

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 24-00524

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, SMITH, AND NOWAK, JJ.

KIMBERLY J. SALTER, INDIVIDUALLY AND AS
EXECUTOR OF THE ESTATE OF AARON W. SALTER, JR.,
DECEASED, ET AL., PLAINTIFFS-RESPONDENTS,

V

OPINION AND ORDER

META PLATFORMS, INC., FORMERLY KNOWN AS FACEBOOK, INC.,
INSTAGRAM, LLC, AMAZON.COM, INC., TWITCH INTERACTIVE, INC.,
ALPHABET, INC., GOOGLE, LLC, YOUTUBE, LLC, 4CHAN
COMMUNITY SUPPORT, LLC, SNAP, INC.,
DISCORD, INC., REDDIT, INC., DEFENDANTS-APPELLANTS,
ET AL., DEFENDANTS.
(APPEAL NO. 3.)

ORRICK, HERRINGTON & SUTCLIFFE LLP, WASHINGTON D.C. (ERIC A. SHUMSKY,
ADMITTED PRO HAC VICE, OF COUNSEL), WILSON SONSINI GOODRICH & ROSATI,
P.C., NEW YORK CITY, WEBSTER SZANYI LLP, BUFFALO, AND PERKINS COIE
LLP, NEW YORK CITY, FOR DEFENDANTS-APPELLANTS META PLATFORMS, INC.,
FORMERLY KNOWN AS FACEBOOK, INC., INSTAGRAM LLC, ALPHABET, INC.,
GOOGLE, LLC, YOUTUBE, LLC, AND REDDIT, INC.

O'MELVENY & MEYERS LLP, NEW YORK CITY (JONATHAN P. SCHNELLER OF
COUNSEL), AND HAGERTY & BRADY, BUFFALO, FOR DEFENDANT-APPELLANT SNAP,
INC.

HUESTON HENNIGAN LLP, NEW YORK CITY (MOEZ M. KABA OF COUNSEL), AND
GIBSON, MCASKILL & CROSBY, LLP, BUFFALO, FOR DEFENDANTS-APPELLANTS
AMAZON.COM, INC. AND TWITCH INTERACTIVE, INC

MORRISON & FOERSTER LLP, NEW YORK CITY (JOSEPH R. PALMORE OF COUNSEL),
FOR DEFENDANT-APPELLANT DISCORD, INC

HARRIS BEACH MURTHA CULLINA PLLC, NEW YORK CITY (LISA ANNE LECOURS OF
COUNSEL), FOR DEFENDANT-APPELLANT 4CHAN COMMUNITY SUPPORT, LLC.

DICELLO LEVITT LLP, CHICAGO, ILLINOIS (AMY E. KELLER, ADMITTED PRO HAC
VICE, OF COUNSEL), AND CONNORS LLP, BUFFALO, FOR
PLAINTIFFS-RESPONDENTS.

HOGAN LOVELLS US LLP, NEW YORK CITY (JASMEET K. AHUJA OF COUNSEL), FOR
CHAMBER OF PROGRESS, ENGINE ADVOCACY, AND WIKIMEDIA FOUNDATION, AMICUS
CURIAE.

HOLWELL SHUSTER & GOLDBERG LLP, NEW YORK CITY (DANIEL M. SULLIVAN OF
COUNSEL), FOR PRODUCTS LIABILITY ADVISORY COUNCIL, AMICUS CURIAE.

CHELUS, HERDZIK, SPEYER & MONTE, P.C., BUFFALO (ISABELLA S. JANKOWSKI OF COUNSEL), FOR CENTER FOR DEMOCRACY AND TECHNOLOGY, AMICUS CURIAE.

Appeals from an order of the Supreme Court, Erie County (Paula L. Feroletto, J.), entered March 18, 2024. The order denied the motions of defendants-appellants to dismiss the complaint against them.

It is hereby ORDERED that the order so appealed from is reversed on the law without costs, the motions are granted and the complaint is dismissed against defendants-appellants.

Same opinion as in *Patterson v Meta Platforms, Inc.* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

All concur except BANNISTER and NOWAK, JJ., who dissent and vote to affirm in the same dissenting opinion as in *Patterson v Meta Platforms, Inc.* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court