

***STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS,
OFFICE OF THE ATTORNEY GENERAL v. SNAP INC.***

AG Case No. L24-3-1687

DETERMINATION REGARDING PRIVATE ATTORNEY SERVICES

**COMES NOW, JAMES UTHMEIER, ATTORNEY GENERAL, STATE OF
FLORIDA** and states:

1. Pursuant to section 20.11, Florida Statutes, I am the head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the “Department”). This determination is executed pursuant to the provisions of section 16.0155(2), Florida Statutes.

2. In this matter, the Department is contemplating pursuing claims, *inter alia*, for the recovery of restitution, damages, and/or costs incurred by the State of Florida (including its agencies) as a result of the acts or omissions of Snap Inc. (“Snap”) and other social media companies. The Department has determined that the State may have claims, for damages, declaratory relief, injunctive relief and other rights and remedies against Snap as well as other social media companies. The Department for some time has been engaged in an investigation of Snap and other social media companies. The Department already commenced an action against Meta Platforms Inc. (“Meta”). The action against Meta has taken and is likely to take a substantial amount of time and resources of the Department to continue litigating against Meta. In the course of its investigation of social media companies, the Department learned that a law firm, Cooper & Kirk PLLC (“Cooper & Kirk”), is representing a number of other states in litigation with social media companies. Cooper & Kirk currently represents nine states against TikTok Inc. and three states against Meta in

lawsuits. It also represents two other states in investigations of Snap.

3. The Department has determined that it requires specialized private attorney services to allow it to most effectively investigate and, if appropriate, pursue the State's claims against Snap. The investigation and litigation of those matters will require a large number of attorney and paralegal hours, along with potentially a large significant up-front financial expenditure for discovery and expert witnesses. The case against Snap is complex and requires specialized knowledge and expertise. While the Department has investigators and lawyers that investigate and are investigating these types of matters, it does not have sufficient lawyers or investigators to handle multiple cases of this size and breadth. It does not make practical sense to hire additional lawyers and investigators for a single or a series of cases in a specialized area. Lawyers that have the experience and background in this area of law are paid substantially more than the Department pays its lawyers to compensate for the narrow area of expertise.

4. I have reviewed this matter and determined that the retention of outside counsel is appropriate in light of the time and labor required, the novelty, complexity, and difficulty of the legal questions involved, and the level of skill needed to properly perform the attorney services. Based on their prior involvement and knowledge gained from its prior litigation with social media companies and its investigation of Snap, Cooper & Kirk has the specialized knowledge to investigate, prosecute, and potentially resolve the State of Florida's claims. It would take hundreds, if not thousands of hours of time to develop the understanding and uncover the claims that Cooper & Kirk has already uncovered. It does not make sense

to start from scratch and have another firm and have State of Florida expend the amount of time and costs that would necessarily be incurred if the Department hired another firm on an hourly contract.

5. The team of lawyers at Cooper & Kirk was selected after being interviewed by the Department.

6. The geographic area where these services are to be provided are mainly in Tallahassee, Florida. While this factor seems to weigh against retention of outside counsel, the other factors that I have considered weigh more strongly in favor of retention of outside counsel.

7. Given the status of this matter with Snap and Cooper & Kirk's prior investigation of Snap and litigation with other social media companies, it does not make sense to solicit proposals from other counsel on this matter. While it might be possible to investigate and even litigate the Snap matter without Cooper & Kirk, it would not be possible to quickly and efficiently investigate and prepare potential litigation against the other social media companies or continue litigating with Meta.

8. In light of the contract provisions and other factors described above and pursuant to Florida Statutes section 16.0155(2), I determine that entering into a contingency fee representation with Cooper & Kirk is cost effective and in the public interest.

Dated: April 3, 2015



JAMES UTHMEIER
ATTORNEY GENERAL