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Two Verdicts, Two Legal Theories: What the Social Media Cases Actually Mean

Two jury verdicts handed down within 24 hours of each other last month may represent the most significant development yet in social media liability litigation — but not for the reasons most coverage suggests.

In a *Law360* article, Day Pitney Litigation Partner Mark Salah Morgan breaks down what the California and New Mexico verdicts actually established, and what they did not. Morgan identifies the two distinct legal tracks now available to plaintiffs — product liability design defect claims for private plaintiffs and state consumer protection enforcement for attorneys general — and explains why the difference matters for how these theories will travel to other jurisdictions.

Morgan also addresses three underreported caveats: the modest damages numbers, the non-binding nature of bellwether verdicts, and the contested jury deliberations that signal causation remains genuinely in play. With the first federal bellwether trial set for June and a parallel AG proceeding expected in August before Judge Gonzalez Rogers in the Northern District of California, the litigation architecture is now moving on multiple fronts simultaneously.

[Read the full article here.](#)

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