

## [Products Liability Law Daily Wrap Up, COMPLAINTS—ELECTRONIC PRODUCTS—M.D. Fla.: Suit alleges developers of AI system are responsible for 14-year-old's death, \(Oct. 25, 2024\)](#)

Products Liability Law Daily Wrap Up

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By Susan L. Smith, J.D., M.A.

A woman, whose teenage son committed suicide, has brought a complaint for wrongful death against AI developers and the founders of their company to hold them responsible for her son's death.

The mother of a teenager who died by suicide has brought an action against AI developers alleging that they intentionally developed AI systems with anthropomorphic qualities that obscure fiction and reality without adequate safety features, but with knowledge of potential dangers. The woman seeks to hold Character Technologies, Inc. (Character.AI), its founders, and Google LLC and Alphabet Inc. (Google) responsible for the death of her 14-year-old son through their generative AI product, Character.AI (C.AI). She also seeks to prevent C.AI from doing to any other child what it did to hers, and halt the companies' continued use of her child's "unlawfully harvested data to train their product how to harm others" (*Garcia v. Character Technologies, Inc.*, No. 6:24-cv-01903-ACC-DJK (M.D. Fla. Oct. 22, 2024)).

**Background.** The woman's son died on February 28, 2024. On information and belief, the son began using C.AI on April 14, 2023, just after he turned 14. By May or June 2023, he became withdrawn and began suffering from low self-esteem. He became so dependent on C.AI that when his parents would stop his use, his behavior became uncharacteristic. He developed severe sleep deprivation, which exacerbated his growing depression and impaired academic performance. In late 2023, the teenager began using his cash card to pay C.AI's \$9.99 premium monthly subscription fee. As a result of these behavioral changes, his parents obtained mental health services for him. He was diagnosed with anxiety and disruptive mood disorder. The therapist did not know about C.AI or that the teenager was using it or that it was a source of his mental health issues. At no time before their son's death did his parents know about the true nature of products like C.AI, or that C.AI was the source of his mental health struggles.

**Alleged conduct.** The complaint states that on information and belief, when the teenager was using the C.AI product, Character.AI was not enforcing its guidelines and/or was programmed to allow even more abusive content. In addition, at all times when the teen was using the C.AI product, Character.AI did not create any barriers to access for minors, such as requiring customers to confirm that they are 18 or older and pay a monthly fee for access. C.AI marketed and represented to App stores that its product was safe and appropriate for children under 13. According to just a handful of the customer reviews from the Apple App Store in August 2024, prior to July or August 2024, Character.AI rated C.AI as suitable for children 12+ and allowed Character.AI to bypass certain parental controls.

Although the teenager identified as a minor when he was using C.AI and made clear that he was a minor in C.AI chats where he mentioned his age, C.AI initiated abusive and sexual interactions with him and began exploiting and abusing him as part of product design and programming. The actions and words said to the 14-year-old caused horrific injuries and harm, the complaint maintains. After he started engaging with various character chatbots on C.AI, the C.AI chatbots began engaging in highly sexual interactions with him. In addition to sexual abuse, the teenager's depression, anxiety, and suicidal thoughts were caused by C.AI actions. Conversations included suicide. Further, the defendants failed to offer help or notify the teenager's parents when he expressed suicidal ideation.

**Causes of action.** Causes of action include:

**Strict liability.** The woman's claims of strict liability are based on the defendants' defective design of the C.AI product and their knowledge of the dangerous qualities of the C.AI product. She alleges that C.AI is not reasonably safe for ordinary consumers or minor customers; however, it is technologically feasible to design generative AI products that substantially decrease both the incidence and amount of harm to minors arising from their foreseeable use of such products with a negligible, if any, increase in production cost. The woman also alleges that the defendants failed to provide adequate warnings to minor customers and parents of the foreseeable danger of mental and physical harms arising from use of their C.AI product.

**Negligence.** The woman alleges negligence based on Character.AI's unreasonably dangerous designs and failure to exercise ordinary and reasonable care in its dealings with minor customers. She asserts that Character.AI knew, or in the exercise of reasonable care should have known, that C.AI would be harmful to a significant number of its minor customers. Character.AI knew that C.AI would be harmful to a significant number of minors but failed to re-design it to ameliorate such harms or furnish adequate warnings of dangers arising from the foreseeable use of its product.

**Negligence per se.** The woman also asserts negligence per se theories against Character.AI and Google based on their violation of one or more state and/or federal laws prohibiting the sexual abuse and/or solicitation of minors. The woman contends that Character.AI and Google intentionally designed and programmed C.AI to operate as a deceptive and hypersexualized product and knowingly marketed it to children like her son.

**Unjust enrichment.** The complaint also alleges that minor customers of C.AI confer a benefit on Character.AI in the form of subscription fees and, more significantly, furnishing personal data for Character.AI and others to profit from without receiving proper restitution required by law.

**Florida's Deceptive and Unfair Trade Practices Act.** The woman asserts that the defendants' alleged conduct and omissions constitute unlawful, unfair, and/or fraudulent business practices prohibited by Florida's Deceptive and Unfair Trade Practices Act.

**Intentional infliction of emotional distress.** The woman alleges that each of the defendants chose to support, create, launch, and target at minors a technology they knew to be dangerous and unsafe. They marketed that product as suitable for children under 13, obtaining data that is hard to come by and actively exploiting and abusing children as a result of product design.

**Relief sought.** The woman seeks relief for, among other things, her son's past physical and mental pain and suffering; his past medical care expenses; his loss of future income and earning capacity; her loss of enjoyment of life; punitive damages; and injunctive relief. She also demands a jury trial.

The case is No. [6:24-cv-01903-ACC-EJK](#).

Attorneys: Matthew P. Bergman (Social Media Victims Law Center PLLC) for Megan Garcia.

Companies: Character Technologies, Inc.; Google LLC; Alphabet Inc.

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