

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

CHRISTAL MCGEE

Plaintiff,

v.

MICHAEL LAWSON NEFF, and THE LAW
OFFICES OF MICHAEL LAWSON NEFF,
P.C.

Defendants.

Civil Action

File No.: 17A63968

COMPLAINT

COMES NOW Plaintiff Christal McGee (hereinafter referred to as “Christal”) and files this Complaint for damages against Defendant Michael Lawson Neff and The Law Offices of Michael Lawson Neff, P.C. (hereinafter collectively referred to as the “Defendants”). In support thereof, Christal respectfully shows this Honorable Court the following:

I. INTRODUCTION

On April 19, 2016, Michael Neff and the Law Offices of Michael Neff, P.C., filed a lawsuit against Christal and Snapchat, Inc. (hereinafter referred to as “Snapchat”) in the Superior Court of Spalding County, Georgia, alleging that Christal’s purported use of Snapchat’s speed filter caused a car accident on September 10, 2015 with one of Mr. Neff’s clients. The allegations that Christal was using Snapchat at or near the time of the car accident are false. The false allegations of Christal’s use of Snapchat’s speed filter at or near the time of the collision propelled Defendants into the limelight of significant local and national media attention. Defendants placed themselves in the forefront of the media attention, appearing numerous times

for interviews on television and with print media, including a national interview on ABC's Good Morning America.

When Defendants filed their lawsuit, there was conflicting evidence as to Christal's speed and whether or not she was using Snapchat at the time of the car accident. One of the passengers in Christal's car told the Lovejoy Police that Christal was driving approximately 60-65 mph while another passenger told the Lovejoy Police that Christal was driving over 100 mph. All of the passengers told the Lovejoy Police that the vehicle driven by Defendants' client pulled into Christal's lane of traffic. On May 21, 2016, one month after Defendants filed their lawsuit, one of the passengers of Christal's vehicle signed an affidavit swearing that Christal was not using her phone prior to or at the time of the accident. In fact, that passenger swore that Christal's phone was in her purse leading up to the accident.

Rather than allow the conflicting evidence to develop in Court, Defendants could not resist the national media spotlight and went well beyond the pleadings in interviews and on the law firm's website for personal gain. Mr. Neff was quoted as saying "this case is unique in that **we have clear evidence linking use of the Snapchat miles per hour filter** in the moments leading up to the crash with the kind of grievous harm we know this product is capable of" (emphasis added). Several news outlets, including the Washington Post and the New York Times, cited a "statement from Neff's office" when discussing the lawsuit as opposed to citing the actual court pleadings. The "statement from Neff's office" is attached hereto as Exhibit 1. A May 3, 2016 New York Times article cites a "telephone interview with Mr. Neff" in which he described how he believed the car accident occurred. See 05/03/2016 N.Y. Times article attached hereto as Exhibit 2. An April 27, 2016 article states that "**according to a statement by the victim's lawyers**, she was 'just trying to get the car to 100 miles per hour to post it on

Snapchat.” See 04/27/2016 Article attached hereto as Exhibit 3. Another article cites Michael Neff’s statement that “this case is unique in that [Defendants] have clear evidence linking use of the Snapchat miles per hour filter in the moments leading up to the crash …” See 04/28/2016 Article attached hereto as Exhibit 10.

The real consequences of Defendants’ inability to stay away from the publicity are reflected in the damaging messages that were sent to Christal following Defendants’ statements to the media and publication on their website. A few of those messages sent to Christal are below:

- Are you one of the world’s biggest idiots that **used snap chat driving at 107 mph and ruined someone else’s life?** Wish it was you that got the brain damage, then it wouldn’t have been such a loss.
- You’re an idiot, and an irresponsible brat. Way to ruin an innocent man’s life, **all for some attention on snapchat.**
- You are such a fucking idiot. Maybe you are worth something in this world but from the shit you pulled, you should have died, burned and rot in your car! But that wouldn’t be fair to your friend that was with you, then again how did they let you go on with that shit? How dare you even have the audacity to snapchat yourself “lucky to be alive.” It’s not luck, it leans toward unfairness. The man suffered serious brain trauma, cannot work and either has to be in a wheelchair or walker. Only because you are that desperate, need to prove to everybody, ‘top notch bitch’ **that hit 100 mph on a social media.**
- It’s [a] shame you couldn’t die in that accident that night. You deserve it for being the massive retard that you are. You’re nothing more than a waste of a human life. I hope to God your family loses everything in the lawsuit.
- You fucking pathetic, vain piece of shit. I’d have a whole hell of a lot more to say if I had seen this story soon, but I’m sure you’ve been told plenty of times to kill yourself already.
- Oh wow you’re a stupid bitch hope your family goes into bankruptcy because you almost committed murder. Pro tip: Next time you plan on going to drive? Just hang yourself it’s easier.

- You're that dumb bitch in the car crash weren't you? The crash was 100% your fault fucking bitch. Crash should have ended you. Would be one less idiot in the world. You ruined a man's life! He has permanent brain damage. All because of you. That's no better than a killer.
- You are a real stupid bitch. I hope you die slowly fuck you and snapchat. I hope you catch aids and die slowly.
- I hope the victim's attorney takes everything you own and will own for the next 20 years. As far as 'lucky to be alive' Assholes like you should not have survived this accident. Then again there's hope some future event will deal you the retribution you so richly deserve. Karma will be a bitch somewhere down the road.

See Messages sent to Christal McGee attached hereto as Exhibit 4.

The undeniable evidence, which was provided to Defendants by Snapchat, proved that Christal was not using Snapchat at the time of the September 10, 2015 car accident. Defendants were given an opportunity to recant their false statements, but failed to do so. There is a line between making allegations in court pleadings and falsely presenting allegations as established facts to the national media outside of the courtroom. In the pursuit of personal financial gain and media exposure, Defendants took their story to the media and intentionally made false statements about Christal, which wrongfully imputed a crime to Christal and caused her significant damages. Christal was charged with serious injury by vehicle, reckless driving, driving too fast for conditions and speeding 35+ miles per hour over the speed limit due to the national media that was brought about by Defendants. In fact, the police did not make any charges against Christal until after Defendants filed their lawsuit and went to the media. The police chief was quoted in an article stating, "[h]ad we known about this earlier, we would have probably come to this conclusion earlier in the investigation." See 06/01/2016 Article attached hereto as Exhibit 5.

Defendants' false statements about Christal remain on Defendants' website at <http://www.mlnlaw.com/snapchat> and on the law firm's Facebook page as of the day of the filing of this lawsuit.

II. **PARTIES, JURISDICTION and VENUE**

1.

Christal is a resident of the State of Georgia.

2.

Defendant Michael Neff is a resident of Fulton County, Georgia and may be served with process at 141 Lake Forrest Lane, Atlanta, Georgia 30342. Defendant Michael Neff may also be personally served at the registered office of Defendant Michael Lawson Neff, P.C., at 945 E. Paces Ferry Road, Suite 1770, DeKalb County, Atlanta, Georgia 30326.

3.

Defendant The Law Offices of Michael Lawson Neff, P.C., is a Georgia corporation with its principal office and registered agent for service located at 945 E. Paces Ferry Road, Suite 1770, DeKalb County, Atlanta, Georgia 30326.

4.

Defendants are subject to the jurisdiction of this Court. Defendant Michael Neff, individually, is a joint tortfeasor with Defendant The Law Offices of Michael Lawson Neff, P.C.

5.

Venue is proper in this Court.

III. OPERATIVE FACTS

6.

On September 10, 2015, Christal McGee was in a car accident with Wentworth Maynard at approximately 10:16 p.m.

7.

There were three passengers in Christal's car at the time of the accident, Heather McCarty, Henry Williams, and Kaylan Henderson.

8.

Each of the passengers told the Lovejoy Police that Wentworth Maynard pulled out in front of and into the lane of traffic in which Christal was driving.

9.

Kaylan Henderson told the Lovejoy Police that Christal was driving approximately 60-65 mph at the time of the accident, while Heather McCarty told the Lovejoy Police that Christal was driving 100 mph.

10.

Based on the statements given by the passengers and Christal, the Lovejoy Police department did not ticket Christal immediately after the car accident.

11.

In fact, Christal was not ticketed until many months after the car accident and after Defendants filed a lawsuit against Christal and Snapchat.

12.

Christal is a private citizen and has never attained the status of public figure for purposes of filing and prosecuting a defamation action to seek redress for false attacks on her reputation.

13.

On April 19, 2016, seven months after the car accident, Defendants filed a lawsuit against Christal and Snapchat alleging that Christal's purported use of Snapchat's speed filter was the critical cause of the car accident.

14.

On May 21, 2016, Henry Williams, the front seat passenger in Christal's car, signed an affidavit swearing that "at no time from the moment we entered Christal's car at the Bay Breeze until the time of the collision with another vehicle at approximately 10:15 p.m. on September 10, 2015, was Christal McGee using the Snapchat application in any manner." See 05/21/2016 Affidavit Attached hereto as Exhibit 6.

15.

Christal was not using Snapchat at the time of the September 10, 2015 car accident.

16.

Snapchat has repeatedly stated in court filings and to Defendants that Snapchat's data indisputably proves that Christal was not using Snapchat at the time of the September 10, 2015 accident.

17.

Defendants' website includes an article published by Defendants titled "Lawsuit Filed Against Snapchat for Distracted Driving."

18

Many of the statements made in the article on Defendants' website are false and defamatory.

19.

In the article, Defendants make the false and defamatory statement that on the night of the car accident, “McGee had her phone in her hand, and she started driving fast.”

20.

Christal’s phone was in her purse at all times during the September 10, 2015 car accident and was not in her hand.

21.

Defendants state further that “**McGee was caught up in Snapchat**, a smart phone app for sharing photos and videos with friends. **She was using the miles per hour** filter, which puts the speed you’re going over your image; McGee wanted to post an image of herself going fast.” (emphasis added).

22.

Defendants’ statement that Christal was caught up in Snapchat and was using the miles per hour filter was made intentionally and is false and defamatory.

23.

Defendants’ statement that Christal wanted to post an image of herself going fast is false and defamatory.

24.

On June 2, 2016, a segment aired on Good Morning America, a national morning news television show which averages 4.74 million viewers, in which Defendants told a national audience that Christal was using Snapchat at the time of the car accident.

25.

Defendants knew that Good Morning America intended to widely disseminate the interview on multiple mediums.

26.

Rather than allow the evidence to develop in Court, Defendants could not resist the media spotlight and made statements that went beyond the pleadings in interviews and on the law firm's website for personal gain.

27.

Defendants used Christal as a pawn in their scheme to garner as much attention as possible regarding Snapchat's miles per hour speed filter application.

28.

Defendants uttered and published the false and defamatory statements about Christal for the purpose of self-promotion and publicity.

29.

Mr. Neff was quoted as saying "this case is unique in that **we have clear evidence linking use of the Snapchat miles per hour filter** in the moments leading up to the crash with the kind of grievous harm we know this product is capable of."

30.

In an attempt to further incite the public and gain more publicity, Defendants published the false statement that immediately following the car accident Christal, so enamored with herself and Snapchat, took a selfie in the ambulance at the scene of the car accident. Defendants' false statement is as follows: "She was in the ambulance, strapped into a gurney with blood running down her forehead. She wrote a caption: 'Lucky to be alive.'"

31.

Christal took the selfie hours after the car accident while in the hospital.

32.

Defendants published the false statement that Christal took a selfie in the ambulance immediately after the car accident to harm Christal and gain more publicity.

33.

Defendants published the false statement that Christal took a selfie in the ambulance immediately after the car accident in an effort to corroborate its false statement that Christal was using Snapchat at the time of the car accident.

34.

Several news outlets, including the Washington Post and the New York Times, cited a “statement from Neff’s office” when discussing the lawsuit as opposed to citing the actual court pleadings. The “statement from Neff’s office” is attached hereto as Exhibit 1.

35.

A May 3, 2016 New York Times article, which in 2015 had a total average circulation of 2,178,674, cites a “telephone interview with Mr. Neff” in which he described how he believed the car accident occurred. See 05/03/2016 N.Y. Times article attached hereto as Exhibit 2.

36.

An April 27, 2016 article states that “**according to a statement by the victim's lawyers,** [Christal] was ‘just trying to get the car to 100 miles per hour to post it on Snapchat.’” See 04/27/2016 Article attached hereto as Exhibit 3.

37.

Indisputable evidence shows that Christal was not using Snapchat at or near the time of the accident on September 10, 2015.

38.

Christal was not using Snapchat at or near the time of the accident on September 10, 2015.

39.

Although Snapchat does not retain the photographs or videos its users share on the application, it does preserve metadata about the timing and other details of their communications, similar to a phone company's maintenance of records of a customer's outgoing and incoming calls and the timing of said call. See Snapchat's August 29, 2016 Motion for Sanctions against Michael Neff, attached hereto as Exhibit 7.

40.

According to Snapchat, the metadata from Christal's account demonstrates that she did not access or use Snapchat at any time between 9:47 p.m. and 11:18 p.m. on September 10, 2015.

41.

On May 23, 2016, Snapchat provided a spreadsheet to counsel for Mr. Maynard containing the metadata from Christal's phone, which proved that Christal was not using Snapchat at any time between 9:47 p.m. and 11:18 p.m. on the evening of September 10, 2015.

42.

The September 10, 2015 car accident happened at approximately 10:15 p.m.

43.

Although Defendants were provided with indisputable evidence that Christal was not using Snapchat at the time of the accident, Defendants maintained their defamatory statements on their website.

44.

Even after being provided with indisputable evidence that Christal was not using Snapchat at the time of the accident, Defendants maintained that “this case is unique in that we have clear evidence linking use of the Snapchat miles per hour filter in the moments leading up to the crash...”

45.

Christal suffered and continues to suffer damages as a direct result of Defendants’ intentional false and defamatory statements.

46.

On September 27, 2016, counsel for Christal faxed, emailed, and sent via certified mail, Defendants a letter demanding that Defendants correct and retract all libelous statements made by Defendants about Christal relating to the September 10, 2015 car accident within seven (7) days. See 09/27/2016 Letter attached hereto as Exhibit 8.

47.

Even though Defendants were aware of indisputable evidence from Snapchat showing that Christal was not using Snapchat at the time of the car accident, Defendants did not correct and/or retract any of the statements regarding Christal and the September 10, 2015 car accident.

48.

In fact, Defendants did not respond to Christal’s September 27, 2016 letter at all.

49.

The statements made by Defendants regarding Christal and her purported use of Snapchat during the September 10, 2015 car accident accused Christal of a crime punishable by law.

50.

As a direct result of Defendants false statements regarding Christal's purported use of Snapchat and speeding during the September 10, 2015 car accident, a Clayton County Georgia judge signed arrest warrants against Christal.

51.

The police did not even know about any allegations that Christal was purportedly using Snapchat at the time of the car accident until after Defendants filed their complaint and made statements to the media that there was "clear evidence" that Christal was using Snapchat.

52.

As a direct result of the actions taken by Defendants, Christal was charged with reckless driving, speeding 35+ miles per hour over the speed limit, driving too fast for conditions and serious injury by vehicle, which is a felony.

53.

In an April 29, 2016 news article, Christal's father, Chris McGee, was quoted as stating that "we've had death threats on Facebook, every one of us, our whole family, so we've been put through it." See April 29, 2016 Article attached hereto as Exhibit 9.

54.

The death threats received by Christal were a direct result of Defendants' conscious decision to make defamatory statements on their website and to the media regarding Christal's purported use of Snapchat at the time of the September 10, 2015 car accident.

IV. LIABILITY OF DEFENDANTS

COUNT 1: DEFAMATION

55.

Plaintiff incorporates by reference the allegations of Paragraphs 1 through 54 as if fully set forth herein.

56.

A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, which tends to injure the reputations of the person libeled and expose her to public hatred, contempt, or ridicule. O.C.G.A. § 51-5-1(a).

57.

Essential to recovery is the publication of the alleged libelous matter. O.C.G.A. § 51-5-1(b).

58.

Defendants made false and malicious statements regarding Christal's purported use of Snapchat during the September 10, 2015 car accident.

59.

Defendants published the false statements on their website.

60.

Defendants gave telephone interviews to several media outlets which quoted Defendants' false statements in print to national audiences.

61.

Defendants published a "statement from Neff's office" which was disseminated to several media outlets and published to national audiences.

62.

As a small example of the breadth of coverage of Defendants' defamatory statements, an April 30, 2016 YouTube video titled "Snapchat Filter Causes Teen To Crash Car ft. David So" was viewed at least 207,462 times as of the date of the filing of this Complaint.

63.

The contents of the YouTube video accuse Christal of using Snapchat at the time of the September 10, 2015 car accident.

64.

The contents of the YouTube video were the direct result of statements made by Defendants.

65.

Defendants intended for third parties to visit and read the statements made on their website regarding Christal's purported use of Snapchat during the September 10, 2015 car accident.

66.

As of the filing of this Complaint, the defamatory statements remain on Defendants' website.

67.

At a minimum, Defendants negligently published and disseminated false and defamatory statements regarding Christal and the September 10, 2015 car accident.

68.

Defendants intended to publish and disseminate the statements regarding Christal's purported use of the Snapchat speed filter to injure Christal for their own personal gain.

69.

Defendants used Christal as a pawn, intentionally subjecting her to public hatred, contempt and ridicule via publishing their false and defamatory statements for the purpose of attempting to gain access to Snapchat's financial pockets.

70.

As a direct result of Defendants' false and malicious statements, Christal's reputation was injured and she was exposed to public hatred, contempt, and ridicule.

COUNT 2: DEFAMATION PER SE

71.

Plaintiff incorporates by reference the allegations of Paragraphs 1 through 70 as if fully set forth herein.

72.

Under Georgia law, a statement is defamatory *per se* if it: (1) charges another person with a crime punishable by law. O.C.G.A. § 51-5-4(a)(1).

73.

Defendants' published false statements that they had "clear evidence" that Christal was using Snapchat at the time of the September 10, 2015 accident.

74.

Defendants published false statements that Christal was driving in excess of 100 miles per hour at the time of the September 10, 2015 accident.

75.

Defendants published the aforementioned false statements maliciously to injure Christal for their own personal gain.

76.

Defendants were provided with indisputable evidence that Christal was not using Snapchat at the time of the September 10, 2015 car accident and were provided with an affidavit of the front seat passenger which stated that Christal was not using Snapchat at the time of the September 10, 2015 car accident.

77.

Notwithstanding Defendants' possession of this critical information, Defendants continued to publish false and defamatory statements about Christal on their website and to national news audiences.

78.

Defendants' statements that Christal was using Snapchat at the time of the car accident and was driving in excess of 100 miles per hour charged Christal with a crime punishable by law.

79.

In fact, as a direct result of the actions taken by Defendants, Christal was charged with reckless driving, speeding 35+ miles per hour over the speed limit, driving too fast for conditions and serious injury by vehicle, which is a felony.

80.

Defendants' statements were made outside of the pleadings filed in Court, went beyond the pleadings filed in Court, and are not privileged.

81.

As a direct result of Defendants' false and malicious statements, Christal's reputation was injured and she was exposed to public hatred, contempt, and ridicule.

COUNT 3: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

82.

Plaintiff incorporates by reference the allegations of Paragraphs 1 through 81 as if fully set forth herein.

83.

To establish a cause of action for intentional infliction of emotional distress, Christal must show that (1) Defendants' conduct was intentional or reckless; (2) Defendants' conduct was extreme and outrageous; (3) there was a causal connection between Defendants' wrongful conduct and Christal's emotional distress; and (4) Christal's emotional distress was severe. *Johnson v. Allen*, 272 Ga. App. 861, 865 (2005).

84.

Emotional distress includes all highly unpleasant mental reactions such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea.

85.

Defendants intentionally accused Christal of using Snapchat at the time of the September 10, 2015 car accident to injure Christal for their own personal gain.

86.

Defendants were provided with indisputable evidence that Christal was not using Snapchat at the time of the September 10, 2015 car accident but continued to publish that Defendants had "clear evidence" that Christal was in fact using Snapchat.

87.

Defendants' conduct was extreme and outrageous.

88.

Defendants' conduct caused Christal severe emotional distress.

COUNT 4: ATTORNEYS' FEES AND LITIGATION EXPENSES

89.

Plaintiff incorporates by reference the allegations of Paragraphs 1 through 88 as if fully set forth herein.

90.

Defendants have acted in bad faith in the underlying transaction, have been stubbornly litigious and have caused the Plaintiff unnecessary trouble and expense, which makes Defendants liable under O.C.G.A. § 13-6-11 for attorneys' fees and litigation expenses.

COUNT 5: PUNITIVE DAMAGES

91.

Plaintiff incorporates by reference the allegations of Paragraphs 1 through 90 as if fully set forth herein.

92.

On September 27, 2016, Christal, by and through her counsel, sent Defendants a letter pursuant to O.C.G.A. § 51-5-11 demanding that Defendants correct and retract all libelous statements made by Defendants about Christal relating to the September 10, 2015 car accident within seven (7) days.

93.

Defendants did not correct and/or retract their libelous statements.

94.

Defendants did not respond to Christal's September 27, 2016 letter.

95.

Defendants intentionally and maliciously published false statements regarding Christal and the September 10, 2015 car accident to injure Christal for their personal gain.

96.

Defendants were made aware of the falsity of their statements regarding Christal's purported use of Snapchat during the September 10, 2015 car accident but continued to publish the defamatory statements to the detriment of Christal.

97.

Defendants have acted in bad faith with the specific intent to cause harm by knowingly publishing false statements regarding Christal.

98.

Defendants are liable under O.C.G.A. § 51-12-5.1 for their willful, malicious, and reckless conduct alleged in this Complaint, and for their specific intent to cause harm to Christal.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. That Plaintiff recover special, compensatory, and punitive damages, and attorney fees as permitted under Georgia law;
2. For a trial by a jury; and
3. For such other and further relief as is allowed by law and as the Court may deem just and proper.

DATED this 10th day of April 2017.

CHARLES A. GOWER, P.C.



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Lawsuit Filed Against Snapchat for Distracted Driving

A new lawsuit was filed against the social media application Snapchat this week. The case involves a high-speed car crash, selfies, and the public health risk embedded in this inherently dangerous app. Lead Attorney Michael L. Neff from Atlanta filed the case in Griffin, Georgia.

What Happened in Hampton, Georgia

At 11:00 p.m. on September 10, 2015, in the Atlanta suburb of Hampton, GA, Christal McGee finished her shift at the restaurant where she worked. She had her dad's Mercedes, a white c230 that she could borrow when she wanted. She was 18. She agreed to take three of her coworkers home. One sat up front and the other two sat in the backseat. They headed north on Tara Boulevard.

McGee had her phone in her hand, and she started driving fast. One of her coworkers in the backseat was pregnant. She asked McGee to consider this fact and slow down. But McGee was caught up in Snapchat, a smart phone app for sharing photos and videos with

friends. She was using the miles per hour filter, which puts the speed you're going over your image; McGee wanted to post an image of herself going fast. She argued that she was, "Just trying to get the car to 100 miles per hour to post it on Snapchat."

Meanwhile, Wentworth Maynard, an Uber driver, was beginning his shift. He merged his Mitsubishi Outlander onto Tara Boulevard, a four lane highway that cuts through Hampton's chain stores and churches and connects commuters with the city. The speed limit on Tara Boulevard is 55.

The passenger in McGee's Mercedes saw the speed on the Snapchat filter hit 113 miles per hour. McGee said "I'm about to post it." At that moment, the passengers saw the Mitsubishi ahead and screamed.

McGee was traveling so fast, there was no time to react. Maynard's car was struck so violently it shot across the left lane into the left embankment. An accident reconstruction calculated the Mercedes' speed at the moment of impact to have been 107 miles per hour. It crushed the back left side of Maynard's Outlander and caused trauma to his body and brain that would alter the rest of his life.

The Mercedes spun and came to a stop in the right embankment. The vehicle started smoking but all the passengers got out. McGee had hit her head on the windshield; she and her passengers were treated at Piedmont Fayette Hospital for cuts and bruises. Maynard fared worse.



Christal McGee's Crashed 2005 Mercedes c230



Mercedes Interior



Wentworth Maynard's Wrecked Mitsubishi Outlander

Instead of going to work that night, Wentworth Maynard began a five week stay in the intensive care unit where he was treated for a severe traumatic brain injury. He breathed with the assistance of a breathing tube and ate with the help of a feeding tube. He spent another six weeks in the hospital in step-down and acute rehab care. Once home, he began a hard-won, ongoing recovery in which, after many months, Maynard is finally able to get up out of bed and feed himself.

Each day he deals with weakness that leaves him dependent on a wheelchair or a walker. He suffers chronic pain from rotator cuff tears across both shoulders. He has tried to recover as much of himself as he can. But Maynard is not himself. His brain injuries have left him with difficulties in communication, memory loss, and depression.

Maynard's wife Karen remembers a time, not long ago, when her husband was completely independent:

“Wentworth would get up on his own, make his breakfast, go to work and cook dinner. Now he’s so tired he falls asleep in his wheelchair during the day. We used to sit on the sofa and watch TV in the evening, and Wentworth would hug me. Now, he can’t do that anymore.”

Nor can Maynard be left alone; he’s too unsteady on his feet. This incident turned his family members into caretakers.

In the Age of Distracted Driving

1.3 million people were injured in car crashes in the U.S. in 2014. Of these, 431,000 were injured due to distracted driving, i.e., driving while your attention is on something else. The ubiquity of smart phones adds to the potential for distraction. AT&T released a study last year estimating that nearly 4 in 10 smart phone users interact with social media while driving.

We know it’s a problem. We even know it’s dangerous to walk and use a smart phone; state legislators regularly introduce bills to limit this behavior. New Jersey assemblywoman Pamela Lampitt made such a move earlier this month, proposing a \$50 fine for walking on public roadways while using your cell phone. If there is concern for smart phones and public safety at the level of the pedestrian, why would Snapchat create a filter that encourages users to showcase their speed?

The Rise of Snapchat

Photos and images taken with Snapchat are supposed to be ephemeral. The golden idea behind the app was to share photos that would disappear after a certain amount of time, rather than having them hang around the Internet forever. Tech journalist Sarah Lacy wrote in 2012 that there was something “beautifully noncommittal” about Snapchat. At its best, it could return the fun to social media, freeing users to express their real selves.

The appeal of such an app was proven quickly, and Snapchat’s story has been one of exponential growth. What started as a school project between three friends at Stanford University in 2011 is now valued at \$16 billion.

Despite the app’s quick adoption by millions of users, Snapchat, and its founder Evan Spiegel, have often made headlines for having little concern for anyone else. In late 2013, a hacker exploited a known security loophole in the app, leaving 4.6 million users’ personal

information exposed. Snapchat made the news not only for the breach, but for Spiegel's refusal to apologize or take responsibility for the affair.

Another issue soon came to light, this one more fundamental to Snapchat's premise: the photos didn't really disappear. They could be snagged easily through third party apps, or if the person you sent them to took a screen shot. Snapchat promised to let users know if a screen shot was taken, but this wasn't a promise they could keep. The Federal Trade Commission filed a complaint against the app for misleading consumers in 2014.

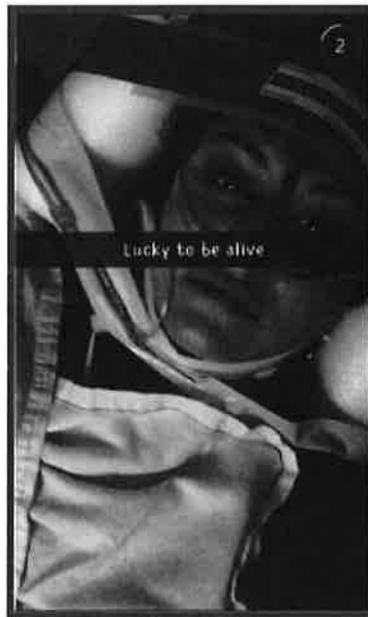
The Miles Per Hour Filter

While Snapchat's brief existence has been marked with dubious developments, there is perhaps nothing more dubious than its creation of the miles per hour filter. Introduced along with a product update in 2013, the miles per hour filter overlays a real-time measurement of the speed the user is traveling on photos and videos.

Subsequent updates have added new emojis for chatting and trophies for collecting. Users can win trophies for interacting with the app in various ways, including sending images using filters. In this way, Snapchat has embedded more incentives into its interface. It's become more of a game.

Lucky to be alive

Christal McGee posted a picture of herself on Snapchat after her accident with Wentworth Maynard. She was in the ambulance, strapped into a gurney with blood running down her forehead. She wrote a caption: "Lucky to be alive."



Christal McGee Shortly After
Accident – Snapchat

Her image joins a macabre gallery of photos from Snapchat users who captured and shared moments of danger and damage surrounding their use of the app. Last summer, a young woman in Brazil achieved Internet infamy by telling the story of her car accident on Snapchat. She was with her boyfriend, traveling at high speeds while using the miles per hour filter. Like McGee, she posted a post-accident selfie featuring blood on her forehead.

It gets worse. In Manchester, UK, a 19-year-old in an Audi A6 bragged about going 142 mph using the Snapchat mph filter one night in 2014. He killed another driver while going 80 mph the next day. This incident produced a harrowing image of the other driver's vehicle, which was essentially cut in half.

Which points to one of the most dangerous aspects of Snapchat's miles per hour feature: it not only puts the public at risk of distracted drivers, it puts us at risk of distracted drivers traveling at very high speeds.

It remains to be seen to what extent Snapchat use is responsible for the traffic deaths of a 30-year-old man who was struck by another driver in Kansas City in March, and three young women who were documenting their day using Snapchat in Philadelphia in December, a day which ended in a devastating and fatal crash.

Professional basketball player Draymond Green of the Golden State Warriors was lucky last month when a video he snapped of himself going 118 in his BMW on a Bay Area highway only resulted in bad publicity. Same result for Andre Drummond of the Detroit

Pistons when a Snapchat photo was captured and leaked of him driving at 96 miles per hour.

Taking Responsibility

It's alarming that people have used Snapchat's miles per hour filter to document themselves driving at high speeds. But it's hardly a surprise. The premise of the software is that these just-for-fun images will disappear forever, after all. What is more puzzling is that after evidence has emerged documenting this behavior—a behavior which puts the public at risk for high speed car crashes—Snapchat has shown no concern for public health, neither admitting responsibility nor moving to delete this feature from its app.

It must be asked to what extent Snapchat weighed the risks of its miles per hour filter before releasing it as a product into the stream of commerce. Did its developers consider the impact it could have on the life of someone like Wentworth Maynard?

Or did they not think much of the public at all, figuring some amount of damage would be permissible, the kind of thing Ralph Nader calls the "institutionalized, recurring violence stemming from the activities of the business classes" that's now seen as incidental to the production of goods and services?

State laws hold that manufacturers are responsible for protecting the public from the risk of harm inherent in a product's design. The Snapchat miles per hour filter is inherently risky. Will Snapchat finally take responsibility for the products it puts out into the world?

The Lawsuit

Lead Attorney Michael L. Neff is representing Wentworth Maynard in a civil lawsuit against both Christal McGee and Snapchat. [The lawsuit](#) seeks to hold each party responsible for the medical bills and lifelong care Wentworth Maynard now requires.

Attorney Todd Henningsen noted, "I was struck at how Snapchat's choice to encourage users to record their speed has devastated the Maynard family – especially in light of the epidemic of distracted drivers on our roadways."

Attorney Michael Terry noted, "Snapchat has an obligation under the law not to place dangerous items into the stream of commerce, and they have a responsibility to act reasonably to take steps to eliminate risks associated with their products."

“This case is unique in that we have clear evidence linking use of the Snapchat miles per hour filter in the moments leading up to the crash with the kind of grievous harm we know this product is capable of,” said Lead Attorney Michael L. Neff. “It’s our hope that this case will not only garner justice for Mr. Wentworth, but will pressure Snapchat to stop putting the public at risk.”

[Download the – “Maynard v Snapchat Complaint” filing PDF.](#)

Passengers Confirm Driver Was Using Snapchat Speed Filter

Since the lawsuit began, news reporters have interviewed the two women riding in the back seat of the Mercedes. [Both passengers confirm](#) that McGee was using Snapchat’s speed filter at the time of the wreck.

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4160

EXHIBIT 2

The New York Times <https://nyti.ms/1SZgkiJ>

U.S.

Snapchat at 107 M.P.H.? Lawsuit Blames Teenager (and Snapchat)

By KATIE ROGERS MAY 3, 2016

Even in the age of social media, this particular selfie seemed extreme: a teenager strapped into a gurney, with blood running down her forehead, somehow taking the time to tap out a message to her Snapchat friends: “Lucky to be alive.”

The selfie quickly went viral and is a component of a lawsuit filed by a Georgia man accusing the teenager, Christal McGee, of recklessly using Snapchat while driving over 100 miles per hour and slamming into his vehicle last year, leaving him with severe injuries. He is also suing Snapchat, accusing the company of negligence.

After the accident, lawyers for the man, Wentworth Maynard, distributed the photo of Ms. McGee on the gurney, leading the police to open an investigation into the crash.



What Happened?

According to a police report, Ms. McGee, who was 18 at the time, was driving with three friends in a Mercedes-Benz around 10 p.m. on Sept. 10 in Hampton, Ga. She and her friends maintain that Mr. Maynard's vehicle drifted into their lane, and then Ms. McGee crashed into his car. She lost control and ran off the road.

Mr. Maynard sustained a "severe traumatic brain injury," his lawyer said. The police were not able to interview him that night because of his injuries, they said. Neither driver was immediately cited for a traffic violation.

Mr. Maynard and his wife filed the lawsuit on April 19. It says that Ms. McGee began using a Snapchat "lens" that clocks the speed of vehicles, attempting to push her car to higher and higher speeds.

An accident reconstruction determined that, at the time of the collision, Ms. McGee was driving 107 m.p.h., the lead lawyer in the lawsuit, Michael L. Neff, wrote on his website. He also published photos of the teenager's selfie and of both cars after the accident, showing the white Mercedes Ms. McGee had been driving with a smashed front end and Mr. Maynard's Mitsubishi with a demolished left side and back end.

In a telephone interview on Monday, Mr. Neff declined to say how he obtained the Snapchat selfie.

"Wentworth Maynard began a five-week stay in the intensive-care unit, where he was treated for a severe traumatic brain injury," Mr. Neff wrote on his website. Mr. Maynard and his wife are suing Snapchat and Ms. McGee to recoup all costs associated with the accident and his injuries.

The crash has become a high-profile case in the debate over distracted driving, a growing problem largely attributed to people who can't put down their electronic devices while they're behind the wheel. Because of the dangers associated with driving while distracted, experts are pushing to treat it — and, in some cases, penalize it — like drunken driving.

“It’s dangerous, devastating, crippling, and it’s a killer and still socially acceptable,” Candace Lightner, the founder of Mothers Against Drunk Driving and a founder of Partnership for Distraction-Free Driving, told The Times.

What Does Ms. McGee Say?

Attempts to reach Ms. McGee were unsuccessful. In an interview last week, her grandfather James McGee said that the teenager had also been seriously injured in the crash, and that her family believed Mr. Maynard was responsible for the accident.

“He pulled his vehicle out in front of them,” Mr. McGee said, “not giving them enough time to stop. Now they’re trying to lay the rap on her.”

Mr. McGee said that since the accident, Ms. McGee had graduated from high school and wanted to join the Air Force, but her plans had been delayed because of the crash. She is working part time at a home improvement store, he said.

Her grandfather added, “It’s a big setup for somebody who is young and innocent.”

What Does Snapchat Say?

Mr. Maynard’s lawsuit accuses Snapchat of motivating drivers to use the filter to receive a “trophy,” one of the app’s badges given to users after they complete a task. According to Snapchat, the service has never offered trophies for high-speed driving.

A Snapchat spokesman emailed this statement: “No Snap is more important than someone’s safety. We actively discourage our community from using the speed filter while driving, including by displaying a ‘Do NOT Snap and Drive’ warning message in the app itself.”

What Happens Next?

Chief Mark Harris of the Lovejoy Police Department, one of several law enforcement agencies that operate along the road on which the crash occurred, said

on Monday that Ms. McGee hasn't been charged with speeding partly because there had been conflicting reports from her passengers about how fast she was driving. But the police have opened an investigation into the crash after reports said that Ms. McGee had been using Snapchat, Chief Harris said.

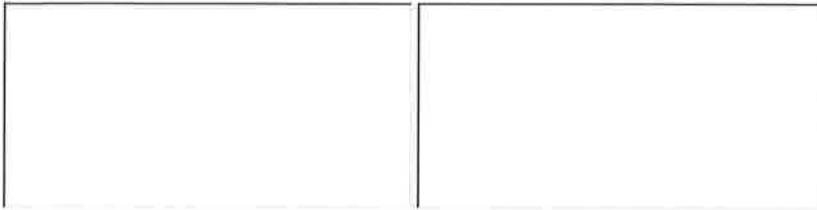
"We didn't know anything about Snapchat," he said.

The Police Department is trying to verify the speed, he said, adding that Mr. Maynard may also have committed a moving violation by changing lanes without signaling.

Jeanne Bonner contributed reporting from Lovejoy, Ga.

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EXHIBIT 3



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By CHRISTINA CAPATIDES / CBS NEWS / April 27, 2016, 3:58 PM

Snapchat's speed filter blamed for bloody crash



Wentworth Maynard's Mitsubishi Outlander after the crash in September 2015.

/ STATE COURT OF SPALDING COUNTY, GEORGIA

18 Comments / Share / Tweet / Stumble / Email

As social media platforms go, Snapchat has long been in the fast lane to millennials' hearts. Now, however, a lawsuit out of Atlanta, Georgia, claims that one of the app's most popular filters encourages users to be on their phones while in the actual fast lane.



Christal McGee's Mercedes after the crash last September. / STATE COURT OF SPALDING COUNTY GEORGIA

According to the suit, at 11 p.m. on September 10, 2015, Wentworth Maynard was merging onto a four lane highway outside Atlanta, when his Mitsubishi Outlander was struck by a Mercedes C230 barreling down the highway at 107 mph. The impact was reportedly so intense that Maynard's vehicle was rocketed across all four lanes and into the embankment.

The other driver, 18-year-old Christal McGee, was allegedly using Snapchat's speed filter to boast about how fast she was driving at the time of the crash. She was transporting three of her coworkers home from a shift at a local restaurant in her father's white Mercedes. And according to a

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From 60 Minutes

 Havana Club vs. Havana Club

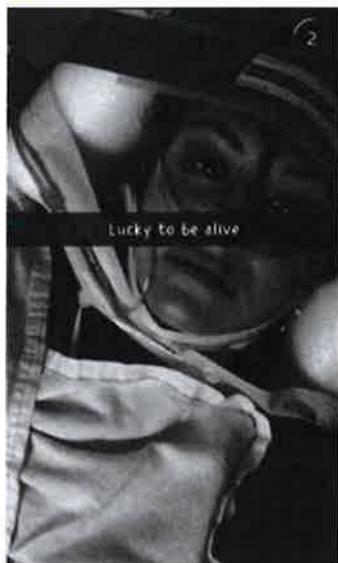
 Chicago priest puts a "bounty" on heads of killers

 Chicago police activity declines as murders spike, data shows

 The Vigilantes of Chicago in '71

 The Revolution comes to Broadway

statement by the victim's lawyers, she was "just trying to get the car to 100 miles per hour to post it on Snapchat."



The snap Christal McGee posted from an ambulance after last September's crash. / THE LAW OFFICES OF MICHAEL LAWSON NEFF VIA SNAPCHAT

The snapping didn't stop there. McGee posted a photo from the ambulance after the crash, showing herself bloodied and bound in a neck brace, with the caption, "Lucky to be alive."

McGee was lucky. Despite crashing her father's Mercedes into the embankment, she and her three passengers -- one of them reportedly pregnant at the time -- walked away with only minor injuries.

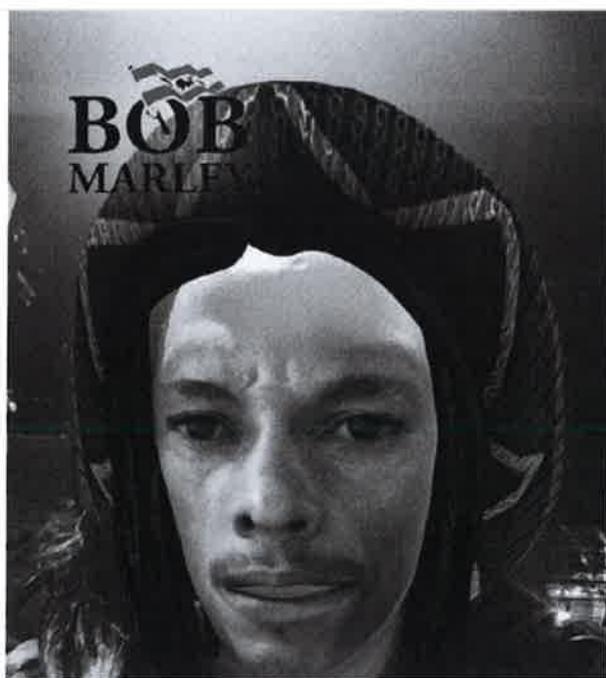
The plaintiff, on the other hand, who was an Uber drive at the time of the accident, suffered severe traumatic brain injuries as a result of the crash, spending five weeks in the ICU. He now needs either a wheelchair or a walker to get around, and has been unable to work since the incident.

For that reason, Maynard is attempting to hold both McGee and Snapchat responsible for his ongoing medical bills. He is looking for compensation from McGee for obvious reasons --claiming she was driving distracted,

going 107 mph on a stretch of highway where the speed limit was 55 mph -- but his grievances with Snapchat are a bit different.

"This is a product liability case because Snapchat put something very dangerous in the marketplace without any warnings or safeguards," said Maynard's lead attorney, Michael L. Neff, in a statement. "[They] basically said, whatever happens, happens."

This isn't the first time Snapchat has taken heat for one of its filters. Just last week, the popular social media platform became the target of fiery criticism for unveiling a Bob Marley filter on 4/20 (an unofficial holiday, known to many as "Weed Day"), that allowed users to snap pictures of themselves in blackface with dreads.



play VIDEO

Actress Cynthia Erivo



150 PHOTOS

Notable deaths in 2016

Most Discussed

-  More cases of Russian cyberattacks come to light
2194 COMMENTS
-  House Republicans decide to strip ethics change in emergency meeting
1830 COMMENTS
-  Why Democrats called House Republicans' surprise move "crippling"
1291 COMMENTS
-  Problematic practices at Steven Mnuchin's OneWest?
1260 COMMENTS
-  Intel leaders detail scope of Russian hacking ahead of report

The filter blamed in Maynard's case has come under scrutiny before. In December 2015, some reports suggested that Snapchat's speed filter may have played a role in the deaths of three Philadelphia women in their 20s, after the black Camaro the women were driving smashed into a parked tractor-trailer carrying herbicide and erupted into flames. A statement released by Maynard's lawyers suggests that a handful of other recent crashes -- at least one of them, deadly -- may have been linked to the popular filter as well.

Snapchat's miles per hour filter was introduced as part of a product update in 2013, but according to Maynard's lawyers, the app's user agreement was not updated to include a safety or security clause until March 29, 2016. For Wentworth Maynard and his family, that is far too little, too late.

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Home Chef

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My Snoring Solution

Here's What Dental Implants Should Cost

Smile Find Dental Referrals

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Harry's

We Tried HelloFresh: Here's How Easy It Was

PayPath for HelloFresh

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EXHIBIT 4

Search

-  **Pamell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
-  **Dan Zamborsky** Jun 3
You admitted you were doing al I...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu Ali** Jun 3
DUMB BITCH
-  **John Cochran** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
-  **Nancy Munie** Jun 2
After ALL the stories in the press I...
-  **Jullana Orrico** Jun 2
I hope you go to prison for risking ...

You and Kárl Jansson aren't connected on Facebook

Conversation started May 5

Kárl Jansson

Oh wow your a stupid bitch hope your family goes into bankruptcy because you almost committed murder.

5/5, 8:14am

protip: Next time you plan on going to drive? Just hang yourself its easier.

The sender won't see that you've read their messages until you accept.

Delete

 **Quinlavious StayingHumble Lawson**
Suggested Group **James Fahed Akeem Buckner's post.**



MUSIC SUPONING
Lissette Gotteskinu
Couponing...
4 friends · 845 members

Matthew Gill replied to son's comment



Berly Moss

Guinea P... Support **Shonda Mogee** Join
1 friend · 14,129 members



Brittany Welch

Buy, Sell... Carstruc... wheels **Brooke Fellman** Join
204 frier d... 3CenterBeirdfall

See All **Angela Marie Villanaga**

English (U... Spanish **Butler**
Portugl. 6... (11)
Français (France) · Deutsch
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Facebook **AJ Johnson**
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Recent Message Requests More Stan Pope New Message

Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
-  **Dan Zamborsky** Jun 3
You admitted you were doing at I...
-  **Katharine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu All** Jun 3
DUMB BITCH
-  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
-  **Nancy Munie** Jun 2
After ALL the stories in the press I...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...

You and Stan Pope aren't connected on Facebook
Graph Lossy at Fudge
Lives in Lake Ariel Pennsylvania

Conversation started May 5

Stan Pope 5/5, 9:46am
You're that dumb birch in the car crash weren't you? The crash was 100% YOUR fault fucking Bitch. Crash should have ended you. Would be one less idiot in the world

You ruined a mans life! He has Permanent brain damage. All because of you. That's no better than a killer.

The sender won't see that you've read their messages until you accept.

Delete

 **Quintavious StayingHumble Lawson**
Suggested Groups
Fahed Akeem Buckner's post.

 **Tattedgang Turk** You'll be surprised how many bitches eat p...
easy on the low
ain't nothing wrong w
it lol

 **Lissette Gotteskind**
replied to Grace Harp's post.
Prayer Warriors
2 friends · 852 members
Join
Matthew Gill replied to Brittany Moon's comment.

 **Jason Daughtry**
St...
Pike Court
Discussion Page
75 friends · 10 ready to books Cofield
Join

 **Crystal Money-Roberts**

 **JILL BUTLER**
GARNIVAL TA CRUISE
1 friend
Join
Nicole Kearney

See All  **Brittany Mathieu**

English (United States) Spanish Portuguese (Brazil) Français (France) Deutsch
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Recent Message Requests More

Gabriel Saldivar Jr.

New Message

Search

-  **Pamel Glover** Jun 30
Your fata is coming, you killer bitch!
-  **Pate Nicks** Jun 3
What a loser and that goes for an...
- Dan Zamborsky** Jun 3
You admitted you were doing at l...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu All** Jun 3
DUMB BITCH
-  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
- Nancy Munie** Jun 2
After ALL the stories in the press I...
-  **Juliane Orrico** Jun 2
I hope you go to prison for risking...



You and Gabriel Saldivar Jr. aren't connected on Facebook

Conversation started April 28



Gabriel Saldivar Jr. 4/28, 6:22pm

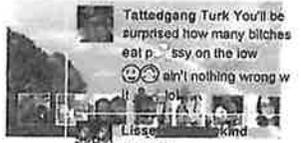
You are a real Stupid Bitch I hope you die slowly fuck you and snap chat I hope you catch aids and die slowly

Sent from Messenger

The sender won't see that you've read their messages until you accept.

Delete Accept

Quintavious Staying Humble Lawson
Suggested Groups
Fahed Akeem Buckner's post.



Pike County, VA reacted to Grace Herp's Discussion Page post. Join 75 friends 8,241 members



Spalding County, GA reacted to Mark McGee's Discussion Page post. Join 229 friends 468 members



Buy, Sell, Trade Cars/trucks/anything with wheels. Bridgett Garcia. 204 friends 317 members

See All
Roydric Reid
English (UK) · Español · Português (Brasil) · Français (France) · Deutsch

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Recent Message Requests More Bill Axon New Message

Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
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After ALL the stories in the press I...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...



You and Bill Axon aren't connected on Facebook

Conversation started April 27



Bill Axon 4/27, 1:39pm
I hope the viclm's attorney takes everything you own and will own for the next 20 years. As far as 'lucky to be alive'assholes like you should not have survived this accident. Then again there's hope some future event will deal you the reirbution you so richly deserve. Karma will be a bitch some where down the road.



Bill Axon 4/27, 1:40pm
AAA

The sender won't see that you've read their messages until you accept.

Delete Accept

 **Quintavious StayingHumble Lawson**
Suggested Groups
Fishes Fished Akeem Buckner's post



Buy, Se...
reacted to Graco Harp's Cam/truck/anything with wheels
Join
204 friends
37 members
Matthew Gill replied to Britniwee's comment.



Chris Leatherwood
Shonda Moggie
Britniwee
Pike County, GA -
Disoussion
Angela Marie Villarreal
75 friends
11 members



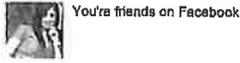
Kimberley Jones-Van...
Amber Lynn D...
Spalding County
Disoussion
Caillin Price
229 friends
484 members

Austin Frix
See All
Chelsea Brewer
English (United States) - español
Português (Brasil)
Français (France)
MORE CONTACTS (105)

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Alexus AnnMarie Craig
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Search

-  **Parnell Glover** Jun 30
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-  **John Cochtosan** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
- Nancy Munle** Jun 2
After ALL the stories in the press I...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...



You're friends on Facebook

Conversation started April 26



Sally Adams 4/26, 7:34pm
Holy shit you are fucking retarded. Your mom should've swallowed.
Hope you die in a fire stupid bitch

Sent from Messenger

The sender won't see that you've read their messages until you accept.

Delete Accept

 **Quintavious StayingHumble Lawson**
Suggested Groups
Faded Akeem Buckner's post.



Buy, Sell, Trade reacted to Grace Harp's Cars/trucks/anything with wheels
204 friends
Matthew Gill replied to Britlany Mason's comment.



Guinea Pig Advice and Support
1 friend
Angela Marie Villalaga members



Low Carb and Losing It
Original Content
3 friends
Caitlin Price members

See All
Austin Frix

Chelsea Brewer
English (United Kingdom) Spanish
Portuguese (Brazil)
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Alexus AnnMarie Craig

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Recent Message Requests More **Richard Lacey** New Message

- Search
-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
 -  **Pete Nicks** Jun 3
What a loser and that goes for an...
 -  **Dan Zamborsky** Jun 3
You admitted you were doing at I...
 -  **Katherine R Cooper** Jun 3
You don't know me but I just want...
 -  **Ken Koch** Jun 3
Brain dead bitch
 -  **Qu All** Jun 3
DUMB BITCH
 -  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
 -  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
 -  **Nancy Munle** Jun 2
After ALL the stories in the pres: I...
 -  **Juliana Orrico** Jun 2
I hope you go to prison for risking...

 You and Richard Lacey aren't connected on Facebook

Conversation started April 27

 **Richard Lacey** 4/27, 9:28am
Are you one of the world's biggest idiots that used snap chat driving at 107mph and ruined someone elses life? Wish it was you that got the brain damage, then it wouldnt have been such a loss.

June 2

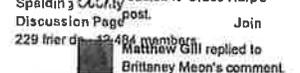
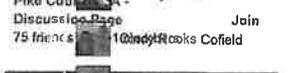
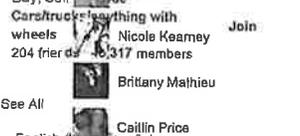
 **Richard Lacey** 6/2, 7:13pm
Just saw the news. We all hope you go to jail.

The sender won't see that you've read their messages until you accept.

Delete

 **Quintavious StayingHumble Lawson**

Suggested Groups

-  **Buckner's post**
-  **Spaldin J. J. reacted to Grace Harp's Discussion Page post.** 229 frien... 12,484 members
-  **Jason Daughtry**
-  **Pike County Discussions Page** 75 frien... 10,000+ members
-  **Britany Welch**
-  **Jill Butler**
-  **Cailin Price**

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Recent Message Requests More **Cam Braithwaite** New Message

Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
-  **Dan Zamborsky** Jun 3
You admitted you were doing at L...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu Ali** Jun 3
DUMB BITCH
-  **John Cochrosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
-  **Nancy Munle** Jun 2
After ALL the stories in the press L...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...

 You and Cam Braithwaite aren't connected on Facebook
Lives in [Victoria British Columbia](#)

Conversation started May 5

 **Cam Braithwaite** 5/5, 3:14pm
You fucking pathetic, vain piece of shit. I'd have a whole hell of a lot more to say if I had seen this story sooner, but I'm sure you've been told plenty of times to kill yourself already.

 **Teen took Snapchat photos while crashing Mercedes at 107 mph. Now her victim has sued Snapchat.**
The teen told a friend in the car that she was trying to reach 100 mil...
[washingtonpost.com](#)

The sender won't see that you've read their messages until you accept.

Delete

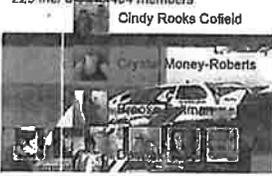
 **Quintavious StayingHumble Lawson**
Suggested Groups **Fahed Akeem Buckner's post.**



 **Bearded C.A. In Obsession**
1 friend · 16,834 members [Join](#)



 **Matthew Gill replied to Britney Meon's comment.**



 **Spelding Discussio** by **Brittany Welch** [Join](#)
229 friends · 13,464 members



 **Dir Track Raceway Speedway** by **Senola Butler** [Join](#)
7 friends · **Nicola Kearney**



See All  **Brittany Mathieu**
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Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pate Nicks** Jun 3
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-  **Katherine R Cooper** Jun 3
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-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu All** Jun 3
DUMB BITCH
-  **John Cochosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acc...
- Nancy Munie** Jun 2
After ALL the stories in the press l...
-  **Juliana Orrico** Jun 2
I hope you go to prison for rnsking...



You and Tim O Tee aren't connected on Facebook

Conversation started May 5



Tim O Tee

You're an idiot, and an irresponsible brat. Way to ruin an Innocent mans life, all for some attention on snapchat. Then you blame it on someone else.. I guess nothing is ever your fault. The only thing you can blame someone else for is your mother for not swallowing.

6/5, 12:17pm

Sent from Messenger

The sender won't see that you've read their messages until you accept.

Delete

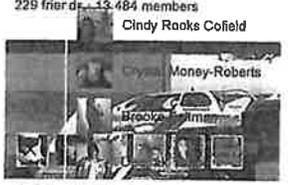
Quintavious StayingHumble Lawson
Suggested Groups
James Fahed Akeem Buckner's post



Bearded... reacted to Grace Harp's Post
1 friend 16,834 members



Spalding... by Brittany Welch
229 friends 13,484 members
Cindy Rooks Cofield



Dirty Track... @ Senoia Bulter
Raceway...
Speedway...
7 friends

See All

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Português
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Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
-  **Dan Zamborsky** Jun 3
You admitted you were doing a l...
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Brain dead bitch
-  **Qu All** Jun 3
DUMB BITCH
-  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car accl...
-  **Nancy Munle** Jun 2
After ALL the stories in the press I...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...



You and James Rolland aren't connected on Facebook

Conversation started April 29



James Rolland 4/29, 5:05pm

You're a truly evil cunt. Kill yourself before you kill someone else.

Sent from Messenger

The sender won't see that you've read their messages until you accept.

Delete Accept

 **Quintavious StayingHumble Lawson**
Suggested Groups
Faded Akeem Buckner's post.



Buy, Sell, Trade Cars/trucks/anything with wheels
204 friends
37 members
Matthew Gill replied to Brittaney Moon's comment.



LOCUST SALE AND SWAP PAGE
50 friends
85 members
Join



Pit bull worldwide
1 friend
Angela Marie Villarraga
Join

See All
Jill Butler

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Abigail Warren

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-  **Parnell Glover** Jun 30
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-  **Pete Nicks** Jun 3
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- Dan Zamborsky** Jun 3
You admitted you were doing at l...
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You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
- Nancy Munie** Jun 2
After ALL the stories in the press l...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...

You and Robert Gomez aren't connected on Facebook
Administration at UC Davis and Student Housing
Studies Psychology at UC Davis

Conversation started April 29

Robert Gomez 4/29, 7:11am
It's shame you couldnt die in that accident that night. You deserve it for being the massive retard that you are. You're nothing more than a waste of a human life. I hope to God your family loses everything in the lawsuit. You deserve it, you cum dumpster.

The sender won't see that you've read their messages until you accept.

Delete Accept

 **Quintavious StayingHumble Lawson**
Suggested Groups **Faded Akeem Buckner's post.**



Parakeets reacted to Grace Harp's post
1 friend 6,850 members [Join](#)



Matthew Gill replied to

Dirt Track Raceway Speedway  Sandra Mcgee
7 friends [Join](#)



Jobs in Georgia  Angela Marie Villarraga
County, Georgia 194 friends [Join](#)

See All  Jill Buller

English (US)  Taylor Dodson
Portuguese (Brazil) [MORE CONTACTS](#) (121)

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Carla Dilligaf

New Message

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Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
- Dan Zamborsky** Jun 3
You admitted you were doing at l...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
-  **Qu All** Jun 3
DUMB BITCH
-  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
- Nancy Munie** Jun 2
After ALL the stories in the press l...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking...

Conversation started April 28

Carla Dilligaf 4/26, 9:35pm
Stupid dumb cunt. Hope you get fucked up biglma whore. Rot in hell cunt.

You cannot reply to this conversation.

The sender won't see that you've read their messages until you accept.

Delete

 **Quintavious StayingHumble Lawson**

Suggested Groups
Pages Fahed Akeem Buckner's post.



CARNIVAL J.L.T.A CRUISE
PAGE1
1 friend

roaded to Grace Harp's post.
16,349 members
Matthew Gill replied to Brittaney Meon's comment.



Low Carb...
Original Group
3 friends



Shonda Mogee
Brittaney Welch
Join

See All
Jill Butler
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Abigail Warren
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Recent Message Requests **Mora** Jeff Hollywolf New Message

Search

 **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!

 **Pete Nicks** Jun 3
What a loser and that goes for an...

Dan Zamborsky Jun 3
You admitted you were doing at l...

 **Katherine R Cooper** Jun 3
You don't know me but I just want...

 **Ken Koch** Jun 3
Brain dead bitch

 **Qu All** Jun 3
DUMB BITCH

 **John Cochotosen** Jun 2
You are a stupid fucking whore a...

 **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...

Nancy Munis Jun 2
After ALL the stories in the press l...

 **Juliana Orrico** Jun 2
I hope you go to prison for riskin...

 You and Jeff Hollywolf aren't connected on Facebook

Conversation started April 27

 **Jeff Hollywolf** 4/27, 10:43pm
You despicable human being you should face actions for what you've done you. And you still had the nerve to Snapchat after do you need that much attention you whore. I hope you pay dearly for what you've done. A person is facing brain damage because of your vanity too bad you don't have a brain to see that you pece of crap Soul less dog shit bitch

April 28

 **Jeff Hollywolf** 4/28, 7:29pm
I hope they leave your stupid ass broke and in jail. You stupid fucking imbecile. You poor excuse of a human being. You will pay for your ignorance stupid bitch.

Sent from Mobile

The sender won't see that you've read their messages until you accept.

Delete

 **Quintavious StayingHumble Lawson**
Likes Fahed Akeem Buckner's post.



Low Carb... reacted to Grace Harp's Original Group post. Join

3 friends · 70,083 members
Matthew Gill replied to Brittaney Moon's comment.



Spalding... Mark McGee
Community Bulletin Board Join
62 friends · 50 members
Suzanne Miller



Bearded... Jill Butler
Obsession Join
1 friend · 16,524 members
Juan Mendoza

See All
Bridgett Garcia
English (US) · Español · Portuguese (Brazil) · Deutsch
Amber Lynn Dunn

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Silvia Martinez

New Message

Search

-  **Parnell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
- Dan Zamborsky** Jun 3
You admitted you were doing at l...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
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Brain dead bitch
-  **Qu Ali** Jun 3
DUMB BITCH
-  **John Cochtosen** Jun 2
You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a senous car acci...
- Nancy Munie** Jun 2
After ALL the stories in the press l...
-  **Julliana Orrico** Jun 2
I hope you go to prison for risking...

 You and Silvia Martinez aren't connected on Facebook
Send a message to Silvia Martinez
Lives in Garden Grove, California

Conversation started April 27

 **Silvia Martinez** 4/27, 10:53pm

You are such a fucking idiot. Maybe you are worth something in this world but from the shit you pulled, you should have died, burned and rot in your car! But that wouldn't be fair to your friend that was with you, then again how did they let you go on with that shit? How dare you even have the audacity to snapchat yourself "Lucky to be alive." It's not luck, it leans towards unfairness. The man suffered serious brain trauma, cannot work and either has to be in a wheelchair or walker. Only because you are that desperate, need-to-prove-to-everybody, "top-notch" bitch that hit 100 mph on a social media.... On a fucking social media. You're pathetic. Get a grip of yourself, motherfucker. But hey, your karma will come around eventually. And when it does, you still probably won't learn or understand jack shit, but you or your family will suffer. That really sucks for your family, they shouldn't go through any of the disappointment or shame you have brought upon your last name. Screenshot this, block or report me. I don't care. You need to be advised about this pathetic shit you pulled, and probably smacked. Nah, more than a smacking.

Sent from Messenger

The sender won't see that you've read their messages until you accept.

Delete Accept

Quintavious StayingHumble Lawson likes Fahed Ak...
Delete Ad Buckner's post.

Tattadgang Turk You'll be surprised how many bitches eat pussy on the low ain't nothing wrong with it lol

Lissette Gotteskind reacted to Grace Harp's post.

Matthew Commented on...

Mark McGee Career: Four Methods to...
There's new and Darnold Miller your passion. What's your dream job?

Brooke Fellman

English (United States) - Español - Português (Brazil) - हिंदी - Français (France) - Deutsch

Bridgett Garcia

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Amber Lynn Dunn

Roydric Reid

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Alejandra Arellanes C...

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Brittany Quaresma

New Message

Search

-  **Pamell Glover** Jun 30
Your fate is coming, you killer bitch!
-  **Pete Nicks** Jun 3
What a loser and that goes for an...
- Dan Zamborsky** Jun 3
You admitted you were doing at I...
-  **Katherine R Cooper** Jun 3
You don't know me but I just want...
-  **Ken Koch** Jun 3
Brain dead bitch
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DUMB BITCH
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You are a stupid fucking whore a...
-  **Kimberly Tomlinson Parker** Jun 2
So you get into a serious car acci...
- Nancy Munle** Jun 2
After ALL the stories in the press I...
-  **Juliana Orrico** Jun 2
I hope you go to prison for risking ...

You and Brittany Quaresma aren't connected on Facebook

Conversation started May 2

-  **Brittany Quaresma** 5/2, 2:44am
Just wanted to let you know your disgusting ☹️
- And I hope you rot in jail**
-  **Brittany Quaresma** 5/2, 2:45am

-  **Brittany Quaresma** 5/2, 2:45am
Should be ur brain all damaged and your body not working not his.. You selfish little cunt . Karmas a bitch !

Sent from Messenger

The sender won't see that you've read their messages until you accept

Delete Accept

Add Files Add Photos Press Enter to send

 **Quintavious SlayingHumble Lawson** likes **Fahed Ake**'s post. **Quintavious SlayingHumble Lawson** likes **Fahed Ake**'s post. **Quintavious SlayingHumble Lawson** likes **Fahed Ake**'s post.

 **Tattedgang Turk** You'll be surprised how many bltches eat p...ssy on the low
☺️ ain't nothing wrong w it 🙄 lol

 **Lissette Gotteskind** reacted to **Grace Harp's** post.
Time for an upgrade?
bestbuy.com
With the inte...
2-in-1s there...
 **Brittany Quaresma** replied to **Brittany Quaresma's** comment.



 **Brittany Welch**
Try ACUVUE
acuvue.com
This week...
@GladysRdobb @field
#FestySeason: wondering what to bring? Our starter kit...
 **Michael Dwyer**

English (UK)
Portuguese (Brazil)
Français (France)
 **Andrew McGee**
 **Angela Marie Villarraga**

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 **Jill Butler**
 **Amber Lynn Dunn**
 **Roydric Reid**

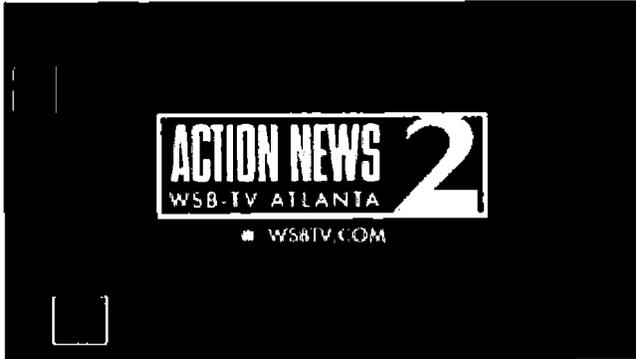
MORE CONTACTS (119)

 **Aj Johnson**

EXHIBIT 5

• Teen faces felony charge after alleged Snapchat 'speed filter' crash

by: Jodie Fleischer Updated: Jun 1, 2016 - 10:17 PM



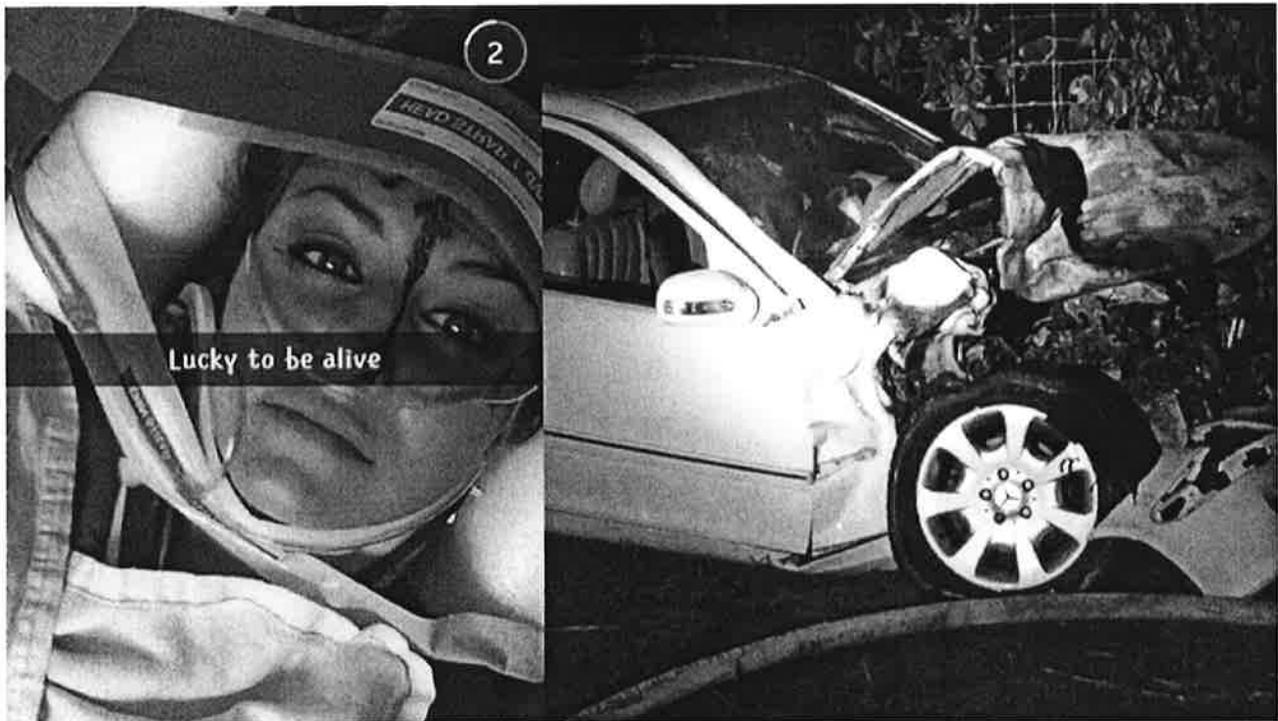
2

CLAYTON COUNTY, Ga. —

A Georgia teen is now facing criminal charges after crashing her Mercedes and severely injuring another driver, authorities said.

Christal McGee's passengers told Channel 2 Action News that she was using the popular Snapchat app's speed filter and trying to reach 100 mph when her car crashed last September.

A Clayton County judge on Wednesday signed arrest warrants for the 19-year-old. She's charged with reckless driving, super speeder, driving too fast for conditions and serious injury by vehicle, the last of which is a felony.



Clayton County Solicitor Tasha Mosley said the district attorney's office will now handle the case because of the felony charge, adding that it was warranted because McGee's driving represented a "true disregard" for public safety.

"When you're consciously deciding that you're going to try to hit a certain point of 100 mph, on a rainy road ... you don't care," said Mosley. "For any other young person out there that's thinking about doing this, they can see that we're serious about pursuing charges when you hurt somebody to this extent."

Wentworth Maynard was driving the car McGee rear-ended. Maynard had just turned right out of his apartment complex onto Tara Boulevard, where the speed limit is 55 mph.

Maynard spent several weeks in a coma and now has a traumatic brain injury. His family is suing the teen and Snapchat for encouraging reckless behavior.

In newly filed court records, McGee admitted going 90 miles an hour, but denied using the Snapchat app at the time of the crash.

The speed filter allows the user to capture the speed at which they're moving at the time the picture or video is recorded, and posts the speed over the picture.

Snapchat released a statement saying, "No snap is more important than someone's safety," adding that the app discourages use of the speed filter while driving by including a warning message when you first use it.

"A vehicle is a weapon, and the faster you go, the more likely it is that you're going to hurt yourself or somebody else out there," said Mosley.

Mosley sent her crash reconstruction expert to help Lovejoy police assess the case after a Channel 2 investigation last month revealed the Police Department had initially failed to determine McGee's speed during the crash, and instead attributed the cause to Maynard.

"He could have asked some more questions," Lovejoy Police Chief Mark Harris said of the officer who initially responded to the crash.

Channel 2 Investigative Reporter Jodie Fleischer filed an open records request on April 5 to obtain the crash reports and witness statements.

Harris acknowledged he didn't become aware of the Snapchat allegations until Fleischer asked him about the crash.

"Had we known about this earlier, we would have probably come to this conclusion earlier in the investigation," Harris told Fleischer.

He directed his patrol officer to re-interview McGee's three passengers, all of whom now admit the teen was pushing 100 and using Snapchat, including her ex-boyfriend, Henry Williams, who initially defended McGee.

"He's recanted his story and stated that she was running closer to 100 mph," said Harris.

McGee's former co-worker Heather McCarty, who was also a passenger in the car, has maintained from the beginning that McGee was driving more than 100 mph. That was written in her original statement she gave at the hospital, but the investigating officer initially overlooked it.

Harris applauded McCarty for speaking out about what she witnessed, saying none of this would have come to light otherwise.

He hopes the charges send a clear message to McGee and other young drivers.

"The main thing I would like to see out of it is that she understands that what she was doing was wrong, and based on her doing wrong, what kind of injuries she caused to an innocent person," Harris said.

McGee's attorney did not return a call for comment.

"On behalf of the Maynard family, we are thankful for the Lovejoy Police Department's diligence in investigating this crash and their efforts to keep us safe from distracted driving. We look forward to pursuing justice against Snapchat and Ms. McGee," said Michael Neff, the Maynard family attorney.

EXHIBIT 6

STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA

WENTWORTH MAYNARD and)
KAREN MAYNARD,)
)
Plaintiffs,)
)
vs.)
)
CHRISTAL MCGEE and SNAPCHAT,)
INC.,)
)
Defendants.)

CIVIL ACTION
FILE NO. 16SV-89

AFFIDAVIT OF HENRY DARYL WILLIAMS

COMES NOW Affiant Henry Daryl Williams and, after being duly sworn before the undersigned attesting officer, duly authorized to administer oaths, does hereby depose and testify as follows:

1.

My name is Henry Daryl Williams. I am a resident of the State of Georgia. I am over the age of 18 and suffering from no legal disabilities. I am competent to give the within Affidavit and I have personal knowledge of the facts set forth herein.

2.

On September 10, 2015 at approximately 10:15 p.m., I was the front seat passenger in a Mercedes-Benz being driven by Christal McGee. Ms. McGee was giving rides home to three of her fellow employees, including myself, who worked with her at the Bay Breeze seafood restaurant, located at 11440 Tara Boulevard in Hampton, Georgia. The other two passengers, who were in the back seat, were Kaylan Henderson and Heather McCarty.



Handwritten signature and date: 5-21-16

3.

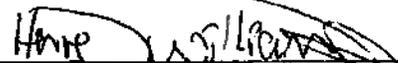
At no time from the moment we entered Christal's car at the Bay Breeze until the time of the collision with another vehicle at approximately 10:15 p.m. on September 10, 2015, was Christal McGee using the Snapchat application in any manner. I am absolutely positive of this because I was sitting right next to her in the front passenger seat. When we left the parking lot at the Bay Breeze, Christal put her phone in her purse. After the collision and everyone was out of the car, I went back to her car to retrieve her purse, which still had Christal's phone in it.

4.

I have seen a photo that Christal posted on Snapchat once we arrived at the hospital following the collision. I rode with her in the ambulance to the hospital and she did not take that picture when we were in the ambulance or at the scene of the collision. I had her purse, which contained her phone, with me in my lap.

FURTHER AFFIANT SAYETH NOT.

This 21 day of May, 2016.


HENRY DARYL WILLIAMS

SWORN TO AND SUBSCRIBED
BEFORE ME, This 21 day of May, 2016


NOTARY PUBLIC
My commission expires

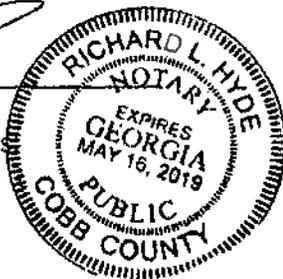


EXHIBIT 7

**IN THE STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA**

WENTWORTH MAYNARD and KAREN
MAYNARD,

Plaintiffs,

v.

CHRISTAL MCGEE and SNAPCHAT, INC.,

Defendants.

Civil Action File No.

16-SV-89

**DEFENDANT SNAPCHAT, INC.'S MOTION FOR SANCTIONS AGAINST
PLAINTIFFS' COUNSEL RELATED TO COMMENCEMENT OF FRIVOLOUS,
GROUNDLESS AND VEXATIOUS LITIGATION AGAINST SNAPCHAT**

COMES NOW Defendant Snapchat, Inc. ("Snapchat") and, pursuant to O.C.G.A. § 9-15-14, respectfully requests that the Court enter an order directing counsel for Plaintiffs Wentworth Maynard ("Maynard") and Karen Maynard (collectively, "Plaintiffs") to reimburse Snapchat for its reasonable and necessary litigation costs and attorneys' fees incurred in this case. Such fees and costs should run from Monday, May 23, 2016, the date on which counsel for Snapchat provided Plaintiffs' counsel with (1) notice of indisputable evidence showing the falsity of Plaintiffs' claims and (2) an opportunity to dismiss all claims prior to the filing of Snapchat's responsive pleadings and this motion.

INTRODUCTION

The basis for this motion is simple: Plaintiffs allege Defendant Christal McGee ("McGee") was using the "speed filter" on the Snapchat application while driving at the time of the collision. That allegation is false. Data from McGee's Snapchat account shows she was **not** using the "speed filter" at the time of the collision. In fact, she was not using Snapchat **at all** at that time.

Plaintiffs likewise allege Snapchat encouraged its users to use the “speed filter” by offering virtual “trophies” for doing so. That allegation, too, is invented out of whole cloth; Snapchat has never offered trophies specifically for using the “speed filter.” Nor are these inaccuracies tangential to the case—on the contrary, they are at the heart of Plaintiffs’ claims.

Since filing the Complaint, Plaintiffs’ counsel has received indisputable evidence (including metadata and other confidential, proprietary information provided by a Snapchat employee) showing McGee was not on Snapchat at or near the time of the collision. Nevertheless, Plaintiffs’ counsel refuse to voluntarily dismiss this case and have instead decided to press on, causing Snapchat to incur undue burden and expense – expense that is growing every day – and substantial, unwarranted adverse publicity. Such actions have harmed Snapchat and should be punished and deterred by this Honorable Court.

FACTUAL BACKGROUND

A. Plaintiffs, by and Through Counsel, Have Asserted False and Misleading Allegations Regarding Snapchat’s “Speed Filter” Feature.

Snapchat is an interactive computer service provider, operating a multimedia mobile software application. More than 100 million people worldwide use Snapchat every day. Users typically use the application to create and share photos and short videos, referred to as “Snaps.” The application also gives users the option to send chat messages, make voice calls, and view content from major publishers like ESPN, CNN, Cosmopolitan, and others.

“Filters” are graphic overlays that a user can apply to a Snap after it is taken. Filters give users the option of adding color, the current time, weather, geographical images, and other designs. See <https://support.snapchat.com/en-US/a/filters> (last visited August 11, 2016). The “speed filter” at issue in this case – essentially, a feature on the application that can show a user’s speed, like an odometer does – allows a user to share a Snap showing the recipient the speed at

which the user was traveling. See <https://support.snapchat.com/en-US/a/data-filter> (last visited August 11, 2016); see also Aff. of Phong Le ¶¶ 7.¹

Snapchat users can earn virtual “trophy” (emojis) by exploring Snapchat, reaching a high enough Snapchat “score,” or sending stories. <http://snapchatemojis.com/how-to-the-find-trophy-case-in-snapchat/> (last visited August 11, 2016). However, these virtual trophies are not awarded specifically for using the “speed filter,” and they never have been. (Le Aff. ¶¶ 8-9).

B. Plaintiffs, by and Through Counsel, Have Falsely Alleged the Accident Occurred at 11:15 P.M. and that McGee Was Using Snapchat at the Time of the Accident.

Plaintiffs allege that on the evening of September 10, 2015, McGee was driving her vehicle on Tara Boulevard in Clayton County, Georgia and traveling over 100 miles per hour when McGee’s vehicle collided with Maynard’s vehicle. (Compl. ¶¶ 24-35). Plaintiffs allege the collision occurred “[a]t approximately 11:15” p.m. (Compl. ¶ 24). They further allege McGee was “distracted and using the Snapchat app on her phone” at the time of the accident. (*Id.* ¶¶ 32-34). However, 911 call logs establish the collision occurred at approximately 10:15 p.m. EDT, not 11:15 p.m. as Plaintiffs allege. (Aff. of Tim White).²

Likewise, indisputable evidence shows McGee was not using Snapchat at or near the time of the accident on September 10, 2015. Although Snapchat does not retain the photographs or videos its users share on the application, it does preserve metadata about the timing and other details of their communications, similar to a phone company’s maintenance of records of a customer’s outgoing and incoming calls and the timing of said calls. (Le Aff. ¶¶ 18-19). And the metadata from McGee’s account – shown in redacted form below – demonstrates that McGee did not access or use Snapchat at any time between 9:47 p.m. and 11:18 p.m. on September 10,

¹ The Affidavit of Phong Le (“Le Aff.”) is attached hereto as Exhibit A.

² The Affidavit of Tim White (“White Aff.”) is attached hereto as Exhibit B.

2015. (Le Aff. ¶ 22-28). At Sequence ID 25210 on Table 1 below, the metadata demonstrates McGee ended an application session at 1:47:07 UTC (9:47 p.m. EDT) on September 10, 2015. (Le Aff. ¶ 26). The next occurrence in the session, Sequence ID 25211, shows McGee received (but did not view) a Snap at 2:18:27 UTC (10:18 p.m. EDT) (Le Aff. ¶ 27). McGee did not start another application session until 3:18:37 UTC (11:18 p.m. EDT), over an hour after the accident. (Le Aff. ¶ 28). The Sequence ID numbers – 25210, 25211, and 25212 – show no other events occurred between 9:47 p.m. and 11:18 p.m. EDT on September 10, 2015. If there were other events, there would have been a disruption in the sequence listed below. (Le Aff. ¶ 29).³

Table 1

client_ts (UTC)	sequence_id	user_id	event_name	filter_info
9/11/2015 1:47:07	25210	christalmcgee	APP_SESSION_END	
9/11/2015 2:18:27	25211	christalmcgee	DIRECT_SNAP_RECEIVE	
9/11/2015 3:18:37	25212	christalmcgee	APP_SESSION_START	

Not to put too fine a point on it: This metadata should be the end of Snapchat’s involvement in the case. The metadata demonstrates that McGee was not using the “speed filter” at the time of the crash. In fact, she was not using the Snapchat application at all. (Le Aff. ¶ 30).

C. The Stay and Subsequent Document Review

On May 23, 2016, one of the undersigned counsel for Snapchat, Mark G. Trigg, met personally with one of Plaintiffs’ counsel. (Aff. of Mark G. Trigg ¶ 5).⁴ At that meeting, Snapchat’s counsel shared two pieces of critical evidence: (1) the 911 call log establishing the collision took place at approximately 10:15 p.m. rather than 11:15 p.m., as alleged, and (2) a spreadsheet containing the redacted metadata included above in Table 1, which proves McGee

³ A true and correct copy of Snapchat records showing activity on the christalmcgee account on September 10 and 11, 2015 (“McGee’s Activity Record”) was provided to all parties pursuant to a non-disclosure agreement. A copy of McGee’s Activity Record will be provided to the Court upon request or at the time of oral argument.

⁴ The Affidavit of Mark G. Trigg (“Trigg Aff.”) is attached hereto as Exhibit C.

was not using the Snapchat application at any time between 9:47 p.m. and 11:18 p.m. on the evening of September 10, 2015. (Trigg Aff. ¶ 5). Upon sharing this evidence, Snapchat's counsel invited Plaintiffs, through their counsel, to dismiss the Complaint without prejudice. Plaintiffs' counsel responded by asking for a stay so that they could have a consultant review the metadata. Snapchat agreed. (Trigg Aff. ¶ 6). This Court stayed the case on May 26, 2016 and subsequently extended the stay on three occasions.

During that period of time, Snapchat bent over backwards to let Plaintiffs' counsel review substantial amounts of metadata, and ask questions about how Snapchat's metadata records are maintained, so they could satisfy themselves that the metadata from McGee's account means what it shows. (Trigg Aff. ¶ 7). Snapchat produced copies of the relevant metadata to Plaintiffs' counsel. Snapchat also produced additional metadata requested by Plaintiffs' counsel, subject to a Non-Disclosure Agreement. Moreover, Snapchat allowed Plaintiffs' counsel and their consultant to interview a Snapchat employee, data engineer Phong Le, regarding the interpretation of the McGee's metadata. That interview on July 26, 2016 occurred at Snapchat's headquarters and lasted some three hours. (Trigg Aff. ¶¶ 8-10). Mr. Le confirmed that McGee's metadata shows beyond any reasonable doubt that McGee was not on the Snapchat application or using the "speed filter" at or near the time of the collision. (Trigg Aff. ¶ 10).

Plaintiffs, through their counsel, nonetheless have refused to dismiss Snapchat from the case. On August 26, 2016, Plaintiffs' counsel informed Snapchat's counsel that they are proceeding with their claims against Snapchat. They accordingly are continuing to hale Snapchat into court, and cause Snapchat ongoing expense and adverse publicity, on a categorically false premise.

ARGUMENT AND CITATION OF AUTHORITY

Plaintiffs' claims against Snapchat are frivolous. Worse, Plaintiffs' counsel was provided actual notice of the falsity of Plaintiffs' allegations more than three months ago and nevertheless refuse to dismiss the Complaint, even without prejudice. Plaintiffs' false allegations and refusal to dismiss the Complaint—despite having been presented with ample evidence refuting the central theories of their case—have caused and are causing Snapchat substantial harm. This is a textbook case for an award of sanctions under O.C.G.A. § 9-15-14(a) and § 9-15-14(b).

A. Legal Standard

The purpose of sanctions under § 9-15-14 is both “to deter litigation abuses as well as to compensate the party put to additional expense.” *In re Estate of Holtzclaw*, 293 Ga. App. 577, 579, 667 S.E.2d 432, 433-34 (2008); *see also Abt v. Abt*, 289 Ga. 166, 167, 709 S.E. 2d 806 (2011) (“the damages authorized by O.C.G.A. § 9-15-14(b) are intended not merely to punish or deter litigation abuses but also to recompense litigants who are forced to expend their resources in contending with abusive litigation”). Under § 9-15-14(a), the court **must** award attorneys' fees when a party “has asserted a claim ... with respect to which there existed such a complete absence of any justiciable issue of law or fact that it could not be reasonably believed that a court would accept the asserted claim.” *Fox v. City of Cumming*, 298 Ga. App. 134, 135, 679 S.E.2d 365, 367 (2009). Section 9-15-14(b) also allows the award of attorneys' fees if the court finds a party has brought an action that “lacked substantial justification or that ... the party unnecessarily expanded the proceeding by other improper conduct.” *Id.* The phrase “lacked substantial justification” means “substantially frivolous, substantially groundless, or substantially vexatious.” *Id.* However, as the Georgia Supreme Court has noted, “[a]s a practical matter, it is difficult to distinguish between these two standards [“lacked substantial justification” and

“absence of any justiciable issue”] for awarding attorney’s fees.” *Fulton County Bd. of Tax Assessors v. Boyajian*, 271 Ga. 881, 525 S.E.2d 687, 688 (2000). The fundamental question under either standard is whether the plaintiffs’ case is vexatious or factually or legally frivolous.

This Court “has broad discretion to award attorney fees and expenses of litigation under O.C.G.A. § 9-15-14.” *Jefferson Randolph Corp. v. Progressive Data Systems, Inc.*, 251 Ga. App. 1, 6, 553 S.E.2d 304, 309 (2001), *rev’d on other grounds*, 275 Ga. 420, 568 S.E.2d 472 (2002). And a party’s subjective good faith in pursuing the frivolous claims is no defense to an award of attorneys’ fees under the statute. *Holtzclaw*, 293 Ga. App. at 579, 667 S.E.2d at 433 (addressing § 9-15-14(b)); *Moore v. Harris*, 201 Ga App. 248, 250, 410 S.E.2d 804, 805-06 (1991) (addressing § 9-15-14(a)). Indeed, to support an award of fees based on O.C.G.A. § 9-15-14, a court need only adequately specify the conduct upon which the award is based. *Century Center at Braselton, LLC v. Town of Braselton*, 285 Ga. 380, 677 S.E.2d 106 (2009).

B. Plaintiffs’ Claims Against Snapchat Are Sanctionable Because They Are Based On False And Misleading Accusations.

The claims championed by Plaintiffs’ counsel are sanctionable – that is to say, they lack any justiciable issue of law or fact or substantial justification – because they are based on false allegations. As set forth above, Plaintiffs allege that the accident occurred at 11:15 p.m., even though documentary evidence proves that the accident occurred an hour earlier. (White Aff.). Plaintiffs allege that McGee was attempting to use the “speed filter” at the time of the accident, even though documentary evidence proves that McGee was not using the Snapchat application at all. (Le Aff. ¶¶ 22-30). And Plaintiffs allege that Snapchat offers users virtual “trophies” for using the “speed filter,” when in fact that is simply not so; trophies are not awarded specifically for using the “speed filter” and never have been. (Le Aff. ¶¶ 8-9).

Snapchat has provided Plaintiffs' counsel with extensive evidence that disproves Plaintiffs' allegations. Nevertheless, Plaintiffs' counsel continues to maintain Plaintiffs' groundless claims, and at the outset of this case they launched an aggressive international media campaign against Snapchat for the purpose of harassing and vilifying the company.

Georgia appellate courts have consistently upheld awards for attorneys' fees under O.C.G.A. § 9-15-14 when faced with similarly frivolous allegations. *See, e.g., LabMD, Inc. v. Saveria*, 331 Ga. App. 463, 464, 771 S.E.2d 148, 150 (2015) (finding the trial court did not abuse its discretion in awarding attorney fees under § 9-15-14 (a) and (b) because the plaintiff's causes of action "had no justiciable issue of law or fact; lacked substantial justification; were presented purely for purposes of harassing [the defendant]; and were substantially frivolous, groundless and vexatious."); *Bienert v. Dickerson*, 276 Ga. App. 621, 626, 624 S.E.2d 245, 250 (2005) (upholding award of fees under O.C.G.A. § 9-15-14(b) because plaintiff's claims lacked any basis in law or fact and lacked substantial justification). This Court should make such an award here. Plaintiffs' counsel acted recklessly in advancing false accusations against Snapchat before the Court and the public eye in the first place. But their continued pursuit of claims against Snapchat – in the face of evidence that the core "facts" alleged in their Complaint are simply wrong – is especially egregious. By refusing to dismiss their claims, Plaintiffs have forced Snapchat to expend resources mounting a defense to a frivolous and vexatious action.

This Court should sanction Plaintiffs' counsel and deter such litigation abuses by awarding Snapchat its reasonable attorneys' fees and expenses. Snapchat requests that the Court hold that sanctions are warranted, and that the Court schedule a hearing at its earliest available opportunity to hear testimony and evidence regarding the reasonable and necessary attorneys' fees that have been incurred in connection with the defense of this action.

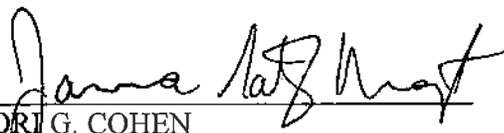
CONCLUSION

Snapchat respectfully requests the Court grant its Motion for Sanctions Against Plaintiffs' Counsel Related to Commencement of Frivolous, Groundless and Vexatious Litigation Against Snapchat and award Snapchat its reasonable and necessary expenses of litigation and attorneys' fees, commencing on May 23, 2016, in an amount to be proven at an evidentiary hearing.

This 29th day of August, 2016.

Respectfully submitted,

GREENBERG TRAUIG LLP



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Counsel for Defendant Snapchat, Inc.

STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA

WENTWORTH MAYNARD and)	
KAREN MAYNARD,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	FILE NO. 16SV-89
CHRISTAL MCGEE and SNAPCHAT,)	
INC.)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **DEFENDANT SNAPCHAT, INC.'S MOTION FOR SANCTIONS AGAINST PLAINTIFFS' COUNSEL RELATED TO COMMENCEMENT OF FRIVOLOUS, GROUNDLESS AND VEXATIOUS LITIGATION AGAINST SNAPCHAT** upon the following counsel of record via U.S. Mail:

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This 29th day of August, 2016.


JANNA S. NUGENT
Georgia Bar. No. 940465

Counsel for Snapchat, Inc.

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EXHIBIT “A”

**IN THE STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA**

WENTWORTH MAYNARD and KAREN
MAYNARD,

Plaintiffs,

v.

CHRISTAL MCGEE and SNAPCHAT, INC.,

Defendants.

Civil Action File No.

16-SV-89

AFFIDAVIT OF PHONG LE

Personally appeared before the undersigned officer duly authorized to administer oaths,
Phong Le, who after being duly sworn, deposes and says as follows:

1. My name is Phong Le. I am over the age of 18 years, competent to give this Affidavit, and I have personal knowledge of the facts set forth in this Affidavit and know them to be true and correct. If called to testify, I could competently testify with personal knowledge to each of the statements set forth in this Affidavit.

2. I make this Affidavit in support of Defendant Snapchat, Inc.'s ("Snapchat") Motion for Sanctions Related to Plaintiffs' Commencement of Frivolous, Groundless, and Vexatious Litigation.

3. Since January 20, 2015, I have served as a Data Engineer at Snapchat.

4. In my capacity as a Data Engineer, I am familiar with and have personal knowledge of Snapchat's mobile phone application and Snapchat's computer systems, software, and data storage and management systems. That includes metadata storage systems and the records that are related thereto and generated therefrom, including the records related to Christal

McGee (“McGee”). I make this Affidavit based upon my personal knowledge of those systems, software, applications, and records.

5. Prior to executing this Affidavit I personally reviewed Snapchat’s records related to McGee, including metadata records regarding McGee’s Snapchat account.

6. Snapchat is an interactive computer service provider, operating a multimedia mobile software application. More than 100 million people worldwide use Snapchat every day. Users typically use the application to create and share photos and short videos, referred to as “Snaps.” The application also gives users the option to send chat messages, make voice calls, and view content from major publishers like ESPN, CNN, Cosmopolitan, and others.

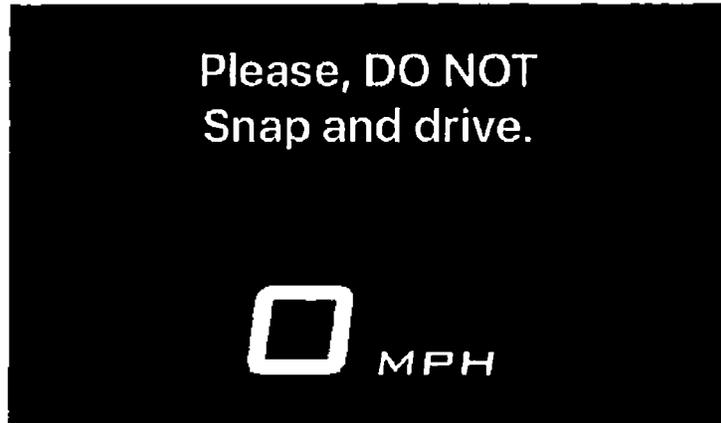
7. “Filters” are graphic overlays that a user can apply to a Snap after it is taken. Filters give users the option of adding color, the current time, weather, geographical images, and other designs. See <https://support.snapchat.com/en-US/a/filters> (last visited August 11, 2016). The “speed filter” at issue in this case – essentially, a feature on the application that can show a user’s speed, like an odometer does – allows a user to share a Snap showing the recipient the speed at which the user was traveling. See <https://support.snapchat.com/en-US/a/data-filter> (last visited August 11, 2016).

8. Snapchat users can earn virtual “trophies” (emojis) by exploring Snapchat, reaching a high enough Snapchat “score,” or sending stories. <http://snapchatemojis.com/how-to-the-find-trophy-case-in-snapchat/> (last visited August 11, 2016).

9. However, these virtual trophies are not awarded specifically for using the “speed filter,” and they never have been.

10. On and before September 10, 2015, a user first accessing the Snapchat “speed filter” would see a pop-up warning reading “**Please, DO NOT Snap and drive**” on their screen

in bold and conspicuous font. The following is a true and correct copy of Snapchat's pop-up warning:



11. To use Snapchat, a user must register for an account and agree to Snapchat's Terms of Service. Prior to last October, the Terms of Service were called the Terms of Use.

12. Once downloaded, the Snapchat application occasionally provides Snapchat users with a revised version of Snapchat's Terms of Use, which Snapchat users are required to accept and agree to in order to upgrade and continue using the Snapchat application.

13. A true and correct copy of Snapchat's Terms of Use in effect prior to and on September 10, 2015 is attached hereto as Exhibit A.

14. Those Terms of Use provided in pertinent part:

Prohibited Activities

In addition to the other restrictions outlined in these Terms, you agree that you will not:

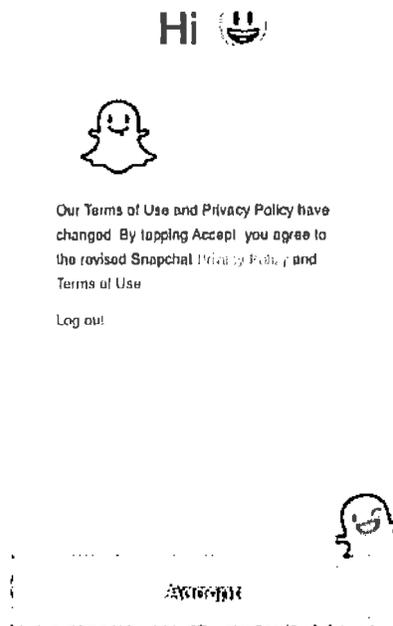
- Use the Services for any purpose that is illegal, beyond the scope of their intended use, or otherwise prohibited in these Terms or the terms of any third party that govern a particular Service;

...

- Use the Services for any illegal or unauthorized purpose or engage in, encourage, or promote any activity that violates these Terms.

15. These Terms of Use became Snapchat's operative Terms of Use on November 17, 2014. Existing users at the time these Terms became effective—such as McGee—were presented with a screen when they attempted to upgrade the application to the latest version. The screen provided a hyperlink to the new Terms and asked users to affirmatively accept the new Terms. Users could not upgrade the application without accepting the Terms.

16. A true and correct copy of that acceptance screen is displayed below:



17. All existing Snapchat users at the time the November 2014 Terms became effective—including McGee—had to upgrade their Snapchat application on or after the effective date in order to use new features on the application. And because all versions of the Snapchat application predating the November 2014 Terms were “deprecated” (meaning they no longer

worked) by July 29, 2015, all active existing users had to agree to the November 2014 Terms by that date.

18. Snapchat does not retain the photographs or videos its users share on the application; those photos and videos are automatically deleted from Snapchat's servers. Specifically, Snaps shared directly with other users are deleted once they have been viewed by the recipients; Snaps shared directly with other users but never viewed by those users are deleted after 30 days; and Snaps posted to a user's Story are deleted after 24 hours. (Though a Snapchat user who receives a Snap may save it on his or her phone by taking a screenshot.)

19. Snapchat does, however, preserve metadata about the timing and other details of users' communications, similar to a phone company's maintenance of records of a customer's outgoing and incoming calls and the timing of those calls. Metadata logs include information on when users log on and off, whether they send or view Snaps, and whether they apply a filter to a Snap. See <https://www.snapchat.com/privacy>. Snapchat maintains such metadata in its regular course of business.

20. Snapchat can retrieve metadata for any given user of the Snapchat application within certain time parameters in accordance with its data retention procedures. These records are highly accurate; they show the time of events on the application to within a few seconds.

21. Defendant McGee created a Snapchat user account with the corresponding username "christalmcgee" on March 12, 2013.

22. At the request of counsel, I retrieved Snapchat's metadata records for the christalmcgee account. I established that those records were complete. And I compiled and carefully reviewed records showing activity on that account on September 10 and 11, 2015.

23. A true and correct copy of Snapchat records showing activity on the christalmcgee account on September 10 and 11, 2015 (“McGee’s Activity Record”) was provided to all parties pursuant to a non-disclosure agreement, and I understand McGee’s Activity Record will be provided to the Court upon request or at the time of oral argument.

24. McGee’s Activity Record shows the time of each event in Coordinated Universal Time (“UTC”). Those records demonstrate that McGee did not access or use Snapchat between 9:47 p.m. and 11:18 p.m. EDT on September 10, 2015.

25. Below is an excerpt from McGee’s Activity Record showing activity on her account during the relevant time period. The column on the left shows the time stamp, the second column from the left shows the “Sequence ID,” the third column from the left shows the user identification, the fourth column from the left shows the activity type, and the column on the right indicates a Snap sent with a filter:

client_ts (UTC)	sequence_id	user_id	event_name	filter_info
9/11/2015 1:47:07	25210	christalmcgee	APP_SESSION_END	
9/11/2015 2:18:27	25211	christalmcgee	DIRECT_SNAP_RECEIVE	
9/11/2015 3:18:37	25212	christalmcgee	APP_SESSION_START	

26. At Sequence ID number 25210 on McGee’s Activity Record, the metadata demonstrates McGee ended an application session at 1:47:07 UTC (9:47 p.m. EDT) on September 10, 2015.

27. At Sequence ID number 25211, the next occurrence in the session shows that another Snapchat user sent McGee received a Snap at 2:18:27 UTC (10:18 p.m. EDT). However, McGee did not open the application or view the Snap at that time. If she had opened the application, the metadata records would show the entry “APP_APPLICATION_OPEN.”

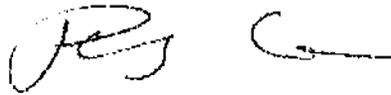
28. Sequence ID number 25212 shows McGee did not open the application again until 3:18:37 UTC (11:18 p.m. EDT).

29. The Sequence ID numbers of those events—25210, 25211, and 25212—show that no other events occurred between 9:47 p.m. and 11:18 p.m. on September 10, 2015. If other events had occurred but the metadata for those events was missing, there would have been a disruption in the sequence of McGee’s Activity Record.

30. McGee’s Activity Record demonstrates that McGee was not using the “speed filter” on the night of September 10. If she had been, her filter use would have appeared as a record entry. Moreover, McGee’s Activity Record also shows that she was not using the Snapchat application at all between 9:47 p.m. and 11:18 p.m. that night.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF GEORGIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on August 29, 2016.



Phong Le

Sworn to and subscribed before me
This 29 day of August, 2016.

Michelle Conant Sanchez

Notary Public

My Commission expires: Mar. 28, 2018

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

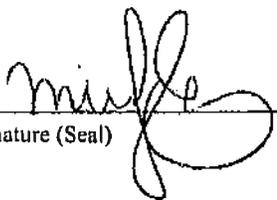
State of California)
County of Los Angeles)

Subscribed and sworn to (or affirmed) before me on this: 29th day of August 2016, by

PHONG LE _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature (Seal)



EXHIBIT “1”

Terms of Use

Last updated: November 17, 2014

Please read these Terms of Use (“Terms”) carefully. By downloading, accessing, or using the mobile applications, websites, or other products or services of Snapchat, Inc. and our affiliates (“Snapchat”, “we” or “us”), or the services, features, or functionality jointly offered with other companies through our mobile application or website (collectively, the “Services”), you agree to be bound by these Terms. **These Terms affect your legal rights and obligations, so if you do not agree to these Terms, do not use the Services.**

In the event you use a service, feature, or functionality that is operated by a third party and made available through our Services (including Services we jointly offer with the third party), each party’s terms will govern as to the respective party’s relationship with you. In these instances, we will take steps to make the third party’s terms available to you before you begin to use the service, feature, or functionality.

Snapchat does not transmit any funds and is not a money-services business. To the extent such functionality is made available in the Services, it is provided by an unaffiliated third party, and like any other third-party service, subject to their terms of use.

ARBITRATION NOTICE: EXCEPT FOR CERTAIN TYPES OF DISPUTES DESCRIBED IN THE ARBITRATION CLAUSE BELOW, YOU AGREE THAT DISPUTES BETWEEN YOU AND SNAPCHAT WILL BE RESOLVED BY MANDATORY BINDING ARBITRATION AND YOU WAIVE ANY RIGHT TO PARTICIPATE IN A CLASS-ACTION LAWSUIT OR CLASS-WIDE ARBITRATION.

Have Fun

Although these Terms form a proper legal contract—and inevitably read like a proper legal contract—the bulk of them are simply designed to ensure our users have fun. These Terms let us provide and continue to improve our Services, while at the same time ensuring that a few mean users don’t ruin the fun for everyone else. Your part in that is simple. Just use common sense: Keep sending awesome

EXHIBIT “A”

Snap to your friends, and please don't send Snaps that they don't want to receive.

Our Audience

Snapchat is intended for people who are at least 13 years old. Persons under the age of 13 are prohibited from creating Snapchat accounts. For certain features or functionality offered by us or others through the Services, users must be at least 18 years old. Those Services may be subject to separate terms from us or third parties that contain these further age requirements. If you are under 18 and use those Services, you may be violating the third party's governing terms, which we deem a violation of these Terms as well. We do, however, offer a limited-functionality version of Snapchat, called "Snapkidz," for children under the age of 13. Snapkidz includes the familiar interface for taking Snaps, captioning, drawing, and saving Snaps locally on the device, but does not support sending or receiving Snaps or adding friends and, since the experience is local to the user's device, no Snapchat account is created.

You affirm that you are either at least 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms, and to abide by and comply with these Terms. In addition, you affirm that you have not been previously suspended or removed from the Services and do not have more than one Snapchat account.

We may, in our sole discretion, refuse to offer the Services to any person or entity. We may, without notice and in our sole discretion, terminate your right to use the Services, or any portion thereof, and block or prevent your future access to and use of the Services or any portion thereof.

Privacy

The Snapchat Privacy Policy is incorporated into these Terms. By accepting these Terms, you agree to the collection, use, and sharing of your information through the Services in accordance with the Privacy Policy.

User Content

The Services consist of interactive features and areas that allow users to create, post, transmit, and/or store content, including but not limited to photos, videos, text,

graphics, items, or other materials (collectively, "User Content"). You understand that you are responsible for all data charges you incur by using the Services. You also understand that your User Content may be viewable by others and that you have the ability to control who can access such content by adjusting your privacy settings. And you agree to abide by our Community Guidelines, which may be updated from time to time.

You agree that you are solely responsible for your User Content and any claims arising therefrom, and that Snapchat is not responsible or liable for any User Content or claims arising therefrom. While we are not obligated to do so, we reserve the right, and have absolute discretion, to review, screen, and delete User Content at any time and for any reason.

You retain all ownership rights in your User Content. However, by submitting User Content to Snapchat, you hereby grant us an irrevocable, nonexclusive, worldwide, perpetual, royalty-free, sublicensable, and transferable license to use, reproduce, modify, adapt, edit, publish, create derivative works from, distribute, perform, promote, exhibit, and display such User Content in any and all media or distribution methods, now known or later developed (the "User Content License"), subject to any privacy settings you have set to control who can see your User Content. Without limiting the foregoing, when you submit User Content to Snapchat in connection with Our Stories and other crowd-sourced Stories, you agree that the User Content License accords Snapchat the right to sublicense such User Content to other companies, organizations, or individuals in connection with the syndication, broadcast, distribution, promotion, or publication of Our Stories and other crowd-sourced Stories in any and all media or distribution methods, now known or later developed. No use of User Content, including without limitation, Our Stories and other crowd-sourced Stories, in accordance with the User Content License shall entitle you to any compensation from Snapchat, or any other companies, organizations, or individuals.

Feedback

You agree that any feedback, suggestions, ideas, or other information or materials regarding Snapchat or the Services that you provide, whether by email or otherwise ("Feedback"), are non-confidential and shall become the sole property of Snapchat. We will be entitled to the unrestricted use and dissemination of such Feedback for any purpose, commercial or otherwise, without acknowledging or compensating you. You waive any rights you may have to the Feedback (including any copyrights or moral rights). We like hearing from users, but please do not share your ideas with us if you expect to be paid or want to continue to own or

claim rights in them.

Snapchat Content

Unless otherwise stated, all materials contained on or within the Services, including, but not limited to, text, graphics, images, code, illustrations, designs, icons, photographs, video clips, and written and other materials (collectively, "Snapchat Content"), as well as their selection and arrangement, are protected by copyright, trademark, trade dress, patent, and/or other intellectual property laws. Unauthorized use of Snapchat Content may violate such laws and these Terms. Except as expressly provided in these Terms, Snapchat does not grant any express or implied rights to use Snapchat Content. You agree that you will not copy, reproduce, republish, frame, download, transmit, modify, display, reverse engineer, sell, or participate in any sale of, rent, lease, loan, assign, distribute, license, sublicense, or exploit in any way, in whole or in part, Snapchat Content, the Services, or any related software, except as expressly stated in these Terms.

You are hereby granted a limited, nonexclusive, non-sublicensable license to access and use the Services and Snapchat Content. This license is revocable at any time. This license is subject to these Terms and does not include:

- The distribution, public performance, or public display of Snapchat Content;
- Modifying or otherwise making any derivative uses of the Services or Snapchat Content, or any portion thereof;
- Use of any scraping, data mining, robots, or similar data gathering or extraction methods;
- Downloading (other than page caching) any portion of the Services, Snapchat Content, or any information contained therein, except as expressly permitted on the Services;
- Accessing the Snapchat API with an unauthorized or third-party client; and
- Any use of the Services or Snapchat Content other than for their intended purposes.

Any use of the Services or Snapchat Content other than as specifically authorized in these Terms, without the prior written permission of Snapchat, is strictly prohibited and will terminate the license to use Snapchat granted in these Terms.

Prohibited Activities

In addition to the other restrictions outlined in these Terms, you agree that you will not:

- Use the Services for any purpose that is illegal, beyond the scope of their intended use, or otherwise prohibited in these Terms or the terms of any third party that govern a particular Service;
- Use the Services in any manner that could interfere with, disrupt, negatively affect, or inhibit other users from fully enjoying the Services, or that could damage, disable, overburden, or impair the functioning of the Services in any manner;
- Compromise the security of the Services;
- Send any unsolicited or unauthorized advertising, spam, solicitations, or promotional materials;
- Use any robot, spider, crawler, scraper, or other automated means or interface not provided by us to access the Services or to extract data;
- Reverse engineer any aspect of the Services or do anything that might discover source code or bypass or circumvent measures employed to prevent or limit access to any area, content, or code of the Services;
- Use or attempt to use another user's account without authorization;
- Attempt to circumvent any content-filtering techniques we employ, or attempt to access areas or features of the Services that you are not authorized to access;
- Attempt to indicate in any manner that you have a relationship with us or that we have endorsed you or any products or services without our express written consent to do so;
- Engage in any harassing, intimidating, predatory, or stalking conduct;
- Impersonate any person or entity or otherwise misrepresent your affiliation with a person or entity;
- Violate the publicity, privacy, or data-protection rights of others, including by taking pictures of another individual without receiving that individual's consent;
- Infringe any patent, trademark, trade secret, copyright, or other intellectual or proprietary right of any party;
- Buy, sell, rent, lease, or otherwise offer in exchange for any compensation, access to your Snapchat account, Stories, Snaps, a Snapchat username, or a

friend link without Snapchat's prior written consent;

- Develop any third-party applications that interact with User Content or the Services without our prior written consent; and
- Use the Services for any illegal or unauthorized purpose or engage in, encourage, or promote any activity that violates these Terms.

You further agree to abide by any third-party terms that apply to the Services or when posting reviews of Snapchat, including the iTunes App Store Terms of Service or the Android Market Terms of Service. Posting Snapchat usernames in app store reviews is strictly prohibited and may result in us deleting your Snapchat account.

Account Security

After opening a Snapchat account, you accept all responsibility for any activity that occurs while logged into your account. You are responsible for making sure that you keep your password secure and safe. You agree that you will not share your password with others or do anything that might jeopardize the security of your account, including sharing your password with or logging in through unauthorized third-party applications or clients that attempt to access the Snapchat API. If you use any such application or client, you acknowledge and agree that Snapchat will bear no responsibility for any actions taken by those applications or clients, such as any breach of or unauthorized use of your account information or messages.

When you first create a Snapchat account, we ask for your mobile number to verify your account. Please be aware that your carrier's text messaging and data fees apply for mobile number verification.

Modifications to the Services

We reserve the right to modify or discontinue, temporarily or permanently, the Services or any features or portions thereof without prior notice. You agree that we will not be liable for any modification, suspension, or discontinuance of the Services or any part thereof.

Copyright Policy

Snapchat respects the intellectual property rights of others. In accordance with the Digital Millennium Copyright Act ("DMCA") and other applicable laws, we strive to expeditiously remove any infringing material from our site. If Snapchat becomes aware that one of its users is a repeat copyright infringer, it is our policy to take reasonable steps within our power to terminate the user's account. All users should be aware of and comply with applicable copyright laws.

If you believe that anything on the Services infringes any copyright that you own or control, you may file a notice of such infringement with our designated agent:

Snapchat, Inc.
Attn: Copyright Agent
63 Market Street
Venice, CA 90291
copyright@snapchat.com

To be effective, any takedown notice submitted to our Copyright Agent must comply with the requirements set forth at 17 U.S.C. § 512(c)(3). That means that the notice must include substantially the following:

- i. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- ii. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- iii. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Snapchat to locate the material.
- iv. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Snapchat to locate the material.
- v. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- vi. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Disclaimer

THE SERVICES AND THE SNAPCHAT CONTENT ARE PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, AND NON-INFRINGEMENT. IN ADDITION, WHILE SNAPCHAT ATTEMPTS TO PROVIDE A GOOD USER EXPERIENCE, WE CANNOT AND DO NOT REPRESENT OR WARRANT THAT THE SERVICES WILL ALWAYS BE SECURE OR ERROR-FREE OR THAT THE SERVICES WILL ALWAYS FUNCTION WITHOUT DELAYS, DISRUPTIONS, OR IMPERFECTIONS.

Note to International Users

The Services are hosted in the United States. If you are a user accessing the Services from the European Union, Asia, or any other region with laws or regulations governing personal data collection, use, and disclosure that differ from United States laws, please be advised that through your continued use of the Services, which are governed by U.S. law, you are transferring your personal information to the United States and you consent to that transfer.

Disputes

1) Indemnification

By agreeing to these Terms you agree to indemnify, defend, and hold harmless Snapchat, our managing members, shareholders, employees, affiliates, licensors, and suppliers (the "Snapchat Parties") from and against any and all complaints, charges, claims, damages, losses, costs, liabilities, and expenses (including attorneys' fees) due to, arising out of, or relating in any way to (a) your access to or use of the Services; (b) any User Content you post, upload, use, distribute, store, or otherwise transmit through the Services; (c) your violation of these Terms; (d) your violation of the rights of another, including without limitation, any intellectual property right, publicity, confidentiality, privacy, or propriety right; or (e) your violation of any statutes, codes, ordinances, laws, rules, regulations, including without limitation, all regulatory, administrative, and legislative authorities.

2) Limitation of Liability

Except where prohibited by law, in no event will Snapchat or the Snapchat Parties be liable for any indirect, special, punitive, incidental, exemplary, or consequential damages that result from (a) the use of, or inability to use, the Services; (b) the provision of the Services or any materials available therein; or (c) the conduct of other users of the Services, even if Snapchat has been advised of the possibility of such damages. You assume total responsibility for your use of the Services. Your only remedy against Snapchat for dissatisfaction with the Services or any content is to stop using the Services. If, notwithstanding these Terms, Snapchat is found liable to you for any damage or loss that arises out of or is in any way connected with your use of the Services or any content, Snapchat's liability shall in no event exceed \$1.00. Some jurisdictions do not allow limitations of liability, so the foregoing limitation may not apply to you.

3) Arbitration Agreement; Class Waiver; Waiver of Trial by Jury.

PLEASE READ THE FOLLOWING PARAGRAPHS CAREFULLY BECAUSE THEY REQUIRE YOU TO ARBITRATE DISPUTES WITH SNAPCHAT, AND LIMIT THE MANNER IN WHICH YOU CAN SEEK RELIEF FROM US.

- a. **Applicability of Arbitration Agreement.** All claims and disputes in connection with the Terms or the use of any product or service provided by Snapchat that cannot be resolved informally or in small claims court shall be resolved by binding arbitration on an individual basis under the terms set forth below (the "Arbitration Agreement"), except that you and Snapchat are not required to arbitrate any dispute in which either party seeks equitable and other relief for the alleged unlawful use of copyrights, trademarks, trade names, logos, trade secrets, or patents. This Arbitration Agreement applies to you and Snapchat, and to any subsidiaries, affiliates, agents, employees, predecessors in interest, successors, and assigns, as well as all authorized or unauthorized users or beneficiaries of services or goods provided under the Terms.
- b. **Arbitration Rules.** The Federal Arbitration Act governs the interpretation and enforcement of this dispute-resolution provision. Arbitration shall be initiated through the American Arbitration Association ("AAA"), an established alternative dispute resolution provider ("ADR Provider") that offers arbitration as set forth in this section. If AAA is not available to arbitrate, the parties shall select an alternative ADR Provider. The rules of the ADR Provider shall govern all aspects of this arbitration, including but not limited to the method of initiating and/or demanding arbitration, except to the extent such rules conflict with the Terms ("Arbitration Rules"). The AAA Consumer Arbitration Rules governing the arbitration are available online at www.adr.org or by calling the AAA at 1-800-778-7879. The arbitration shall be conducted by a single, neutral arbitrator. Any

claims or disputes where the total amount of the award sought is less than ten thousand U.S. dollars (US \$10,000.00) may be resolved through binding non-appearance-based arbitration, at the option of the party seeking relief. For claims or disputes where the total amount of the award sought is ten thousand U.S. dollars (US \$10,000.00) or more, the right to a hearing will be determined by the Arbitration Rules. Any judgment on the award rendered by the arbitrator may be entered in any court of competent jurisdiction.

- c. **Additional Rules for Non-appearance Based Arbitration.** If non-appearance arbitration is elected as provided above, the arbitration shall be conducted by telephone, online, and/or based solely on written submissions; the specific manner shall be chosen by the party initiating the arbitration. The arbitration shall not involve any personal appearance by the parties or witnesses unless otherwise mutually agreed by the parties.
- d. **Authority of the Arbitrator.** The arbitrator will decide the rights and liabilities, if any, of you and Snapchat, and the dispute will not be consolidated with any other matters or joined with any other cases or parties. The arbitrator shall have the authority to grant motions dispositive of all or part of any claim. The arbitrator shall have the authority to award monetary damages and to grant any non-monetary remedy or relief available to an individual under applicable law, the Arbitration Rules, and the Terms. The arbitrator shall issue a written award and statement of decision describing the essential findings and conclusions on which the award is based, including the calculation of any damages awarded. The arbitrator has the same authority to award relief on an individual basis that a judge in a court of law would have. The award of the arbitrator is final and binding upon you and Snapchat.
- e. **Waiver of Jury Trial.** YOU AND SNAPCHAT HEREBY WAIVE ANY CONSTITUTIONAL AND STATUTORY RIGHTS TO GO TO COURT AND HAVE A TRIAL IN FRONT OF A JUDGE OR A JURY, instead electing that all claims and disputes shall be resolved by arbitration under this Arbitration Agreement. Arbitration procedures are typically more limited, more efficient, and less costly than rules applicable in court and are subject to very limited review by a court. In the event any litigation should arise between you and Snapchat in any state or federal court in a suit to vacate or enforce an arbitration award or otherwise, YOU AND SNAPCHAT WAIVE ALL RIGHTS TO A JURY TRIAL, instead electing that the dispute be resolved by a judge.
- f. **Waiver of Class or Consolidated Actions** ALL CLAIMS AND DISPUTES WITHIN THE SCOPE OF THIS ARBITRATION AGREEMENT MUST BE ARBITRATED OR LITIGATED ON AN INDIVIDUAL BASIS AND NOT ON A CLASS BASIS, AND CLAIMS OF MORE THAN ONE CUSTOMER OR USER

CANNOT BE ARBITRATED OR LITIGATED JOINTLY OR CONSOLIDATED WITH THOSE OF ANY OTHER CUSTOMER OR USER. Notwithstanding any other provision in these Terms, in the event that this subparagraph is deemed invalid or unenforceable, neither you nor we are entitled to arbitration and instead all claims and disputes shall be resolved in a court located in Los Angeles County, California.

g. **Confidentiality.** No part of the procedures shall be open to the public or the media. All evidence discovered or submitted at the hearing is confidential and may not be disclosed, except by written agreement of the parties, pursuant to court order or unless required by law. Notwithstanding the foregoing, no party shall be prevented from submitting to a court of law any information necessary to enforce this Arbitration Agreement, to enforce an arbitration award, or to seek injunctive or equitable relief.

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Arbitration
orted.
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Agreement.

- i. **Small Claims Court.** Notwithstanding the foregoing, either you or Snapchat may bring an individual action in small claims court.
- j. **Courts.** In any circumstances where the foregoing Arbitration Agreement permits the parties to litigate in court, the parties hereby agree to submit to the personal jurisdiction of the courts located in Los Angeles County, California, for such purpose.
- k. **Survival.** This Arbitration Agreement will survive the termination of your relationship with Snapchat.

4) Forum and Venue

A lawsuit, if any, by you or Snapchat against the other will occur in state or federal court in Los Angeles County, California. You and Snapchat agree that the jurisdiction and venue of these courts is exclusive.

Applicable Law

Any dispute between you and Snapchat will be governed by these Terms and the laws of the State of California and applicable United States law, without giving effect to any conflict-of-laws principles that may provide for the application of the law of another jurisdiction.

Severability

If any provision of these Terms shall be deemed unlawful, void or for any reason unenforceable, then that provision shall be deemed severable from these Terms and shall not affect the validity and enforceability of any remaining provisions.

Complete Agreement

These Terms supersede all prior understandings regarding the same and represent the complete agreement between you and Snapchat. These Terms do not create or confer any third-party beneficiary rights. We may change or modify these Terms at any time and in our sole discretion. If we make changes to these Terms, we will provide notice of such changes, such as by sending a notification, posting a notice on the Services, or updating the "Last Updated" date above. Your continued use of the Services will confirm your acceptance of the revised Terms. We encourage you to frequently review the Terms to ensure you understand the terms and conditions that apply to your use of the Services. If you do not agree to the amended Terms, you must stop using the Services and delete your Snapchat account.

Questions and Comments

Snapchat welcomes comments, questions, concerns, or suggestions. Please send feedback to us by visiting <https://support.snapchat.com/>.

EXHIBIT “B”

STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA

WENTWORTH MAYNARD and)
KAREN MAYNARD,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION
)
) FILE NO. 16SV-89
CHRISTAL MCGEE and SNAPCHAT,)
INC.)
)
)
Defendants.)

STATE OF GEORGIA
COUNTY OF _____

RECORDS CUSTODIAN AFFIDAVIT

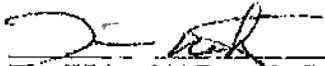
I, Tim White, hereby certify that I am a duly authorized custodian of records for Clayton County, Georgia Police Department, and I have the authority to certify said records and copies thereof. Further, I certify that the copies of records attached hereto as **Exhibit A** are true and correct copies of the records in possession, custody, and control of the Clayton County, Georgia Police Department.

I hereby certify in compliance with O.C.G.A. §§ 24-8-803(6) and 24-9-902(11) that these records:

- a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of such matters;
- b) were made by, or in from information transmitted by, a person with personal knowledge and a business duty to report;
- c) were kept in the course of a regularly conducted business activity; and
- d) were made by the regularly conducted activity as a regular practice.

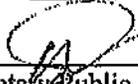
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF GEORGIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on May 23, 2016.



Tim White, 911 Records Custodian

Sworn to and subscribed before me
This 23 day of May, 2016.



Notary Public

My Commission expires:

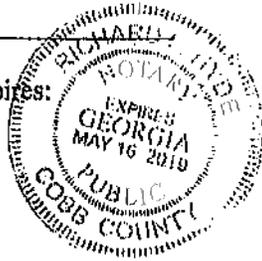


EXHIBIT “A”

COMMUNICATIONS

Event Report

Event ID: 2015-0299250

Call Ref #: 867

Date/Time Received: 09/10/15 22:14:08

Rpt #: 15-00026147	Prime Unit: ENG10	Services Involved	
Call Source: W911		LAW	FIRE
Location: 12227 TARA BLVD			
X-ST: TALMADGE RD	Jur: CAD	Service: FIRE	Agency: CCFS
Business: VILLAS AT HAMPTON	ST/Beat: S06	District: 164D	RA: LJ
Phone:			GP: C06B
Nature: SIGNAL 41 W REPORTED INJURIES		Alarm Lvl: 3	Priority: 1
Reclassified Nature:		Medical Priority:	
Caller: SPRINT	Phone: (678) 739-1651	Alarm:	
Addr: 1 TARA BLVD		Alarm Type:	
Vehicle #:	St:	Report Only: No	Race: Sex: Age:
Call Taker: NEDMONDSON	Console: CADPOS2		
Geo-Verified Addr.: Yes	Nature Summary Code:	Disposition: ES	Close Comments:
Notes:			
<i>See Event Notes Addendum at end of this report</i>			
Times			
Call Received: 09/10/15 22:14:08	Time From Call Received		
Call Routed: 09/10/15 22:14:56	000:00:48	Unit Reaction: 000:11:14 (1st Dispatch to 1st Arrive)	
Call Take Finished: 09/10/15 22:14:56	000:00:48	En-Route: 000:16:04 (1st Dispatch to 1st En-Route)	
1st Dispatch: 09/10/15 22:15:23	000:01:15 (Time Held)	On-Scene: 002:09:53 (1st Arrive to Last Clear)	
1st En-Route: 09/10/15 22:31:27	000:17:19		
1st Arrive: 09/10/15 22:26:37	000:12:29 (Reaction Time)		
Last Clear: 09/11/15 00:36:30	002:22:22		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
ENG10		D	Dispatched	09/10/15 22:15:2	Stat/Beat: S10		NEDMONDSON
MED07		D	Dispatched	09/10/15 22:15:2	Stat/Beat: S07		NEDMONDSON
MED07		A	Arrived	09/10/15 22:26:3			NEDMONDSON
ENG10		A	Arrived	09/10/15 22:26:5			NEDMONDSON
MED13		D	Dispatched	09/10/15 22:28:3	Stat/Beat: S13		NEDMONDSON
MED13		E	En-Route	09/10/15 22:31:2			NEDMONDSON
MED13		A	Arrived	09/10/15 22:40:4			NEDMONDSON
MED03		D	Dispatched	09/10/15 22:41:4	Stat/Beat: S03		NEDMONDSON
MED06		D	Dispatched	09/10/15 22:43:3	Stat/Beat: S06		NEDMONDSON
MED06		E	En-Route	09/10/15 22:43:3	Stat/Beat: S06		NEDMONDSON

MED03	X	Canceled	09/10/15 22:43:3	Cancelled by Exchange Command	NEDMONDSO
MED06	A	Arrived	09/10/15 22:52:5		NEDMONDSO
MED13	T	Transport	09/10/15 23:00:3	To: PIEDMONT FAYETTE HOSPITAL	NEDMONDSO
MED06	T	Transport	09/10/15 23:18:1	To: PIEDMONT FAYETTE HOSPITAL	NBROWN
MED13	H	At Hospital	09/10/15 23:24:1		NBROWN
MED06	H	At Hospital	09/10/15 23:32:0		NBROWN
ENG10	C	Cleared	09/10/15 23:53:3	ES	ES NBROWN
MED06	C	Cleared	09/11/15 00:15:5	ES	CD9 NBROWN
MED13	C	Cleared	09/11/15 00:36:0	ES	CD9 NBROWN
MED07	C	Cleared	09/11/15 00:36:3	ES	CD9 NBROWN

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	09/10/15 22:14:08	By: E911		NEDMONDSO
		ENT	Entered Street	09/10/15 22:14:08	2098 MCDONOUGH RD;LOVE		NEDMONDSO
		CHG	Changed Street	09/10/15 22:14:11	1 TARA BLVD --> 11440 TARA BLVD		NEDMONDSO
		ENT	Entered Nature	09/10/15 22:14:15	SIGNAL 41 VEHICLE ACCIDENT		NEDMONDSO
		CHG	Changed Nature	09/10/15 22:14:25	SIGNAL 41 VEHICLE ACCIDENT --> SI		NEDMONDSO
		ARM	Added Remarks	09/10/15 22:14:47			NEDMONDSO
		ARM	Added Remarks	09/10/15 22:14:55			NEDMONDSO
		FIN	Finished Call Taking	09/10/15 22:14:56			NEDMONDSO
		RPT	Requested Report#	09/10/15 22:14:56	CCFS Report #15-00026147		NEDMONDSO
		SP	Spawned	09/10/15 22:14:56	Spawned LAW event #20150299251, cal		NEDMONDSO
		REC	Unit Rec Btn Click	09/10/15 22:15:21	Unit recommend for SIGNAL 41 W REP		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:15:23	Plan: CFRP Cat: 1EM Lvl: 1		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:15:23	Recmnd:ENG10 [ENGLDR], MED07 [M		NEDMONDSO
		M	Misc. Note	09/10/15 22:16:56	FIRE CLEAR REF 12227 TB		NEDMONDSO
		ARM	Added Remarks	09/10/15 22:17:32			NEDMONDSO
		ARM	Added Remarks	09/10/15 22:17:35			SLEWIS
		CHG	Changed Street	09/10/15 22:17:43	11440 TARA BLVD --> 12227 TARA BLV		NEDMONDSO
		ARM	Added Remarks	09/10/15 22:18:49			MANDERSON
		ARM	Added Remarks	09/10/15 22:19:43			SLEWIS
		ARM	Added Remarks	09/10/15 22:19:55			SLEWIS
		ARM	Added Remarks	09/10/15 22:19:55			MANDERSON
		ARM	Added Remarks	09/10/15 22:20:13			SLEWIS
		ARM	Added Remarks	09/10/15 22:27:08			MANDERSON
		ARM	Added Remarks	09/10/15 22:27:25			NEDMONDSO
		REC	Unit Rec Btn Click	09/10/15 22:28:11	Unit recommend for SIGNAL 41 W REP		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:28:34	Plan: CFRP Cat: 1EM Lvl: 2		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:28:34	Recmnd:ENG12 [ENGLDR], MED13 [M		NEDMONDSO
		CHG	Changed Alarmlev	09/10/15 22:28:34	1 ---> 2		NEDMONDSO
		REC	Unit Rec Btn Click	09/10/15 22:40:04	Unit recommend for SIGNAL 41 W REP		NEDMONDSO
		REC	Unit Rec Btn Click	09/10/15 22:41:43	Unit recommend for SIGNAL 41 W REP		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:41:47	Plan: CFRP Cat: 1EM Lvl: 3		NEDMONDSO
		REC	Unit Recommendation	09/10/15 22:41:47	Recmnd:ENG12 [ENGLDR], MED03 [M		NEDMONDSO
		CHG	Changed Alarmlev	09/10/15 22:41:47	2 ---> 3		NEDMONDSO
		ARM	Added Remarks	09/10/15 22:50:24			MANDERSON

ARM Added Remarks	09/10/15 22:50:29	MANDERSON
ARM Added Remarks	09/10/15 23:25:43	MANDERSON
REC Unit Rec Btn Click	09/10/15 23:44:00	Unit recommend for SIGNAL 41 W REP
REC Unit Recommendation [I	09/10/15 23:44:03	Plan: CFRP Cat: 1EM Lvl: 4
REC Unit Recommendation [I	09/10/15 23:44:03	Recmnd: MED10 [MEDIC], ENG12 [ENG
ARM Added Remarks	09/10/15 23:45:20	NBROWN
ARM Added Remarks	09/10/15 23:45:30	NBROWN
ARM Added Remarks	09/10/15 23:52:56	NBROWN

Event Notes Addendum

Notes {ENG10} COMMAND TERMINATED [09/10/15 23:52:56 NBROWN]
 {MED07} OUT AT AMC 2328 [09/10/15 23:45:30 NBROWN]
 {MED07} TRANSPORTED AT 2256 [09/10/15 23:45:20 NBROWN]
 [LAW] (1816) ONE LANE SB OPEN [09/10/15 23:25:43 MANDERSON]
 [LAW] (1811) 2 S85 [09/10/15 22:50:29 MANDERSON]
 [LAW] UDTs: {1811} WRECKER REQUESTED [09/10/15 22:50:24 MANDERSON]
 {ENG10} 2 VEHs ONE IS TOTALLY INVOLVED [09/10/15 22:27:25 NEDMONDSON]
 [LAW] (1811) TB/HENRY CTY LINE SHUT DOWN [09/10/15 22:27:08 MANDERSON]
 [LAW] (1811) ONE AIRBAG DEPLOYED SUBJ INCOHERENT [09/10/15 22:19:55 MANDERSON]
 [LAW] EVERYBODY IS OUT OF THE VEH [09/10/15 22:20:13 SLEWIS]
 [LAW] FEM POSS HAS A BROKEN LEG [09/10/15 22:19:55 SLEWIS]
 [LAW] THE VEH IS NOW ON FIRE [09/10/15 22:19:43 SLEWIS]
 [LAW] (1811) VEH S33 [09/10/15 22:18:49 MANDERSON]
 ANOTHER COMPL ADV POSS 3X PAT [09/10/15 22:17:32 NEDMONDSON]
 [LAW] ONE SUBJ IS OUT THE OTHER IS STILL INSIDE THE VEH [09/10/15 22:17:35 SLEWIS]
 ONE VEH INTO A TREE, NO FURTHER, TOO DARK TO SEE [09/10/15 22:14:55 NEDMONDSON]
 TBS NEAR BAY BREEZE... [09/10/15 22:14:47 NEDMONDSON]

COMMUNICATIONS

Event Report

Event ID: 2015-0299251

Call Ref #: 868

Date/Time Received: 09/10/15 22:14:56

Rpt #: 15-0911-0001	Prime 1811	Services Involved	
Call Source: W911	Unit: EVANS, KENNETH	LAW	FIRE
Location: 12227 TARA BLVD		Jur: CAD	Service: LAW
X-ST: TALMADGE RD		S/Beat:	District: LPD
Business: VILLAS AT HAMPTON	Phone:	Agency: LPD	
Nature: SIGNAL 41 W REPORTED INJURIES		Alarm Lvl: 1	Priority: 1
Reclassified Nature:		Medical Priority:	
Caller: SPRINT	Phone: (678) 739-1651	Alarm:	
Addr:		Alarm Type:	
Vehicle #: QAC2262	St: GA	Report Only: No	Race: Sex: Age:
Call Taker: NEDMONDSON	Console: CADPOS2		
Geo-Verified Addr.: Yes	Nature Summary Code:	Disposition: CD6	Close Comments:
Notes:			
See Event Notes Addendum at end of this report			
Times			
Call Received: 09/10/15 22:14:56	<u>Time From Call Received</u>		
Call Routed: 09/10/15 22:14:56	Unit Reaction: 000:02:11	<i>(1st Dispatch to 1st Arrive)</i>	
Call Take Finished: 09/10/15 22:14:56	En-Route:	<i>(1st Dispatch to 1st En-Route)</i>	
1st Dispatch: 09/10/15 22:16:35	000:01:39	<i>(Time Held)</i>	
1st En-Route:	On-Scene: 001:58:02	<i>(1st Arrive to Last Clear)</i>	
1st Arrive: 09/10/15 22:18:46	000:03:50	<i>(Reaction Time)</i>	
Last Clear: 09/11/15 00:16:48	002:01:52		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
1816	1816	D	Dispatched	09/10/15 22:16:3			MANDERSON
1811	1811	D	Dispatched	09/10/15 22:16:3	Stat/Beat: LPD		MANDERSON
1811	1811	A	Arrived	09/10/15 22:18:4			MANDERSON
1816	1816	A	Arrived	09/10/15 22:19:2			MANDERSON
1805	00006	D	Dispatched	09/10/15 22:27:1	Stat/Beat: LPD		MANDERSON
1805	00006	A	Arrived	09/10/15 22:27:1	Stat/Beat: LPD		MANDERSON
1811	1811	WR	{1811} WRECKER REQ	09/10/15 22:50:2			MANDERSON
1805	00006	C	Cleared	09/10/15 23:41:5	CD9	CD9	NEDMONDSON
1811	1811	C	Cleared	09/11/15 00:16:4		CD6	MANDERSON
1816	1816	C	Cleared	09/11/15 00:16:4		CD9	MANDERSON

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TS	Time Spawned	09/10/15 22:14:56	Initial call received at 09/10/2015 22:14:		NEDMONDSO
		CHG	Changed Street	09/10/15 22:15:57	11440 TARA BLVD --> VILLAS BY		MANDERSON
		CHG	Changed Street	09/10/15 22:16:06	VILLAS BY --> HA		MANDERSON
		CHG	Changed Street	09/10/15 22:16:15	HA --> 12227 TARA BLVD		MANDERSON
		ARM	Added Remarks	09/10/15 22:17:32			NEDMONDSO
		ARM	Added Remarks	09/10/15 22:17:35			SLEWIS
		ARM	Added Remarks	09/10/15 22:18:49			MANDERSON
		ARM	Added Remarks	09/10/15 22:19:43			SLEWIS
		ARM	Added Remarks	09/10/15 22:19:55			SLEWIS
		ARM	Added Remarks	09/10/15 22:19:55			MANDERSON
		CHG	Changed CallerAddress	09/10/15 22:20:04	1 TARA BLVD -->		SLEWIS
		ARM	Added Remarks	09/10/15 22:20:13			SLEWIS
		RSW	Reset Watchdog Timer	09/10/15 22:24:20	Units: 1811,1816 >>> 698Min.		MANDERSON
		ARM	Added Remarks	09/10/15 22:27:08			MANDERSON
		ARM	Added Remarks	09/10/15 22:27:25			NEDMONDSO
		RSW	Reset Watchdog Timer	09/10/15 22:34:29	Units: 1811,1816,1805 >>> 999Min.		MANDERSON
		ARM	Added Remarks	09/10/15 22:50:24			MANDERSON
		ARM	Added Remarks	09/10/15 22:50:29			MANDERSON
		ARM	Added Remarks	09/10/15 23:25:43			MANDERSON
		ARM	Added Remarks	09/10/15 23:45:20			NBROWN
		ARM	Added Remarks	09/10/15 23:45:30			NBROWN
		ARM	Added Remarks	09/10/15 23:52:56			NBROWN
		RPT	Requested Report#	09/11/15 00:07:52	LPD Report #15-0911-0001		MANDERSON
		FNT	Entered VehicleId	09/11/15 00:10:14	QAC2262		AWILLIAMSON
		VHQ	Vehicle Query	09/11/15 00:10:18	Tag:QAC2262 State: GA Type:PC		AWILLIAMSON

Event Notes Addendum

Notes [FIRE] (ENG10) COMMAND TERMINATED [09/10/15 23:52:56 NBROWN]
 [FIRE] (MED07) OUT AT AMC 2328 [09/10/15 23:45:30 NBROWN]
 [FIRE] (MED07) TRANSPORTED AT 2256 [09/10/15 23:45:20 NBROWN]
 {1816} ONE LANE SB OPEN [09/10/15 23:25:43 MANDERSON]
 {1811} 2 S85 [09/10/15 22:50:29 MANDERSON]
 UDTs: {1811} WRECKER REQUESTED [09/10/15 22:50:24 MANDERSON]
 [FIRE] (ENG10) 2 VEHs ONE IS TOTALLY INVOLVED [09/10/15 22:27:25 NEDMONDSO]
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 TBS NEAR BAY BREEZE... [09/10/15 22:14:47 NEDMONDSO]

EXHIBIT “C”

**IN THE STATE COURT OF SPALDING COUNTY
STATE OF GEORGIA**

WENTWORTH MAYNARD and KAREN
MAYNARD,

Plaintiffs,

v.

CHRISTAL MCGEE and SNAPCHAT, INC.,

Defendants.

Civil Action File No.

16-SV-89

AFFIDAVIT OF MARK G. TRIGG

1. Personally appeared before the undersigned officer duly authorized to administer oaths, Mark G. Trigg, who after being duly sworn, deposes and says as follows:

2. My name is Mark G. Trigg. I am over the age of 18 years, competent to give this Affidavit, and I have personal knowledge of the facts set forth in this Affidavit, and know them to be true and correct. If called to testify, I could competently testify with personal knowledge to each of the statements set forth in this Affidavit.

3. I make this Affidavit in support of Defendant Snapchat, Inc.'s ("Snapchat") Motion for Sanctions Against Plaintiffs' Counsel Related to Commencement of Frivolous, Groundless, and Vexatious Litigation Against Snapchat.

4. I am one of the lead attorneys for Snapchat in this legal proceeding. I acquired my personal knowledge in the course and scope of my representation of Snapchat in this matter and my employment history with Greenberg Traurig, LLP.

5. On May 23, 2016, I met personally with a member of Plaintiffs' counsel. At that meeting, I shared two pieces of critical evidence with Plaintiffs' counsel: (i) the 911 call log establishing the collision took place at approximately 10:15 p.m. rather than 11:15 p.m., as

falsely alleged in Plaintiffs' Complaint; and (ii) a spreadsheet containing redacted metadata which proves McGee was not using the Snapchat Application at any time between 9:47 p.m. and 11:18 p.m. on the evening of September 10, 2015 (i.e., immediately before or after the collision).

6. Upon sharing this evidence with Plaintiffs' counsel, I invited Plaintiffs, through their counsel, to dismiss their Complaint without prejudice. Plaintiffs responded by asking for a stay so that they could have a consultant review the metadata. Snapchat agreed. This Court stayed the case on May 26, 2016, and subsequently extended the stay on three occasions.

7. During that period of time, Snapchat made extraordinary efforts to allow and accommodate Plaintiffs to review substantial amounts of metadata, and inquire as to how Snapchat's metadata records are maintained, so Plaintiffs could satisfy themselves that the metadata from McGee's Snapchat account is entirely accurate.

8. To that end, Snapchat produced copies of the relevant metadata to Plaintiffs' counsel.

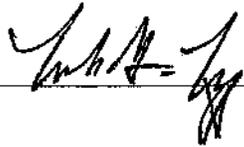
9. Snapchat also produced additional metadata requested by Plaintiffs, subject to a Non-Disclosure Agreement.

10. Moreover, Snapchat allowed Plaintiffs' counsel and their consultant to interview a Snapchat employee, data engineer Phong Le, regarding the interpretation of McGee's metadata. That interview occurred on July 26, 2016 at Snapchat's headquarters, and lasted some three hours. Mr. Le confirmed that McGee's metadata shows beyond any reasonable doubt that McGee was not on the Snapchat application or using the Speed Filter at or near the time of the collision.

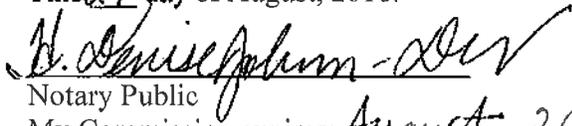
11. Plaintiffs nonetheless have refused to dismiss Snapchat from the case. On August 26, 2016, they informed Snapchat's counsel that they are proceeding with their claims against Snapchat.

12. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF GEORGIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 8/29, 2016.



Sworn to and subscribed before me
This 29th day of August, 2016.



Notary Public

My Commission expires: August 20, 2020

EXHIBIT 8

GOWER WOOTEN & DARNEILLE, LLC
ATTORNEYS AT LAW

ANNE D. GOWER
J. TIMOTHY WOOTEN+
JASON D. DARNEILLE*
JAMIE ACKERMANN**
SEAN L. GILL
N. MATTHEW MONROE
AMY M. DOWIS
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ATLANTA, GEORGIA 30339
(404) 662-2333
FAX: (404) 678-981-5182

September 27, 2016

VIA FAX, EMAIL, & CERTIFIED MAIL

Mr. Michael Neff
Attorney at Law
945 E. Paces Ferry Rd. NE
Suite 1770
Atlanta, GA 30326
Fax: (404) 531-9727
mneff@mlnlaw.com

Re: Your Client: Wentworth Maynard
Driver: Christal McGee
Claim No.: GE0018886-2
Date of Loss: September 10, 2015
Our File No. 100-0283

Dear Mr. Neff:

On behalf of Christal McGee, I demand that you correct and retract all libelous statements made by you about Christal McGee relating to the September 10, 2015 car accident within seven (7) days. Christal McGee was not using Snapchat nor was she going over 100 mph.

The retractions must be made in as conspicuous and public a manner as published in all such publications, including those made on your webpage and on Facebook, and all other publications.

With best regards.

Very truly yours,

GOWER WOOTEN & DARNEILLE, LLC



Anne D. Gower

Cc: Theodore Wilson, ACCC Insurance Company

EXHIBIT 9

EXCLUSIVE

Father of teen driver exposes holes in Snapchat crash lawsuit

Posted: Apr 29, 2016 6:15 PM EDT <em class="wnDate">Friday, April 29, 2016 6:15 PM EDT Updated: May 27, 2016 6:15 PM EDT <em class="wnDate">Friday, May 27, 2016 6:15 PM EDT

By Dante Renzulli

Email

Connect

dante.renzulli@cbs46.com



GRIFFIN, GA (CBS46) -

A woman in Griffin, Georgia -- about fifty miles south of Atlanta -- has become an Internet villain, accused of causing a major car accident while using Snapchat's speed filter.

MOREAdditional LinksPoll

But is that what really happened?

An Atlanta law firm is suing both Christal McGee and Snapchat, claiming both caused the accident. They say the app encourages dangerous driving.

CBS46 has been tracking down the truth since this story broke. Now, the teen driver's father is telling her side.

"We've had death threats on Facebook, every one of us, our whole family, so we've been put through it," said Chris McGee.

Chris McGee said the national exposure from this story has been hard on his daughter, especially because he argues the claims against her are completely false. He said there are many clues from the accident scene that prove his daughter didn't cause the crash and wasn't on her phone. But he said one detail is the most telling.

"The other two girls who were in the back seat, both of their phones were destroyed. They went flying. When the fire department doused the flames from the impact, it ruined those phones. My daughter's phone was still in tact because it was in her purse," Chris McGee said.

Chris McGee also mentioned the famous selfie Christal McGee took on the stretcher with the caption "lucky to be alive" was taken in the hospital emergency room, not the crash scene.

Chris McGee knows a thing or two about car accidents because he's a tow truck driver by profession.

"They're trying to say she was going 107 mph. I've been working wreckers for 26 years. If she was going that fast, they would have all been dead. She was going about 65 mph and the car that pulled in front of her was going about 10-15 mph. The difference is, it's like hitting a parked car, basically," said Chris McGee.

CBS46 also tracked down passenger Henry Williams who also defended Christal McGee, saying she was not on her phone or excessively speeding at the time of the crash. Williams admitted she was probably over the speed limit, but he said the other driver pulled into their path at a speed far under the limit.

CBS46 served an [open records request](#) on the Lovejoy Police Department and they released a detailed accident reconstruction from September. But to this day, police have not made an official ruling on how fast they think Christal McGee was going, or who was at fault for the crash.

[Click here](#) to read the police report.

There were two other passengers in the car besides Williams. One estimated her speed at 60-65 in a 55 mph zone. But the only person saying 100 mph is the Snapchat lawsuit's star witness, Heather McCarty. She was Christal's backseat passenger, but in her first statement to police on scene, she never mentioned Snapchat being part of this.

CBS46 tried to track her down to ask her why she failed to mention it, but we couldn't find her at any listed address. Later, a search through Spalding County records revealed she was evicted from every house we tried.

The lawsuit references a case in Brazil where a young lady was accused of driving too fast to impress her friends and then crashing.

They say she was using a Snapchat feature that stamps your photo with the speed you were moving when you took it.

Since then, law firms everywhere have had their eyes on Snapchat's "speed filter," actively looking for cases they can use to sue the multi-billion dollar company. A quick Internet search shows law firms pitching the idea from coast to coast.

"I think big accident equals big money. That's what you see these lawyers talking about all the time. I think they're looking for a come-up, off of something that should have gone the other way. That man caused the wreck and we're getting the blame for it," said Chris McGee.

CBS46 stopped by the home of the couple in the other car and left a business card, but they haven't called.

The law firm filing the suit against Christal McGee and Snapchat also has yet to respond to our questions despite our calling, sending e-mails and visiting their Buckhead office in person.

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Read more: <http://www.cbs46.com/story/31852779/exclusive-father-of-teen-driver-exposes-holes-in-snapchat-lawsuit#ixzz4D5HYUr70>

EXHIBIT 10

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Posted: 8:04 a.m. Thursday, April 28, 2016

Snapchat sued over high-speed crash on Tara Boulevard



By Marcy Williams

A former Uber driver in metro Atlanta sues Snapchat after he was injured by another driver attempting to use the app's speed filter to snap an image of how fast she was driving.

According to the lawsuit filed in Spalding County State Court, 18-year-old Christal McGee wanted to reach 100 mph in her dad's Mercedes on Tara Boulevard last September.

Her speeding car slammed into the Mitsubishi Outlander driven by Wentworth Maynard. His vehicle went flying across the left lane into the embankment. Maynard spent weeks in intensive care with a traumatic brain injury and now uses a wheelchair or walker. He's unable to work.

Even after the accident, McGee posted a selfie in a neck brace in the ambulance with the caption, "Lucky to be alive."

Maynard is suing McGee but he's also suing Snapchat. His attorney, Michael L. Neff calls it a product liability case.

"This case is unique in that we have clear evidence linking use of the Snapchat miles per hour filter in the moments leading up to the crash with the kind of grievous harm we know this product is capable of," attorney Neff states on his firm's website. "It's our hope that this case will not only garner justice for Mr. Wentworth, but will pressure Snapchat to stop putting the public at risk."

The Associated Press reports Snapchat has not commented on the lawsuit.

The Associated Press contributed to this report

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 **Benjamin Stubblefield** from Facebook Apr 29, 2016
 Sue the deep pockets, eh? How about suing the one who is responsible? She was breaking the law, so her insurance company may deny her claim, and responsibility.

Like Reply

 **James Wilson Thomas** from Facebook Apr 29, 2016
 No! she should be jailed!

Like Reply

 **James Kee** from Facebook Apr 29, 2016
 They do anything for a story they are idiots!

Like Reply

 **Joel Laster** from Facebook Apr 28, 2016
 Hell no! They are idiots!

Like Reply

 **Trevor Smith** from Facebook Apr 28, 2016
 Stupid question day again?

Like Reply

 **David Harrison** from Facebook Apr 28, 2016
 I don't think that's going to go anywhere. His best shot is just nail that girl with every legal option he has available to him. It was her choice to use SnapChat to do what she did. SnapChat didn't coerce or force her to use their product irresponsibly

Like Reply

 **James Flournoy** from Facebook Apr 28, 2016
 That's stupid! You sue the girl who was at fault and the responsibility will fall on her family. If snapchat is at fault then everything we do is at fault. It's all frivolous!

Like Reply

Thomas Hellemn from Facebook Apr 28, 2016



No, how is it snap chat's fault?

Like Reply



John Maddox from Facebook

Apr 28, 2016

I am sure he would rather have this not happen than to be 'rich'. Do some people not understand that his life will never be the same. He probably need some money for his treatments And a lawsuit might only be the thing that makes a company wake up and no do stupid stuff

Like Reply



Steve Johnson from Facebook

Apr 28, 2016

How about the coffee that they drank for breakfast should they sue Folgers for making them drink it at home and in the car when they were snap chatting almost to their idiot deaths

Like Reply

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