

No. 25A____

In the Supreme Court of the United States

META PLATFORMS, INC. and INSTAGRAM, LLC,

Applicants,

v.

STATE OF VERMONT,

Respondent.

**APPLICATION TO THE HON. SONIA SOTOMAYOR FOR AN EXTENSION
OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE VERMONT SUPREME COURT**

Pursuant to Supreme Court Rules 13(5) and 30(2), Applicants Meta Platforms, Inc. and Instagram, LLC (collectively “Meta”) respectfully request a 60-day extension of time, to and including January 27, 2026, for the filing of a petition for a writ of certiorari. Absent an extension, a petition for a writ of certiorari would be due on November 28, 2025. This Application has been filed at least ten days before that date.

In support of this request, Applicants state as follows:

1. The Vermont Supreme Court issued its judgment and opinion on August 29, 2025. *See* Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1257(a).

2. This case concerns the exercise of personal jurisdiction based on alleged Internet-based contacts with the forum. This Court has consistently reserved the question, explaining that “internet transactions” “may raise doctrinal questions of their own.” *Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 366 n.4 (2021); *see also Walden v. Fiore*, 571 U.S. 277, 290 n.9 (2014); Ex. 1 ¶ 16 (noting that this Court has not “addressed how specific personal jurisdiction is analyzed when out-

of-state defendants operate an internet-based application with no physical presence in the forum”). In the absence of guidance from this Court, lower courts have reached conflicting decisions on whether and when they can exercise personal jurisdiction based on Internet-based contacts.

3. In this case, Respondent State of Vermont (“State”) broadly alleges that “Meta intentionally designed Instagram to be addictive to teens.” Ex. 1 ¶ 3. The State asserted two claims against Meta under the Vermont Consumer Protection Act in Vermont state court, alleging that Instagram’s “design” constitutes an unfair business practice and that Meta deceived consumers by making material misrepresentations and omissions about Instagram’s safety. As to the unfairness claim, the State broadly alleges that the ways Instagram selects, organizes, and displays third-party content to users causes teens to use Instagram excessively. As to the deceptive practices claim, the State alleges that Meta and its employees made material misrepresentations or omissions to Congress and the news media regarding Instagram’s safety and the content available on Instagram.

Meta moved to dismiss the complaint on numerous grounds, including that the Vermont court lacked jurisdiction over the State’s claims. The State has conceded that the court lacked general jurisdiction over Meta. Ex. 1 ¶ 14. For good reason: Meta has neither its headquarters nor its principal place of business in Vermont. Meta argued that specific jurisdiction was also lacking for the State’s claims. Although the State challenges Instagram’s “design,” the State neither alleges that Instagram was “designed” in Vermont, nor that any of the individual “design features” it alleges are unfair were created in Vermont. And although the State’s

Complaint faults Meta for certain alleged misrepresentations, the State does not allege any of those statements were made in Vermont or were directed at a Vermont-specific audience. Nevertheless, the trial court denied Meta’s motion to dismiss for, among other reasons, lack of personal jurisdiction. Meta sought and obtained the trial court’s permission to file an interlocutory appeal on its personal jurisdiction ruling to the Vermont Supreme Court.

4. The Vermont Supreme Court accepted interlocutory review of the personal jurisdiction ruling and affirmed the trial court’s order. In short, the Vermont Supreme Court held that it could exercise jurisdiction over Meta based on Instagram’s accessibility in Vermont and Meta’s so-called “business model,” stating “[a] company that reaches out and purposefully avails itself of a forum state’s market for its own economic gain can expect to be haled into court in that jurisdiction to account for its conduct related to those business activities. . . . that company cannot avoid jurisdiction in one state just because it avails itself of another, or many others, in the same way.” Ex. 1 ¶ 48.

The Vermont Supreme Court concluded that Meta had purposefully availed itself of Vermont because Vermonters use Instagram and Vermont-based businesses chose to advertise on Instagram. Ex. 1 ¶ 20. As to the unfairness claim, the Vermont Supreme Court reasoned that it did not matter that “users initiate a relationship” with Meta or that “Meta does not control the user’s choice to sign-up” because Meta allegedly made a “deliberate choice to direct[] its business at and solicit engagement from Vermont consumers and businesses.” Ex. 1 ¶ 30. As to the deception claim, the Vermont Supreme Court reasoned that it was inconsequential that Meta’s alleged

misrepresentations were neither stated in nor directed at Vermont because it was sufficient that “Meta has created a Vermont market for [Instagram] and thus can fairly expect that the potential users of the application will rely on those representations in deciding whether to download and use it.” Ex. 1 ¶ 33.

Conflating purposeful direction and relatedness, the Vermont Supreme Court held that relatedness was satisfied because “the State here asserts that Meta has cultivated and purposefully availed itself of the Vermont market for social media and that the use of Meta’s product and subsequent misrepresentations about such use has caused injury to Vermonters.” Ex. 1 ¶ 38. Although the Vermont Supreme Court acknowledged that “there may not be a direct causal relationship between” Meta’s alleged forum contacts and the State’s causes of action, it determined that there is “a sufficient relationship between the State’s claims and Meta’s connections to Vermont” because “the State is challenging the very business model that Meta has directed at Vermont.” Ex. 1 ¶ 42.

5. The Vermont Supreme Court’s ruling cannot be reconciled with this Court’s precedent. By focusing on Meta’s “business model,” the Vermont Supreme Court relied on the sort of “loose and spurious form of general jurisdiction” the Court rejected in *Bristol-Myers Squibb Co. v. Super. Ct.*, 582 U.S. 255 (2017). This Court made clear that “a corporation’s continuous activity ... within a state is not enough to support the demand that the corporation be amenable to suits unrelated to that activity.” *Id.* at 264 (cleaned up). And here, the State fails to allege any connection between Instagram’s “design” or any alleged misrepresentations and Vermont.

The decision also squarely conflicts with decisions of federal courts of appeals, which have expressly refused to exercise personal jurisdiction based on a defendant’s purported “business model.” *See, e.g., Hasson v. FullStory, Inc.*, 114 F.4th 181, 194 (3d Cir. 2024) (personal jurisdictional lacking despite allegations that defendant’s website was “a central focus point of its business model” (cleaned up)). Indeed, the Fifth Circuit held that Texas courts could not exercise personal jurisdiction over a website operator that—like virtually all web-based businesses—used the same business model alleged here: selling advertising to companies in the forum, and then using data collected about website visitors to serve them tailored, forum-centric advertising. *See Johnson v. TheHuffingtonPost.com, Inc.*, 21 F.4th 314, 320-21 (5th Cir. 2021). As the Fifth Circuit observed, “whether HuffPost generates revenue by selling ads, tees, or chewing gum is beside the point.” *Id.*

6. An extension is warranted to give Applicants additional time to decide whether to file a petition and because of counsel’s substantial briefing and argument obligations during the time for preparing the petition and during the requested extension. These obligations include *U.S. ex rel. Penelow v. Janssen Prods., LP*, 25-1818 (3d Cir.) (reply brief filed Oct. 29); *Hencely v. Fluor Corp.*, 24-924 (S. Ct.) (oral argument Nov. 3); *Nazario v. Bytedance, Inc.*, No. 2025-04913 (N.Y. App. Div.) (opening brief filed Nov. 10); *Meta Platforms, Inc. v. Eighth Jud. Dist.*, No. 89920 (Nev. S. Ct.) (mandamus reply brief filed Nov. 17); *Mass. v. Meta Platforms, Inc.*, No. SJC-13747 (Mass. S.J.C.) (oral argument Dec. 5); *Zaragoza v. Meta Platforms, Inc.*, No. 23STCV22481 (Cal. Super. Ct.) (summary judgment reply brief due Dec. 5); *Giovannetti v. Meta Platforms, Inc.*, No. 23STCV04303 (Cal. Super. Ct.) (summary

judgment motion due Dec. 19); *P.M.Y. v. Meta Platforms, Inc.*, No. 23STCV31686 (Cal. Super. Ct.) (summary judgment motion due Dec. 19); *K.D.B. v. Meta Platforms, Inc.*, No. 23STCV28939 (Cal. Super. Ct.) (summary judgment motion due Dec. 19). Counsel also has substantial obligations in other non-public matters that will occupy significant time in the coming weeks.

8. For these reasons, Applicants' counsel respectfully requests that an order be entered extending the time to file a petition for certiorari to and including January 27, 2026.

Respectfully submitted,



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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicants make the following disclosures: Applicant Meta Platforms, Inc. f/k/a Facebook, Inc. is a non-governmental corporate party. No publicly held corporation owns 10% or more of its stock. Applicant Instagram, LLC is a non-governmental corporate party and a subsidiary of Applicant Meta Platforms, Inc. f/k/a Facebook, Inc. that is wholly owned and controlled by its parent.