

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

NETCHOICE, LLC

PLAINTIFF

ATTORNEY:

Marshall Ney
James Xi

Erin Murphy
Joseph DeMott

v.

CASE NO. 5:23-CV-5105

**TIM GRIFFIN, In His Official Capacity as
Attorney General of Arkansas**

DEFENDANT

ATTORNEY:

Justin Brascher

Jordan Broyles

JUDGE: TIMOTHY L. BROOKS

**REPORTER: PAULA BARDEN
COURT CLERK: SHERI CRAIG**

**MOTION HEARING MINUTES
August 15, 2023**

TIME	MINUTES
10:08 am	Court Convenes
	Procedural History by the Court
	CX#1 - Joint Stipulations - Stipulated Exhibits of Plaintiff (1-17) and Stipulated Exhibits of Defendant (1-13) (see attached lists)
	Argument regarding Motion for Preliminary Injunction
	DW#1 - Tony Allen - expert
	Court takes Petition under advisement - order to follow
2:39 pm	Court Adjourned

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

NETCHOICE, LLC**PLAINTIFF**

v.

CASE NO. 5:23-cv-05105-TLB

**TIM GRIFFIN, in his official capacity
as Attorney General of Arkansas**

DEFENDANT**PLAINTIFF'S EXHIBIT LIST**

PRESIDING JUDGE Hon. Timothy L. Brooks	PLAINTIFF'S ATTORNEY Erin E. Murphy, Marshall Ney James XI, Joseph DeMott	DEFENDANT'S ATTORNEY Justin Brascher – Jordan Broyles
PI HEARING DATE Aug. 15, 2023	COURT REPORTER Paula Barden	COURTROOM DEPUTY Sheri Craig

Pltf. No.	Date Offered	Object.	Stip.	Reed	DESCRIPTION OF EXHIBITS
1	8/15/23	N	Y	√	Declaration of Carl Szabo (Doc. 17-1)
2	8/15/23	N	Y	√	Declaration of Antigone Davis (Doc. 17-2)
3	8/15/23	N	Y	√	Declaration of David Boyle (Doc. 17-3)
4	8/15/23	N	Y	√	Declaration of Justyn Harriman (Doc. 17-4)
5	8/15/23	N	Y	√	Apple, Use Parental Controls on Your Child's iPhone, iPad, and iPod Touch, https://archive.ph/T68VI
6	8/15/23	N	Y	√	AT&T, Parental Controls, https://tinyurl.com/3ypvj7bv
7	8/15/23	N	Y	√	Comcast Xfinity, Set Up Parental Controls for the Internet, https://tinyurl.com/5acdsnat
8	8/15/23	N	Y	√	Google Family Link, Help Keep Your Family Safer Online, https://tinyurl.com/mr4bnwpy
9	8/15/23	N	Y	√	Google, Safety Center https://tinyurl.com/kwkeej9z
10	8/15/23	N	Y	√	Microsoft, Getting Started with Microsoft Family Safety, https://tinyurl.com/yc6kyruh
11	8/15/23	N	Y	√	Microsoft, Learn More About Kids Mode in Microsoft Edge, https://tinyurl.com/59wsev2k

Pltf. No.	Date Offered	Object.	Stip.	Reed	DESCRIPTION OF EXHIBITS
12	8/15/23	N	Y	√	Ben Moore & Kim Key, The Best Parental Control Apps for Your Phone, PCMag (Mar. 29, 2022), https://archive.ph/HzzfH
13	8/15/23	N	Y	√	Mozilla, Block and Unblock Websites with Parental Controls on Firefox, https://tinyurl.com/6u6trm5y
14	8/15/23	N	Y	√	Netgear, Circle Smart Parental Controls, https://archive.ph/wip/0GbB5
15	8/15/23	N	Y	√	Molly Price & Ry Crist, How to Set Up and Use Your Wi-Fi Router's Parental Controls, CNET (Feb. 11, 2021), https://archive.ph/wip/uGaN2
16	8/15/23	N	Y	√	T-Mobile, Family Controls and Privacy, https://tinyurl.com/57run7ac
17	8/15/23	N	Y	√	Verizon, Verizon Smart Family, https://tinyurl.com/ycxy6x6

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Deft. No.	Date Offered	Object.	Stip.	Recd	DESCRIPTION OF EXHIBITS
1	8/15/23	N	Y	√	Affidavit of Tony Allen (ECF Doc. 34-1)
1-A	8/15/23	N	Y	√	CV of Tony Allen
2	8/15/23	N	Y	√	Affidavit of Dr. Karen Farst with incorporated CV attached as Ex. A
3 ¹	8/15/23	N	Y	√	<i>Social Media Fact Sheet</i> , Pew Rsch. Ctr. (Apr. 7, 2021), https://www.pewresearch.org/internet/fact-sheet/social-media
4	8/15/23	N	Y	√	<i>Fact Sheet: Biden-Harris Administration Announces Actions to Protect Youth Mental Health, Safety, & Privacy Online</i> , Off. of the President (May 23, 2023), https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/

¹ Defendant’s Exhibit Nos. 3-13 are being incorporated as exhibits pursuant to Joint Stipulations, ¶ 5 (“All sources cited in Defendant’s briefing are admissible and may be considered by the Court as part of the record in this matter.”).

Deft. No.	Date Offered	Object.	Stip.	Recd	DESCRIPTION OF EXHIBITS
5	8/15/23	N	Y	√	U.S. Surgeon General, <i>Social Media & Youth Mental Health</i> 8 (2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf
6	8/15/23	N	Y	√	FBI Nat'l Press Off., <i>FBI and Partners Issue National Public Safety Alert on Financial Sextortion Schemes</i> (Dec. 19, 2022), https://www.fbi.gov/news/press-releases/fbi-and-partners-issue-national-public-safety-alert-on-financial-sextortion-schemes
7	8/15/23	N	Y	√	<i>Social Media and Teens</i> , American Academy of Child & Adolescent Psychiatry (updated Mar. 2018), https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx
8	8/15/23	N	Y	√	<i>CyberTipline 2022 Report</i> , Nat'l Ctr. for Missing & Exploited Children (last visited July 27, 2023) https://www.missingkids.org/cybertiplinedata
9	8/15/23	N	Y	√	<i>2022 CyberTipline Reports by Electronic Service Providers (ESP) 1</i> , Nat'l Ctr. for Missing & Exploited Children (2023), https://www.missingkids.org/content/dam/missingkids/pdfs/2022-reports-by-esp.pdf
10	8/15/23	N	Y	√	<i>The Online Enticement of Children: An In-Depth Analysis of CyberTipline Reports</i> 4, Nat'l Ctr. for Missing & Exploited Children (2017), https://www.missingkids.org/content/dam/missingkids/pdfs/nmec-analysis/Online%20Enticement%20Pre-Travel.pdf
11	8/15/23	N	Y	√	<i>Sextortion</i> , Nat'l Ctr. for Missing & Exploited Children (last visited July 27, 2023), https://www.missingkids.org/theissues/sextortion
12	8/15/23	N	Y	√	<i>How Do We Know Someone Is Old Enough to Use Our Apps?</i> , Meta (July 27, 2021), https://about.fb.com/news/2021/07/age-verification/
13	8/15/23	N	Y	√	<i>About Us</i> , NetChoice (last visited July 27, 2023), https://netchoice.org/about/