleged injuries.

17 The second variable term, Defendants argue, is the term "plaintiffs." Defendants
18 argue the plaintiffs in the cases have a range of personal characteristics that affect their
19 alleged injuries, including when, where, and for how long a plaintiff allegedly played
20 Roblox or Fortnite; a plaintiff's medical history, including a plaintiff's preexisting
21 conditions; and a plaintiff's family characteristics, including decisions of his or her parents
22 regarding, for example, the age-appropriate ratings assigned to a particular video game.
23 Yet Defendants' argument is true of nearly any two product-liability cases; by definition
24 the plaintiffs are likely to have different circumstances, including medical backgrounds.
25 Variation among plaintiffs does not render coordination inappropriate here.

26 The third and final variable term of the common question, Defendants argue, is the
27 parties named as defendants in the cases proposed for coordination. No two of the cases
28 name exactly the same parties as defendants. Defendant Roblox Corporation is a
29 defendant in all six cases; Epic Games, Inc. is a defendant in two cases; Sony Interactive

1 Entertainment a defendant in two; Apple, Inc. a defendant in four; and Google, LLC, a
2 defendant in one. (Fuchs Decl., ¶ 8(e), Exh. 3.) Defendants point out additional
3 differences among themselves — Apple, Inc. and Google, LLC, for example, “operate
4 general purpose online marketplaces that allow users to download third-party games to
5 different mobile devices,” whereas other defendants, such as Epic Games, Inc., allegedly
6 designed some of the video games at issue. (Opposition Brief, 9:25-27.)

7 But variation among defendants was also present in *McGhan*. The 300-some
8 plaintiffs in the coordinated cases had named, as defendants, “various manufacturers of
9 the implant devices, producers of implant materials, and physicians who prescribed or
10 administered the implants.” (*McGhan*, *supra*, 11 Cal.App.4th at p. 807.) The variation in
11 defendants — both in their identities and their alleged roles — does not mean that
12 coordination of the cases against them is inappropriate.

13 Defendants further argue that Petitioners have “already admitted the unsuitability
14 of coordinating these cases” in two ways. (Opposition Brief, 6:12.) First, Petitioners
15 argued against a designation of at least some of the cases as “related” within the meaning
16 of rule 3.300 of the California Rules of Court, arguing the cases did not “arise out of the
17 same transaction.” (Declaration of Joshua H. Lerner in Opposition (Feb. 19, 2025) ¶ 2,
18 Exh. 1, 10:22-23.) Petitioners reply, essentially, that cases might be coordinated, yet not
19 related within the meaning of rule 3.300.

20 Petitioners’ argument is plausible. Two definitions of “related” cases are cases that
21 “[i]nvolve the same parties and are based on the same or similar claims” or that “[a]rise
22 from the same or substantially identical transactions, incidents, or events, requiring the
23 determination of the same or substantially identical questions of fact.” (Cal. Rules of
24 Court, rules 3.300(1)-(2).) No two of the cases proposed for coordination involve exactly
25 the same parties nor, arguably, involve the same transactions, incidents, or events,
26 depending on the definitions of these terms.

27 The second of Petitioners’ purported admissions is their mention of a case that, in
28 their view, should not be included in the proposed coordinated proceeding, a case
29 pending in Alameda County. The case is *Black v. Epic Games, Inc.* (Super. Ct. Alameda

County, Case No. 24CV087673) and, according to Petitioners' counsel, it is not included in their petition because it names three defendants who are not named in any of the six cases proposed for coordination. (Fuchs Decl., ¶ 12.) "There is no reason to permit the coordinated proceeding that is here sought to be unnecessarily complicated by the inclusion of three additional Defendants and, accordingly, Petitioners do not seek to coordinate the *Black* case with their own." (*Ibid.*)

Ultimately, regardless of whether the *Black* case ought to be included in the proposed coordinated proceeding — a question the Court does not address here — the exclusion of the one case from the proceeding does not affect, in the Court's view, the issue of whether the question common to the six cases that are proposed for coordination is a predominating and significant question.

The Court concludes the common question of fact or law is predominating and significant to the litigation.

B. Convenience

The second element that ensures a coordinated proceeding will promote the ends of justice is the convenience of the parties, witnesses, and counsel.

Centralization and coordination of discovery and motion practice "does not require burdensome travel," given "today's technology." (*Ford Motor Warranty Cases (Aguilar)* (2017) 11 Cal.App.5th 626, 643.) The convenience of the parties, witnesses, and counsel favors coordination.

C. Development

The third element that ensures a coordinated proceeding will promote the ends of justice is the relative development of the actions and the work product of counsel.

The six cases proposed for coordination were all filed within days of each other in August 2024. Presumably all are therefore at relatively the same stage of development.

The third element favors coordination.

D. Judicial Efficiency

The fourth element that ensures a coordinated proceeding will promote the ends of justice is the efficient utilization of judicial facilities and manpower.

1 "[A]ny decision as to results of coordination is a prediction; all predictions are to
2 some extent speculative; all predictions can turn out to be inaccurate; hence all
3 determinations as to whether to coordinate a case are but best estimates." (*McGhan*,
4 *supra*, 11 Cal.App.4th at p. 813.) The Court predicts (if not speculates) that in these cases,
5 the question of causation is likely to be a significant issue, and one on which both sides
6 will likely offer expert testimony. Judicial efficiency is best served if only one court takes
7 the time to become familiar with the science, so to speak, in order to resolve issues
8 regarding evidence on the issue of causation. The fourth element favors coordination.

9 E. Court Calendars

10 The calendar of the courts is the fifth element that ensures a coordinated
11 proceeding will promote the ends of justice. This element favors coordination.

12 F. Duplicative and Inconsistent Rulings

13 The sixth element that ensures a coordinated proceeding will promote the ends of
14 justice is "the disadvantages of duplicative and inconsistent rulings, orders, or judgments."
15 This factor almost by definition favors coordination. In particular, the Court predicts
16 significant litigation over questions of causation. Coordination of the cases before one
17 court reduces the likelihood of inconsistent rulings on this important issue.

18 Defendants, in the context of the first element bearing on coordination, the
19 common question, argue that coordination is not appropriate because they intend to file
20 motions, including motions to compel arbitration and anti-SLAPP motions, that raise
21 issues specific to each case. Defendants are likely right that their proposed motions raise
22 case-specific issues, but this is true of motions brought in cases in nearly every
23 coordinated proceeding. And their argument, in the Court's view, is an argument in favor
24 of coordination, considering the disadvantages of duplicative and inconsistent rulings,
25 orders, or judgments. The likelihood of inconsistencies in rulings on the motions is
26 arguably reduced in a coordinated proceeding before the same court.

27 The sixth element favors coordination.

28 G. Likelihood of Settlement Absent Coordination

1 The seventh and final element that ensures coordination will promote the ends of
2 justice is the likelihood of settlement of the actions without further litigation should
3 coordination be denied. There is no basis to conclude that settlement would be more likely
4 without coordination. (*Ford Motor Warranty Cases, supra*, 11 Cal.App.5th at p. 645.) The
5 seventh factor supports coordination.

6 * * * *

7 One judge hearing all of the actions for all purposes in a selected site or sites will
8 promote the ends of justice. The Court concludes that coordination is appropriate.

9
10 IV. Conclusion

11 The Court GRANTS Petitioners' petition for coordination. The Court recommends
12 that the Superior Court of California for the County of Los Angeles, be the site of the
13 coordination proceedings. (Cal. Rules of Court, rule. 3.530(a).) Given that the actions to
14 be coordinated are within the jurisdiction of more than one reviewing court, the Court
15 selects, as the reviewing court having appellate jurisdiction, the Court of Appeal of the
16 State of California, Second Appellate District. (Code Civ. Proc., § 404.2.)

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18 Dated: 4/11/25

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20 SAMANTHA P. JESSNER
21 JUDGE OF THE SUPERIOR COURT
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