

CAUSE NO. _____

THE STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

COLLIN COUNTY, TEXAS

DISCORD, INC.,
Defendants.

___ JUDICIAL DISTRICT

**TEXAS’ ORIGINAL VERIFIED PETITION AND APPLICATION
FOR TEMPORARY AND PERMANENT INJUNCTIONS**

Discord presents itself to the world as a platform built on community, connection, and safety. It is not. Behind the safety pages and transparency pages, Discord built and maintains one of the internet’s most efficient hunting grounds for manipulation, grooming, and predatory behavior towards children. Discord did so knowingly, deliberately, and profitably.

Discord is not a platform that incidentally attracts predators. Discord’s specific design choices make it easy for bad actors to locate vulnerable users, build trust quickly, and operate out of the public view. Discord combines persistent pseudonymous identity¹, real-time voice and video², private group channels³, direct messaging⁴, and a community invitation system⁵ all in one application. The convergence of these modalities in a single platform creates a uniquely efficient environment for bad actors than no-single modality platform replicates. It is not accidental. It is a product architecture that Discord chose and has refused to change despite escalating notice from federal prosecutors, the United States Senate, the Federal Trade Commission and the attorneys general of multiple states, including Texas.

¹ Discord, *Identity and Authenticity Policy Explainer* (Accessed May 15, 2026) <https://tinyurl.com/369ydf4s>
² Discord, *End-to-End Encryption for Audio and Video* (Accessed date May 15, 2026) <https://tinyurl.com/32cax2bx>
³ Discord Help, *Making Private Text and Voice Channels* (Accessed May 15, 2026) <https://tinyurl.com/4pe4zmyy>
⁴ Developer Docs, *Sending Direct Messages* (Accessed May 16, 2026) <https://tinyurl.com/mpv2r78z>
⁵ Discord, *Invites 101*(Accessed May 15, 2026) <https://tinyurl.com/57tskr5w>

The consequences are documented in federal courtrooms across the country. Since platform's launch in 2015, the National Investigative Unit analyzed thousands of federal court records and found 60% of cases identified are criminal investigations or actions involving Discord.⁶ Nearly half of these cases involved child exploitation.⁷ A 13-year-old Texas girl was sexually assaulted in her home by a predator who groomed her on Discord.⁸ A 15-year-old autistic boy was coerced into sending explicit photos through Discord's messaging system and later died by suicide.⁹ A 13-year-old in Washington was pushed to take his own life by an extremist network that operated openly on Discord's servers.¹⁰ This is the predictable result of a company that consistently chose growth and user accessibility over the safety of the children on its platform.¹¹

Discord told Texas consumers, parents, regulators something different. It promised that safety is “at the core of everything we do,”¹² “built into every aspect of our product and policies,” and “fully integrated into our design process.”¹³ It promised a zero-tolerance policy for anyone that endangers or sexualizes children.¹⁴ Those promises were false. Discord chose to make safety opt-in rather than default. It chose to leave private servers invisible. It chose to staff its most critical safety function with unpaid volunteers. It chose to expire violations after 90 days. It chose to bury the block button. Discord chose profits and growth over the safety of children.

⁶ WVTM 13, *Blind spot allows Discord users to hide evidence from law enforcement* (Accessed May 17, 2026) <https://tinyurl.com/yc2ejzvp>

⁷ *Id.*

⁸ KHOU 11, *Doing enough? Lawsuit Filed in Galveston County claims Roblox, Discord didn't protect teens from predator* (Accessed May 20, 2026) <https://tinyurl.com/4v794nsk>

⁹ New York Post, *Roblox, Discord sued over 15-year-old boy's suicide after alleged sexual abuse online* (Accessed May 17, 2026) <https://tinyurl.com/29v4rbs8>

¹⁰ ABC News, *Parents of 764 victims file wrongful death lawsuit against Discord* (Accessed May 20, 2026) <https://tinyurl.com/yc7tzre5>

¹¹ End Sexual Exploitation, *Why is Discord on the 2026 Dirty Dozen List* (Accessed May 16, 2026) <https://tinyurl.com/59y5ud5a>

¹² Discord, *Discord's commitment to a safe and trusted experience* (Accessed May 15, 2026) <https://tinyurl.com/yec7db5r>

¹³ Discord, *How We Put Safety at the Center of Everything We Build* (Accessed May 15, 2026) <https://tinyurl.com/56vvywmp>

¹⁴ Discord, *Teen and Child Safety Policy Explainer* (Accessed May 15, 2026) <https://tinyurl.com/yy2vybh4>

Plaintiff, The State of Texas, acting by and through the Attorney General of Texas, Ken Paxton, brings this action against Discord, Inc. for violations of the Texas Deceptive Trade Practices Act, Texas Business & Commerce Code §§ 17.41–17.63.

I. PARTIES

1. Plaintiff is the State of Texas (“the State” or “Texas”), by and through the Consumer Protection Division of the Office of the Attorney General.

2. DEFENDANT DISCORD, INC. (“Discord.”) is a foreign corporation regularly transacting, soliciting, and conducting business in Texas that is headquartered in San Francisco, California and incorporated under the laws of Delaware.

3. Discord Inc. is a Delaware corporation that owns, develops, operates, promotes, and distributes a free software platform called Discord. Discord is a social platform that provides real-time voice, video, and communication services. It is made available to consumers across multiple devices and platforms, including web browsers, mobile and tablets, and gaming consoles. Discord Inc. transacts business in Texas but is not registered in Texas and may be served through the Secretary of State, *see* Tex. Bus. Orgs. Code § 5.251(2)(B).

II. JURISDICTION AND VENUE

4. This enforcement action is brought by the Texas Attorney General’s Office through its Consumer Protection Division in the name of the State of Texas and in the public interest, pursuant to the authority granted by Section 17.47 of the DTPA. Texas brings this action on grounds that Discord has engaged in false, deceptive or misleading acts and practices in the course of trade and commerce, as defined in, and declared unlawful by, Sections 17.46(a) and (b) of the DTPA. In enforcement suits filed under Section 17.47 of the DTPA, the Attorney General is

authorized to seek civil penalties, redress for consumers, and equitable relief in accordance with Texas Government Code § 402.006(c).

5. Texas courts may exercise personal jurisdiction over a nonresident entity if the Texas long-arm statute authorizes the exercise of personal jurisdiction and the exercise is consistent with federal, and state constitutional due-process guarantees. *State v. Yelp, Inc.*, 725 S.W.3d 170, 181–87 (Tex. App.—15th Dist. 2025, pet. filed), *Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569, 574 (Tex. 2007); *see also* Tex. Civ. Prac. & Rem. Code § 17.042 (Texas long-arm statute).

6. Jurisdiction is proper because Discord has established minimum contacts in Texas such that maintenance of this suit does not offend traditional notions of fair play and substantial justice, *see Int'l Shoe Co. v. State of Wash., Off. of Unemployment Comp. & Placement*, 326 U.S. 310, 316 (1945). Discord purposefully directs its activities towards Texas residents, purposefully avails itself of the privilege of conducting business in Texas, and the protections afforded by Texas, by: operating and providing access to its online platform in Texas; the distribution and promotion of the Discord software platform; and advertising and marketing towards Texas residents; these actions subject Discord to Texas' long-arm statute, *see* Tex. Civ. Prac. & Rem. Code §§ 17.001–093; *Luciano v. SprayFoamPolymers.com, LLC*, 625 S.W.3d 1, 9 (Tex. 2021).

7. The Court has general jurisdiction over Discord because their contacts and affiliations with Texas are so continuous and systematic as to render them essentially at home in Texas. *BMC Software Belg., N.V. v. Marchand*, 83 S.W.3d 789, 797 (Tex. 2002).

8. The Court also has jurisdiction over Discord, Inc. because it consented to personal jurisdiction by registering and transacting business in Texas. *See Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122 (2023); *see also Acacia Pipeline Corp. v. Champlin Expl., Inc.*, 769 S.W.2d 719, 720

(Tex. App.—Houston [1st Dist.] 1989, no writ) (“In return for the privilege of doing business in Texas, and enjoying the same rights and privileges as a domestic corporation, Champlin has consented to amenability to jurisdiction for purposes of all lawsuits within the state.”).

9. Venue is proper in Collin County, Texas, because a substantial part of the events or omission giving rise to Texas’s claims occurred in Collin County, because Discord serves consumers in Collin County and has done business with users and consumers in Collin County, because Discord has been linked to the rise of violent online networks (such as the "764" network), which have targeted and blackmailed Texas youth into severe self-harm or violent actions. *See* Tex. Civ. Prac. & Rem. Code § 15.002(a)(1), Tex. Bus. & Com. Code §§ 17.47 and 541.154.

III. PUBLIC INTEREST

10. Texas has reason to believe that Discord has engaged in, and continues to engage in, the unlawful acts and practices described below. In addition, Texas has reason to believe that Discord has caused injury, loss, and damage to the Texas, and has caused adverse effects to the lawful conduct of trade and commerce, thereby directly or indirectly affecting the people of this State. Therefore, the Consumer Protection Division of the Office of the Attorney General initiates this proceeding in the public interest. Tex. Bus. & Com. Code Ann. § 17.47.

11. The public interest in this enforcement action is underscored by Texas’s investigations into companies regarding their privacy and safety practices for minors pursuant to the Securing Children Online through Parental Empowerment (SCOPE) Act and the Texas Data Privacy and Security Act (TDPSA).¹⁵

¹⁵ State of Texas, *Attorney General Ken Paxton Launches Investigations into Character.AI, Reddit, Instagram, Discord, and Other Companies over Children’s Privacy and Safety Practices as Texas Leads the Nation in Data Privacy Enforcement* (Accessed May 20, 2026) <https://tinyurl.com/3kj4tc48>

IV. DISCOVERY

12. Discovery in this case should be conducted under Level 3 pursuant to Texas Rule of Civil Procedure 190.4. Restrictions concerning expedited discovery under Texas Rule of Civil Procedure 169 do not apply because Texas seeks non-monetary injunctive relief as part of its claims.

13. Additionally, Texas' claims entitlement to monetary relief in an amount greater than \$1,000,000.00, including civil penalties, reasonable attorney's fees, litigation expenses, restitution, and costs.

V. FACTUAL ALLEGATIONS

I. THE PROMISES ARE BUT A VENEER OF SAFETY

14. Discord's representations falsely assure users that meaningful safeguards exist. In reality, critical protections are performative, understaffed, or ineffective. The representations include but are not limited to:

- "We build Discord to be the best communication tool for people...To achieve this, we know that Discord must be a safe space for our users. That's why safety is integrated into every aspect of our product and policies."¹⁶
- "Safety is at the core of everything we do, and a primary area of investment as a business."¹⁷
- "We make our products safe spaces by design and by default. Safety is and will remain part of the core product experience at Discord."¹⁸

¹⁶ Discord, *Discord Transparency Report: January – June 2024* (Accessed May 15, 2026) <https://tinyurl.com/328ae3yx>

¹⁷ Discord, *Discord's commitment to a safe and trusted experience* (Accessed May 15, 2026) <https://tinyurl.com/yec7db5r>

¹⁸ *Id.*

- “Safety is critical to the success of Discord. It is built into every aspect of our product and policies and we work hard to create a welcoming and inclusive space online.”
- “For us, safety considerations aren’t just a “step” or an item on a to-do list — they’re fully integrated into our design process.”¹⁹
- “At Discord, we embrace this complexity and recognize that safety is everyone’s job. It starts with the technology we build and the expertise we rely on to manage it.”²⁰
- “We invest talent and resources toward safety efforts.”²¹
- “Discord has a zero-tolerance policy for anyone that endangers or sexualizes children.”²²
- “We take the safety of our teen users seriously and don't allow children under the age of 13 to have a Discord account.”²³
- “We continuously invest in new tools and policies.”

15. These are not casual marketing statements. They are misrepresentations made to users deciding whether to trust the platform with their communities, to parents evaluating the platform for their children, and to regulators. Discord made them knowing they would be relied upon. They were false.

16. Discord did not merely promise safe outcomes. It promised safety as the core of everything Discord does, safety “fully integrated into our design process,” and “built into every aspect of our products and policies.” Those are Discord’s own words. That is the standard against which Discord’s design choices must be measured.

¹⁹ Discord, *How We Put Safety at the Center of Everything We Build* (Accessed May 15, 2026) <https://tinyurl.com/56vvywmp>

²⁰ Discord, *Culture of Safety* (Accessed May 15, 2026) <https://tinyurl.com/39rbejyb>

²¹ Discord, *Discord’s commitment to a safe and trusted experience* (Accessed May 15, 2026) <https://tinyurl.com/yec7db5r>

²² Discord, *Discord Transparency Report: January – June 2024* (Accessed May 15, 2026) <https://tinyurl.com/328ae3yx>

²³ Discord, *Teen and Child Safety Policy Explainer* (Accessed May 15, 2026) <https://tinyurl.com/yuyzms9>

17. Discord’s product fails that standard. The product’s *actual* design systematically undermines it. The following sections show exactly how.

II. DISCORD IS DESIGNED TO DEFAULT TO DANGER

A. Discord’s False, Misleading, and Deceptive Representations Regarding Account Safety

Account Creation

18. Discord’s account creation requires an email address and a self-declared age.²⁴ That is the sum total of identity infrastructure for a platform with ~650 million registered accounts and ~60 million daily active users.²⁵

19. Therefore, as practical consequence, a 45-year-old adult can create an account representing themselves as a 13-year-old and Discord has no reliable mechanism to detect or prevent this. Or, a user banned from Discord can become fully operational on a new account within four minutes through VPN for IP masking, disposable email account creation, and a new username.²⁶ The ban-evasion cycle is so frictionless that it is a mild inconvenience at best.

20. Discord represented that it does not allow children under 13 on its platform. Its account creation process makes that representation unenforceable by design.

Account Set Up

21. Discord designs safety as an “opt-in” feature, placing the burden on the less technically sophisticated users rather than the platform. Safety tools exist but are not surfaced, explained, or defaulted towards maximum safety.

²⁴ Discord, *Getting Started* (Accessed May 17, 2026) <https://tinyurl.com/y6r52twa>

²⁵ Fueler, *Discord in 2026: Usage, Revenue, Valuation & Growth Statistics* (Accessed May 16, 2026) <https://tinyurl.com/mvuju4j>

²⁶ Netnut, *Discord IP Ban: What It Is and How To Bypass* (Accessed May 16, 2026) <https://tinyurl.com/udemwdj5>

22. Discord’s sensitive content filter settings are applied to two content categories: (1) *Mature Sexual Media*; and (2) *Graphic Media Filter*. When sensitive media is detected, the filter can either blur or block the content. By default, Discord blurs content in direct messages from friends, group direct messages, and servers for teens; and blocks content in direct messages from non-friends.

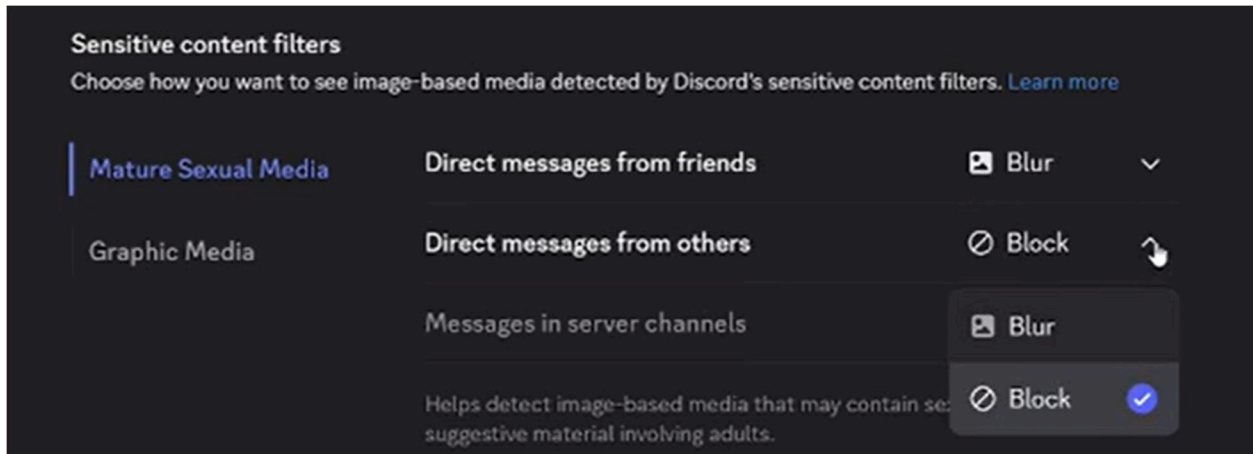


Figure 1 Discord’s Sensitive Content Filter Settings

23. Discord’s defaults do the opposite of what its safety promises require. Rather than defaulting to maximum restriction, Discord defaults to moderate restriction, requires users to opt-in for maximum protection, and applies even that limited protection only to accounts with self-reported minor status; a status Discord cannot even verify. Discord chose content accessibility over child safety.

24. Discord has three settings options for when users can send or receive a friend request from another: (1) *Everyone* allows anyone to send the user a friend request; (2) *Friends of friends* allows users to send a friend request only if they have at least one mutual friend with them; and (3) *Server members* allows for anyone who shares a server with the user to send them a friend request.



Figure 2 Discord Friend Request Settings

25. Discord’s friend request settings are pre-set to allow requests in each instance and users must navigate to their privacy settings and affirmatively change them. Discord chose the least protective default and left the burden of correction to the users, resulting in a default design setting that positions users to maximum exposure.

26. Social Permissions determine who can contact users by direct message after they join a server.²⁷ This feature matters immensely because it governs the most common grooming pipeline:²⁸ a bad actor joins a server frequented by a minor, establishes minimal rapport in public channels, then slides into a direct message.

²⁷ Discord, *Setting up Social Permissions FAQ* (Accessed May 15, 2026) <https://tinyurl.com/5ytz75wb>

²⁸ End Sexual Exploitation, *Why is Discord on the 2026 Dirty Dozen List?* (Accessed May 15, 2026) <https://tinyurl.com/59y5ud5a>

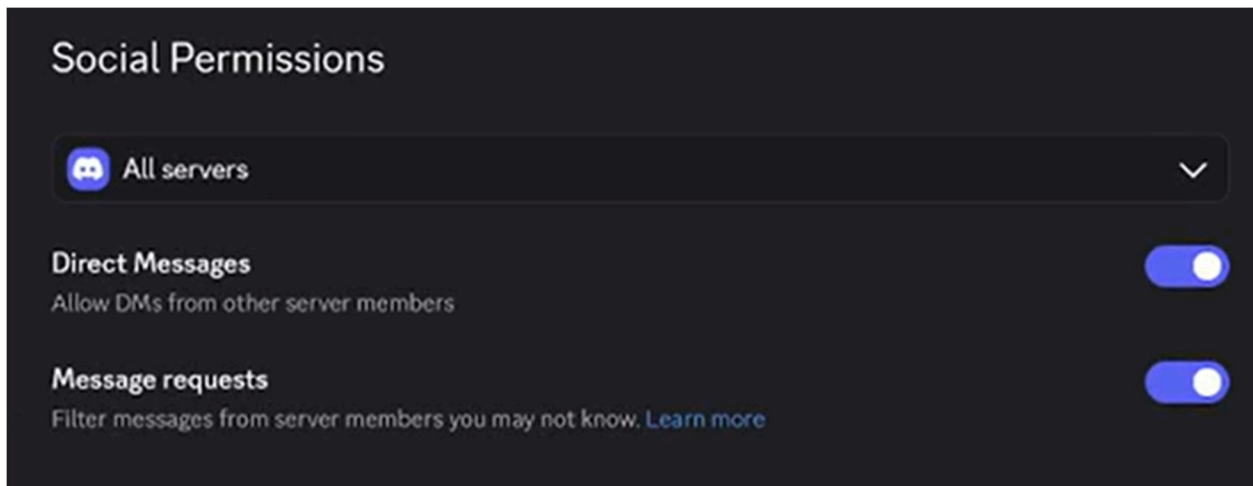


Figure 3 Discord Social Permissions

27. The direct message step is enabled by the open-by-default setting. Discord has not changed this default. Discord promised safety-by-design and then designed the most efficient grooming pathway to remain open by default.

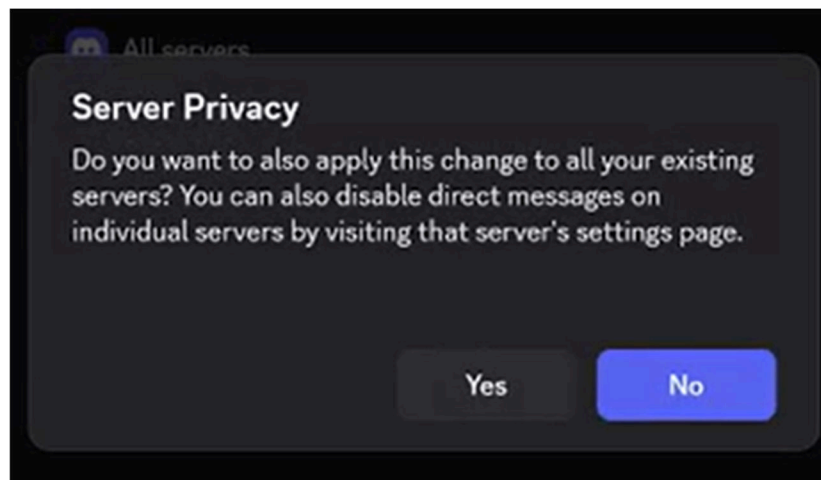


Figure 4 Discord Server Privacy Settings

28. Discord's design is engineered to create friction in choosing the most secure and safety preserving measures. When toggling the direct message option to off, a pop-up appears

questioning the user's choice and discouraging the safer alternative. Discord makes it easy to stay exposed and harder to be protected.

29. Direct messages spam is a filter that screens content that may contain spam into a separate inbox.²⁹ This feature operates in a three-tier system: (1) *Filter all* which filters all direct messages for spam; (2) *Filter from non-friends* which filters direct messages for spam only if they are sent from non-friends; and (3) *Do not filter* which does not filter any direct messages for spam. Again, Discord fails to default to the maximum-security setting of the three available options and instead is set to *Filter from non-friends*.

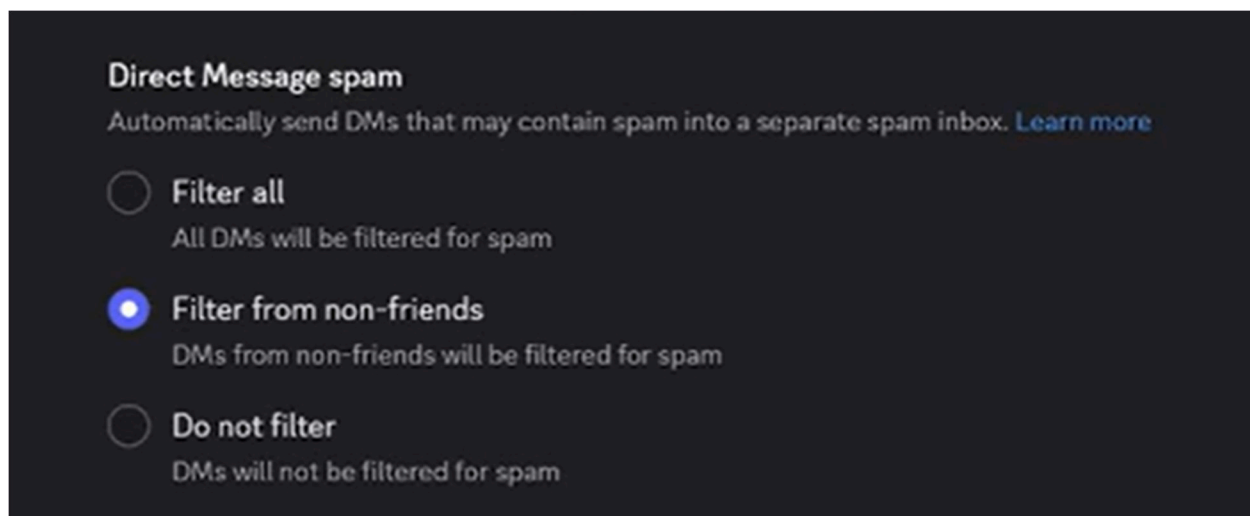


Figure 5 Discord Direct Message Spam Settings

30. Discord promised safety by default. It delivered the opposite during the account creation and set up process, defaulting to less protection and maximum exposure.

B. Discord's False, Misleading, and Deceptive Representations Regarding In-App Experience

²⁹ Discord, *Safer Messaging on Discord* (Accessed May 16, 2026) <https://tinyurl.com/8ypan8dj>

31. A server is a space where users can gather and communicate.³⁰ Discord has not implemented minimum safety standards for server creation. That is a choice.

Creating a Server

32. Discord servers create a funnel from public communities³¹ into private ones³² that Discord cannot see. Public servers project a moderate face. But in truth, the tiered invite system, private server invisibility, and persistent community infrastructure³³ combine to create an efficient exploitation of users into more private and extreme communities, that no individual feature in isolation would produce. By the time a user reaches a fully private server, Discord has no visibility unless someone inside reports a violation. Discord built this architecture. It chose to make private servers invisible. It chose to leave a funnel open knowing it is a primary pathway predators and extremists use to isolate and recruit victims.

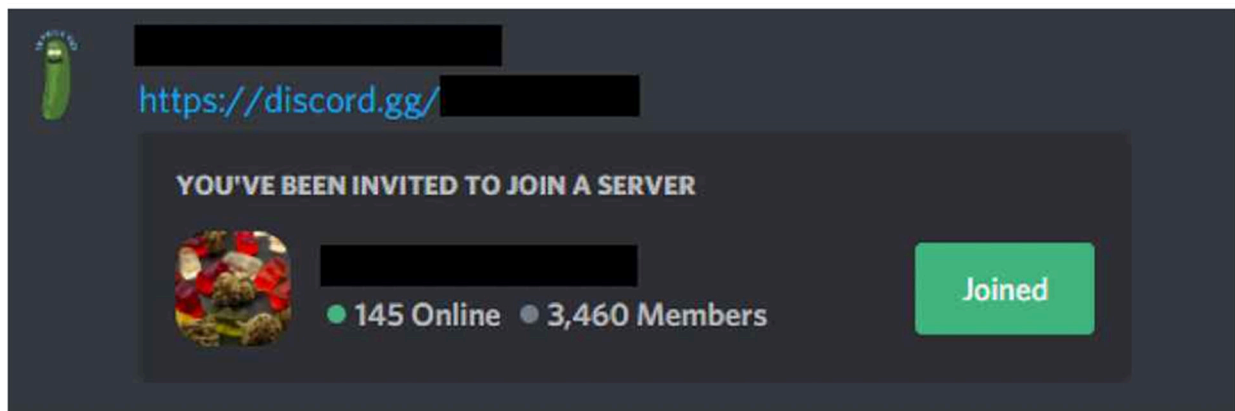


Figure 6. An invite-link for a large drug server posted to a main chat of another drug server

32. Discord defaults the verification level to *None*, meaning unrestricted access for private servers and to *Low*, requiring only a verified email for community servers.³⁴ Higher

³⁰ Discord, *Server Guide FAQ* (Accessed May 15, 2026) <https://tinyurl.com/yewcsw64>

³¹ Discord, *Clarifying Server Types* (Accessed May 15, 2026) <https://tinyurl.com/37btwu2b>

³² Discord, *How do I set up a private server?* (Accessed May 15, 2026) <https://tinyurl.com/29jf9zam>

³³ Discord, *Community Onboarding Examples* (Accessed May 15, 2026) <https://tinyurl.com/msymkabd>

³⁴ Discord, *Verification Levels* (Accessed May 15, 2026) <https://tinyurl.com/545etdae>

verification options exist but are never required. Discord's verification levels are not security measures. They are delay mechanisms. Bad actors can quickly create a new and legitimate looking account in minutes and verify it with a burner email or phone number. This is not a verification system; it is a checkbox.

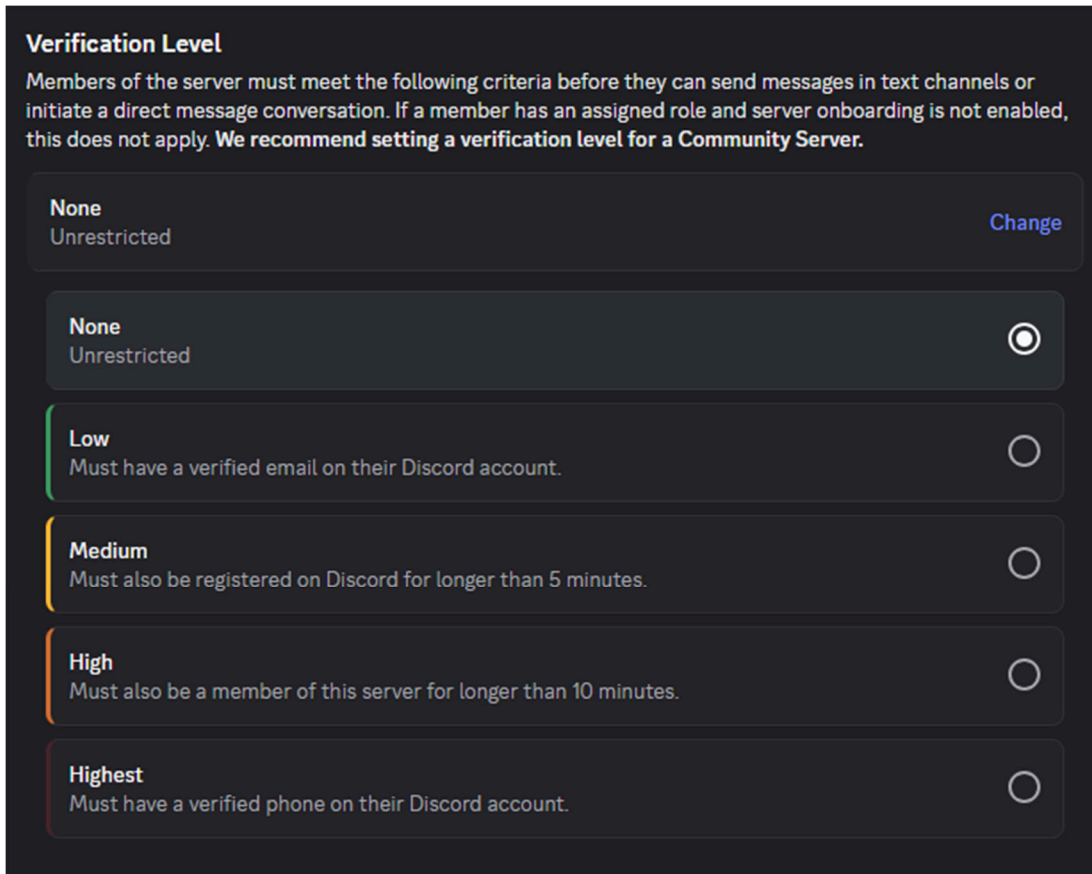


Figure 7 Private Server Default Verification Level

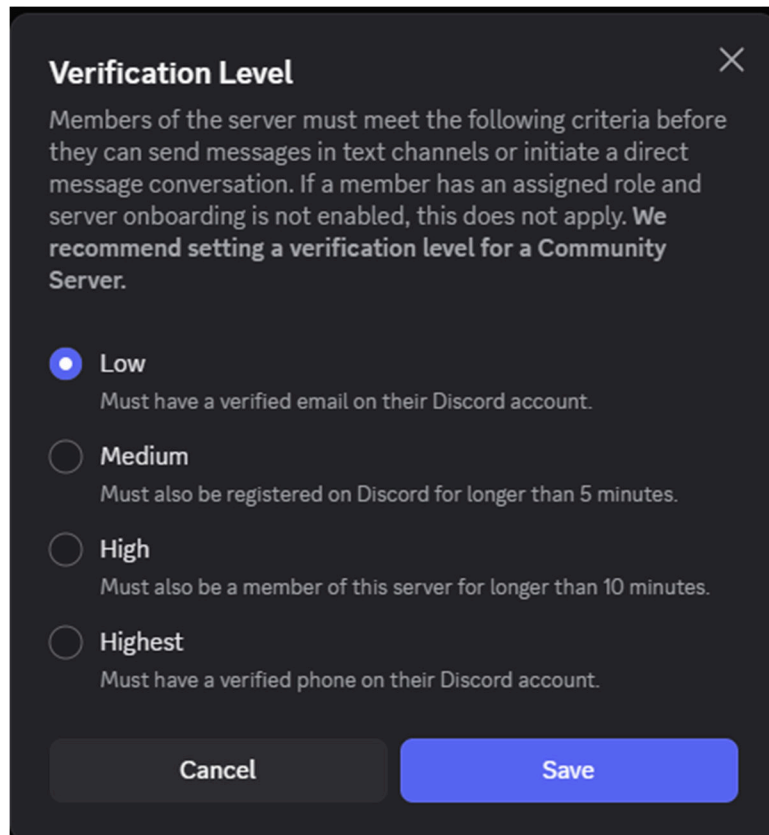


Figure 8 Community Server Default Verification Level

33. Discord allows channels to be marked age-restricted *if the moderator wishes to* keep minors from accessing.³⁵ But the protection rests entirely on a self-reported birthdate entered during account creation. Discord has no mechanism to validate birthdates. A minor who enters a false age accesses every age-restricted channel without restriction. Discord promised that it would not allow children under 13 on its platform and that it takes teen safety seriously.³⁶ It then built an age-verification system that a child can defeat in seconds.

³⁵ Discord, *Age-Restricted Channels and Content* (Accessed May 15, 2026) <https://tinyurl.com/ej4s6tvw>

³⁶ Discord, *Discord's Commitment to Teen and Child Safety* (Accessed May 15, 2026) <https://tinyurl.com/3vdzkn7y>

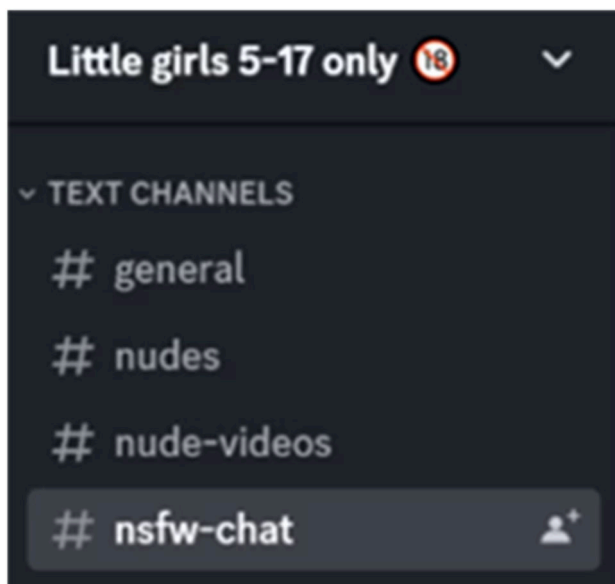


Figure 9. A screenshot from a Discord server labeled for minors.

Source: NBC News

Server and Channel Safety Features

34. Voice and video channels are the largest unmonitored surface in any major communications platform. Discord does not monitor voice or video content. Extremist communities, drug coordination networks, and predators use voice channels for exactly this reason.³⁷ Discord knows this and has chosen to do nothing about it.

35. AutoMod can filter keywords, block links, detect raids, and control spam.³⁸ Discord requires it to be manually configured in every server by the server owner.³⁹ The default state of a new server is no automated moderation. The median Discord server has approximately 100 members⁴⁰ and is run by a hobbyist with no moderation expertise. The de facto default moderation

³⁷ RSIS, *CO25200 Far-Right Extremism and Gaming: How Hate Hijacks Play* (Accessed May 15, 2026) <https://tinyurl.com/4jy4j7hv>

³⁸ Discord, *AutoMod FAQ* (Accessed May 15, 2026) <https://tinyurl.com/57amx65x>

³⁹ *Id.*

⁴⁰ Social Shepherd, *35 Essential Discord Statistics You Need to Know in 2026* (Accessed May 15, 2026) <https://tinyurl.com/p4ay7ub7>

state for the majority of Discord servers is: nothing automated, one overworked volunteer moderator, and a report button that feeds into a queue. Discord represented that safety is built into every aspect of its product. It then made safety tools optional and left children in servers with no moderation at all.

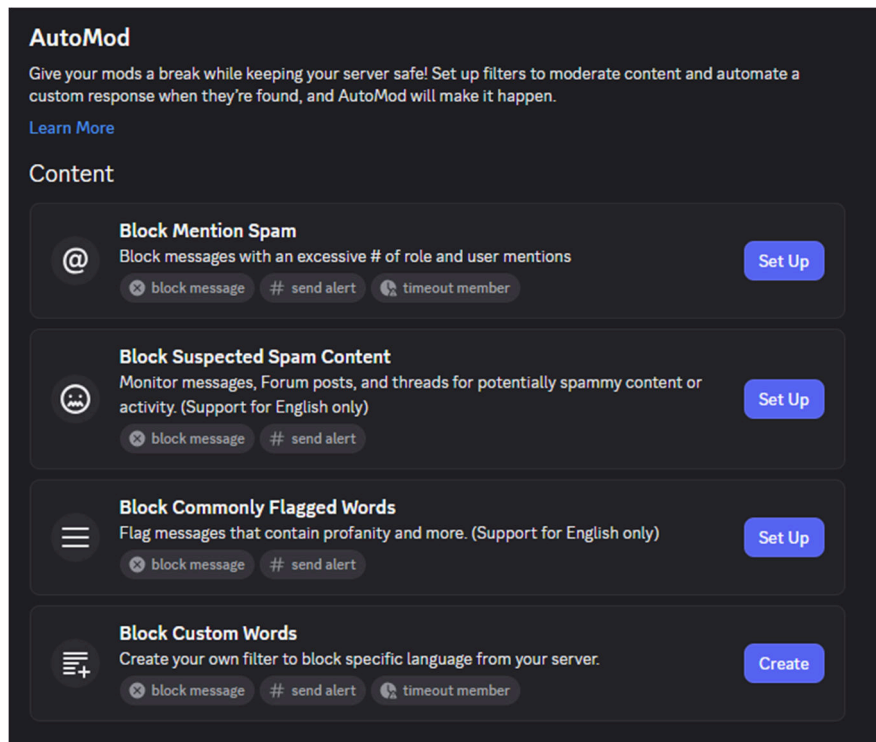


Figure 10. Discord AutoMod Default Settings

36. Moderators can set sensitive content filters within private servers and specific channels.⁴¹ By default, the setting is set to provide the least amount of safety: *Do Not Filter*.

⁴¹ Discord, *Safer Messaging on Discord* (Accessed May 15, 2026) <https://tinyurl.com/mrdctryy>

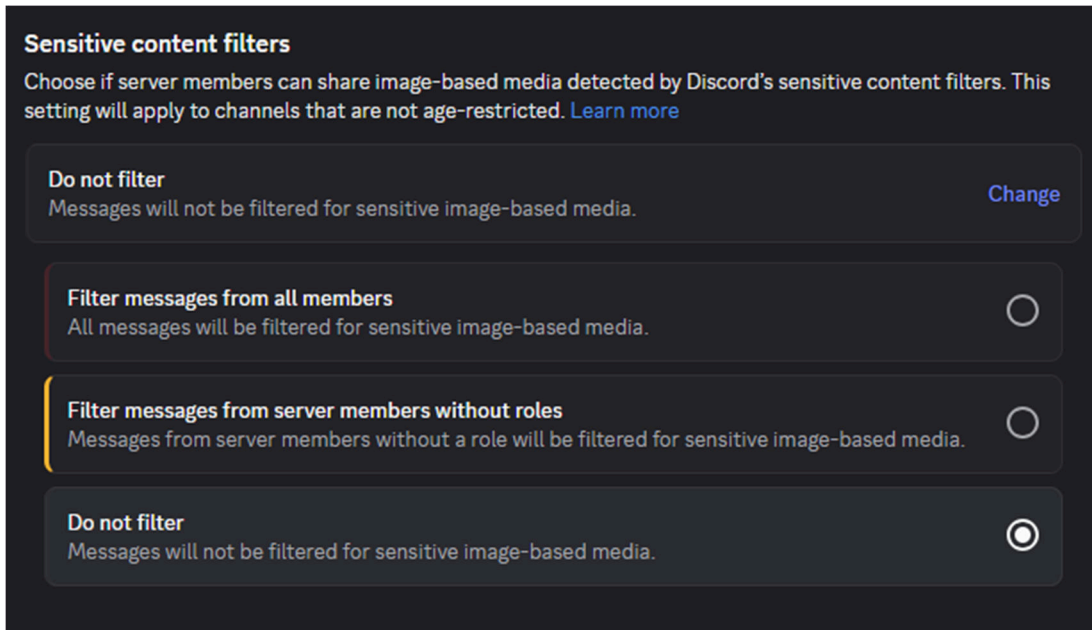


Figure 11. Discord Sensitive Content Filters

Activity and Security Alerts

37. Discord’s activity and security alerts are not the proactive safety monitoring Discord promised.

38. Activity alerts warn of unusual or heightened activity in [the] server.⁴² Discord limits this feature to alert only eligible members.⁴³ Regular members receive no notification and have no visibility into unusual activity. Discord designed this blind spot deliberately. Activity alerts are off by default on private servers.

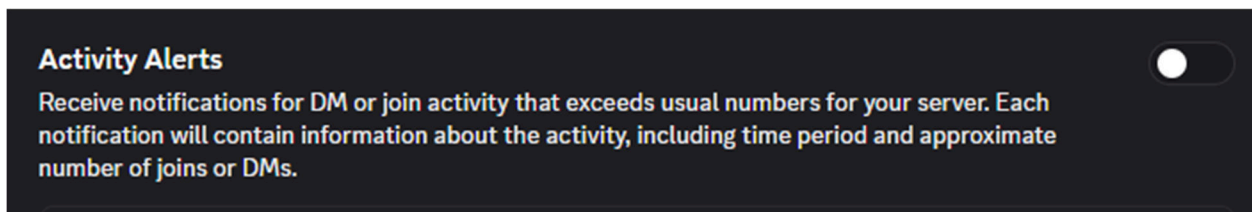


Figure 12. Discord Activity Alerts Settings

⁴² Discord, *Activity Alerts + Security Actions* (Accessed May 15, 2026) <https://tinyurl.com/4tebcnhr>

⁴³ *Id.*

39. Security alerts are actions moderators can take to secure a server in the event of an incident.⁴⁴ Discord frames this as empowering moderators to “take any desired action,”⁴⁵ including the option to take no action at all. Discord built inaction into its security response model and called it a feature.

C. Discord’s False, Misleading, and Deceptive Representations Regarding Platform Moderation

40. Discord’s community moderation model transfers responsibility for platform safety to volunteer moderators who received: (1) no training from Discord; (2) no certificate or minimum competency requirements; (3) no psychological support resources; (4) no liability protection; (5) no compensation; (6) no meaningful authority beyond their own server; and (7) no escalation pathways that guarantee timely responses from Discord.

Moderators As First Line of Defense

41. Discord calls this “empowering community” leaders.⁴⁶ It is not. Discord offloads its safety responsibility to unpaid, unqualified volunteers while retaining the reputational and commercial benefit of appearing to have a moderation system.

42. When a Discord moderator encounters CSAM, a credible suicide threat, a grooming situation, or violent extremist content, Discord has given them no training, no protocol, and no guaranteed escalation pathway. The answer to what they are trained to do is: nothing.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Discord, *Our Approach to Content Moderation* (Accessed May 15, 2026) <https://tinyurl.com/fkt2wspb>

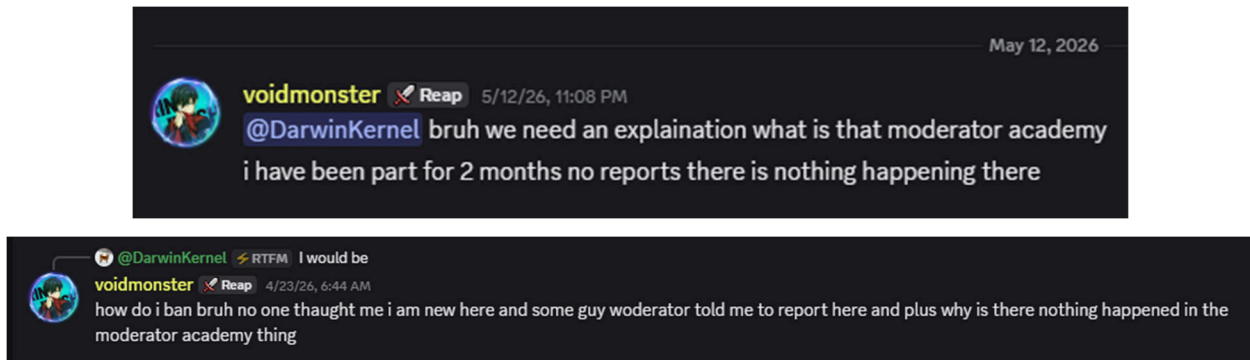


Figure 11 Messages Shared in Discord’s Moderator Academy Server

Moderator Training

43. Discord’s *Moderator Academy* is voluntary⁴⁷, uncompensated, and its content is almost entirely advisory.⁴⁸ It teaches skills and best practices but imposes no requirements and carries no consequences for noncompliance.

44. The Moderator Academy is not referenced when creating a server and is not required to create or operate a server accessible to children. It exists to generate the appearance of a training infrastructure while leaving the actual protection of children entirely to chance.

45. Discord represented that “safety is everyone’s job”⁴⁹ and that it “invest[s] talent and resources toward safety efforts.”⁵⁰ It then made the only training resources it offers to the people responsible for child safety completely optional.

⁴⁷ Discord, *Our Approach to Content Moderation* (Accessed May 15, 2026) <https://tinyurl.com/34ctst6y>

⁴⁸ Discord, *Training and Onboarding New Moderators* (Accessed May 15, 2026) <https://tinyurl.com/5bx5chxz>

⁴⁹ Discord, *Culture of Safety* (Accessed May 15, 2026) <https://tinyurl.com/ykw4t5a7>

⁵⁰ Discord, *Discord’s commitment to a safe and trusted experience* (Accessed May 15, 2026) <https://tinyurl.com/5n8kekrc>

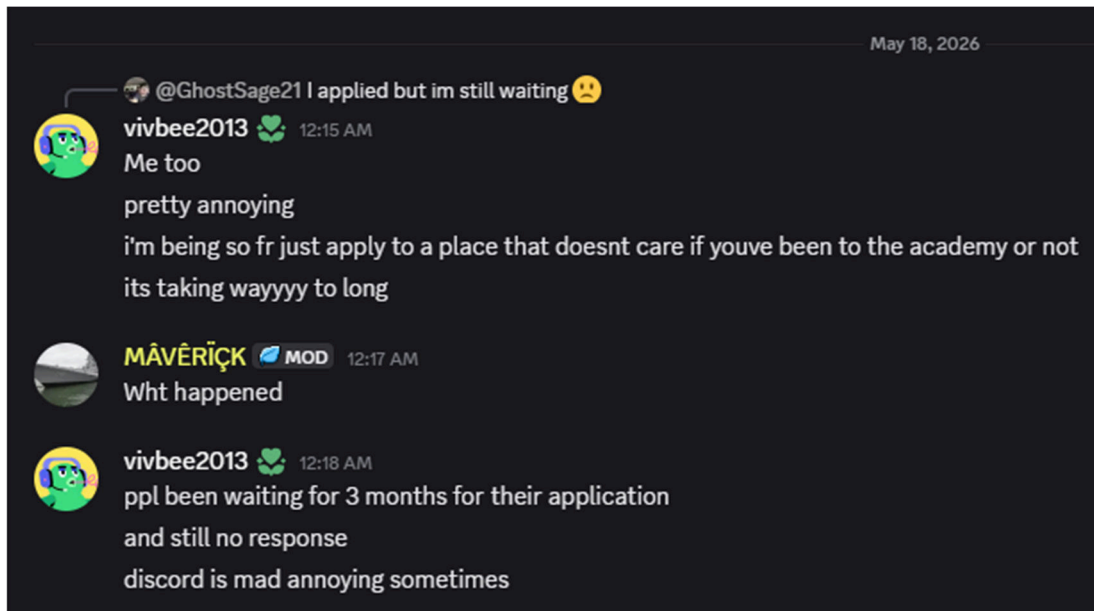


Figure 13 Messages Shared in Discord's Moderator Academy Server

Server Rules with Inconsistent Enforcement Messaging

46. When every server sets its own rules, there are no rules, only an illusion of governance and the reality of unprotected children.

47. Discord sets only the outer limits of acceptable conduct and users choose which communities to join.⁵¹ In practice there is no minimum safety standard for creating a community. A server targeting teenagers can have zero moderation, no age verification prompts, and no rules whatsoever. Discord will not intervene until harm is reported.

48. Discord suggests moderators set rules but then encourages them to “refrain from warning [a] user . . . and also seriously consider modifying the rules”⁵² instead of strictly enforcing those rules.⁵³

⁵¹ Discord, *Rules and Screening FAQ* (Accessed May 15, 2026) <https://tinyurl.com/yrcch6fa>

⁵² Discord, *Developing Moderator Guidelines* (Accessed May 16, 2026) <https://tinyurl.com/4nds6s6s>

⁵³ *Id.*

49. Discord instructs its moderators in bold that “moderators should use their own judgment to enforce rules only when it makes sense and not blindly following the letter of the law.”⁵⁴ Discord wrote that. Discord published it. Discord calls this a safety system.

The Spirit of the Rules

One of the things you may often hear is that the “spirit of the rules” is more important than the “letter.” In other words, it is more important that people follow the intent of the rules, rather than adhering to a literal or technical definition. As a result, moderators should focus on managing the problems of chat, including addressing unhealthy behavior that may not directly break a rule. It is appropriate to moderate people that are deliberately toeing the line to see what they can get away with (i.e., trolling), but what many moderator teams also forget is that **the rules are not infallible, and moderators should use their judgment to enforce rules only when it makes sense, and not blindly following the letter of the law.**

Figure 14 Discord’s Developing Moderation Guidelines

Moderators Are Burnt Out

50. Discord externalizes its “core” safety value onto people it has no accountability relationship with and treats volunteer moderators as free labor despite representing that safety is “primary area of investment as a business”⁵⁵ in which they “invest talent and resources toward [safety efforts].”⁵⁶

51. On June 3, 2022, Discord published an article titled “Understanding and Avoiding Moderator Burnout.”⁵⁷

52. That article is an admission. Discord knew its safety model was placing unsustainable demands on its unpaid volunteers that it designated as its primary line of defense.

⁵⁴ *Id.*

⁵⁵ Discord, *Discord’s Commitment to a Safe and Trusted Experience* (Accessed May 17, 2026) <https://tinyurl.com/yec7db5r>

⁵⁶ *Id.*

⁵⁷ Discord, *Understanding and Avoiding Moderator Burnout* (Accessed May 17, 2026) <https://tinyurl.com/3ph34z2n>

53. Discord’s response was not to redesign the system. Instead, it published a policy titled “Moderation & Community Support to Manage Your Server.”⁵⁸ The policy instructed volunteers how to cope with the burden Discord refused to carry.

54. Discord dedicates “15% of its entire workforce to safety operations and engineering.”⁵⁹ Discord promised that safety is at the core of everything it does, but the numbers tell a different story.

D. Discord’s False, Misleading, and Deceptive Representations Regarding Its Reporting System

Block Feature

55. Discord allows users to “*Block*” other users to stop unwanted contact.⁶⁰ But Discord buries that option. The “*Add friend*” button appears in Discord’s signature color, “*Report spam*” is in red, while the “*Block*” feature is designed to appear in the least prominent manner and is crammed between two other conflicting options. Discord designed a safety feature and then designed against users finding it.

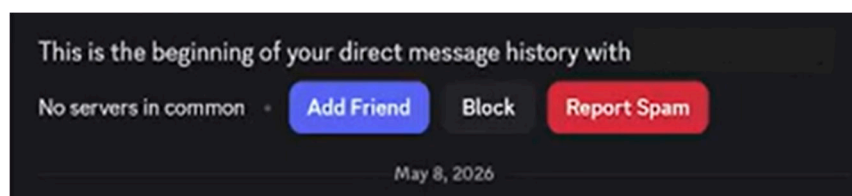


Figure 15 Blocking Feature in Direct Messages.

⁵⁸ Discord, *Moderation & Community Support to Manage Your Server* (Accessed May 17, 2026) <https://tinyurl.com/3y5bv4h2>

⁵⁹ *Id.*

⁶⁰ Discord, *Blocking & Privacy Settings* (Accessed May 17, 2026) <https://tinyurl.com/bdps9zdy>

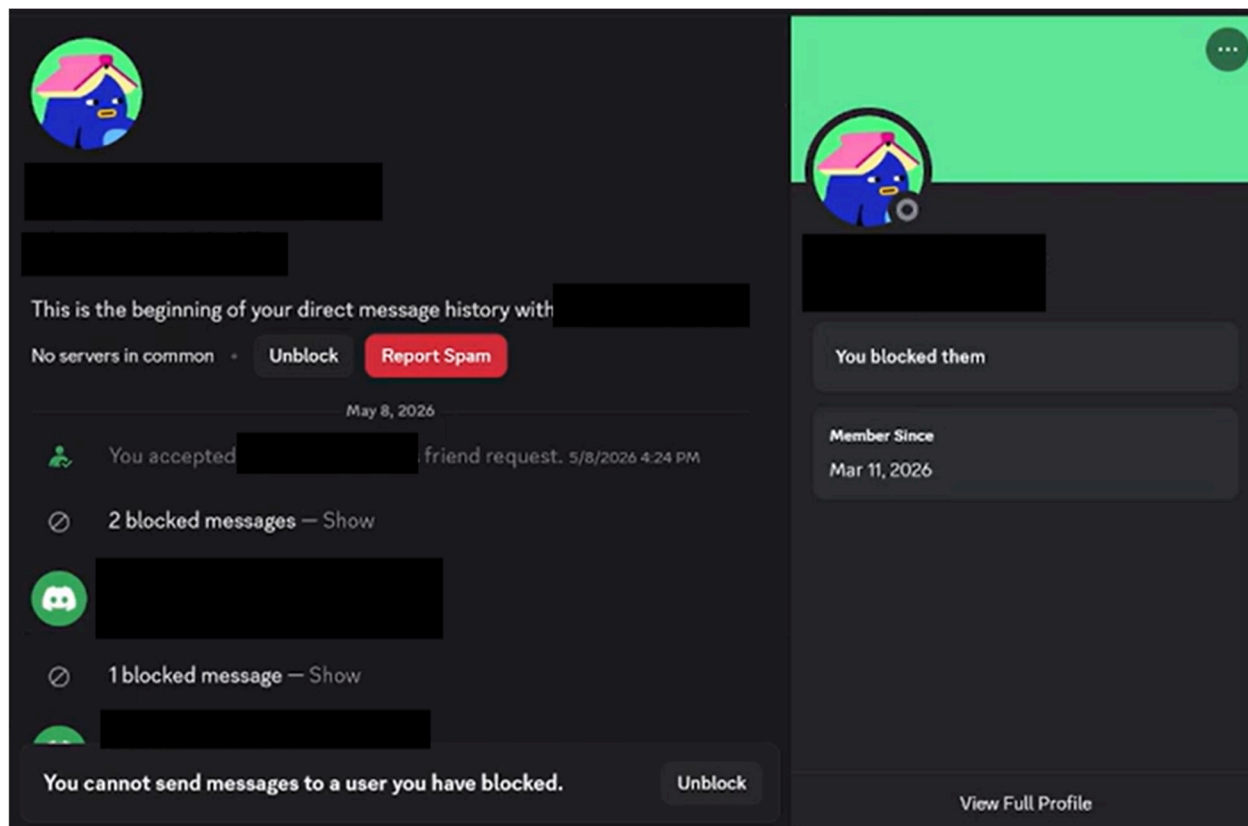


Figure 16 Blocking Feature when enabled.

56. When a user blocks another, Discord displays two prompts to unblock: one at the top of the chat and another at the bottom reading, “You cannot send messages to a user you have blocked.” Discord intentionally frames this protective safety measure as a restriction, rather than offering reassurance, such as “This user can no longer message you.”

Submitting a Report

57. Discord’s reporting system is represented as the primary mechanism through which users can seek accountability for unwanted behavior/content.⁶¹ When users submit a report, Discord’s pop-up message presents the least security preserving options to its users, while requiring more effort to opt-in to the most. A platform with safety by default would do the opposite.

⁶¹ Discord, *Reporting Content or Behavior to Discord* (Accessed May 17, 2026) <https://tinyurl.com/5de542z6>

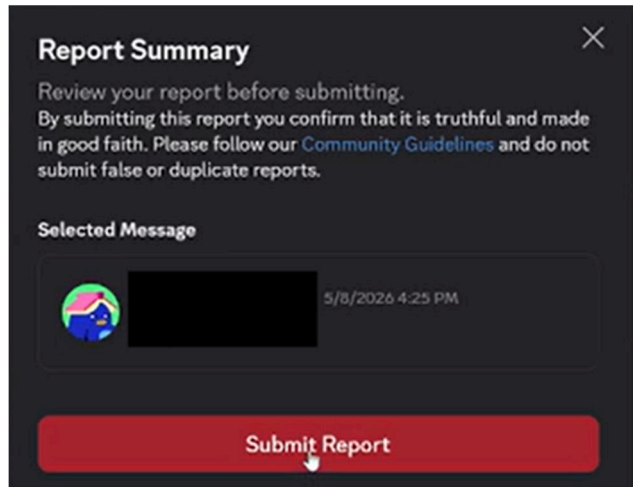


Figure 17 Step 1: Submit report

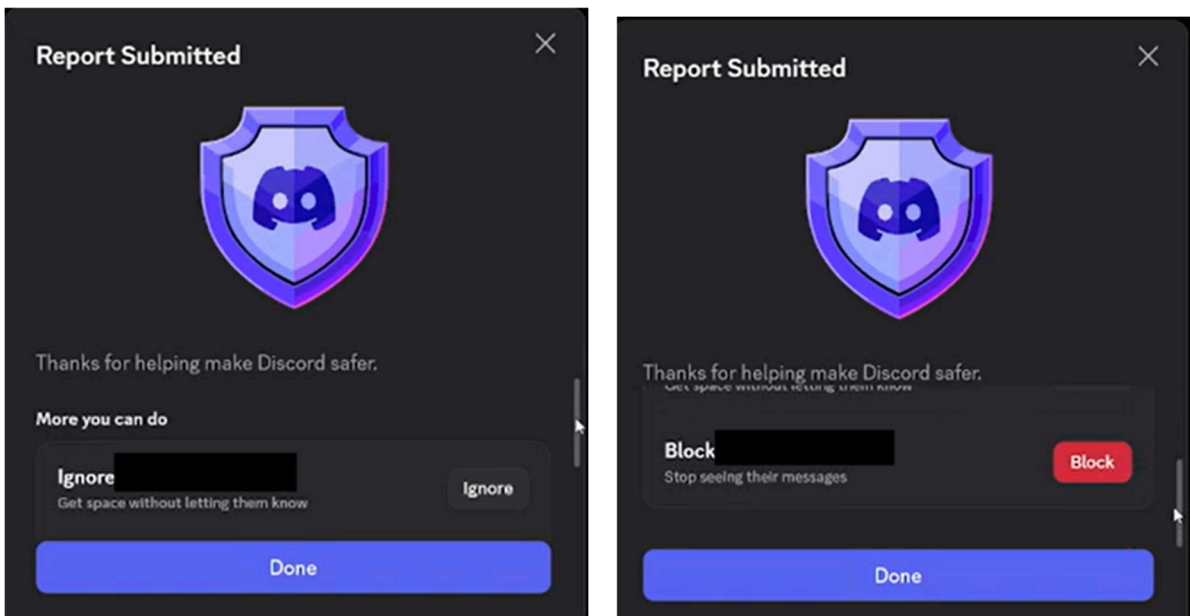


Figure 18 Step 2: Option to Ignore presented first

Figure 19 Step 3: Block feature made available only if user scrolls past Ignore

E. Discord’s False, Misleading, and Deceptive Representations Regarding Enforcement

58. Discord maintains a “zero-tolerance” policy when public accountability requires a strong stance and abandons it when consistent enforcement would be operationally and financially difficult.

Zero-Tolerance Policy

59. Discord repeatedly touts a zero-tolerance policy for: (1) child sexual abuse; (2) violent extremism; (3) platform manipulation; and (4) doxxing.⁶²

60. Discord’s actual enforcement does not match its zero-tolerance claim. NBC News found 165 criminal cases involving CSAM exploitation, and abuse connected to Discord Communications.⁶³ Those are not edge cases. They are the predictable result of a company that promises zero-tolerance and delivers none.

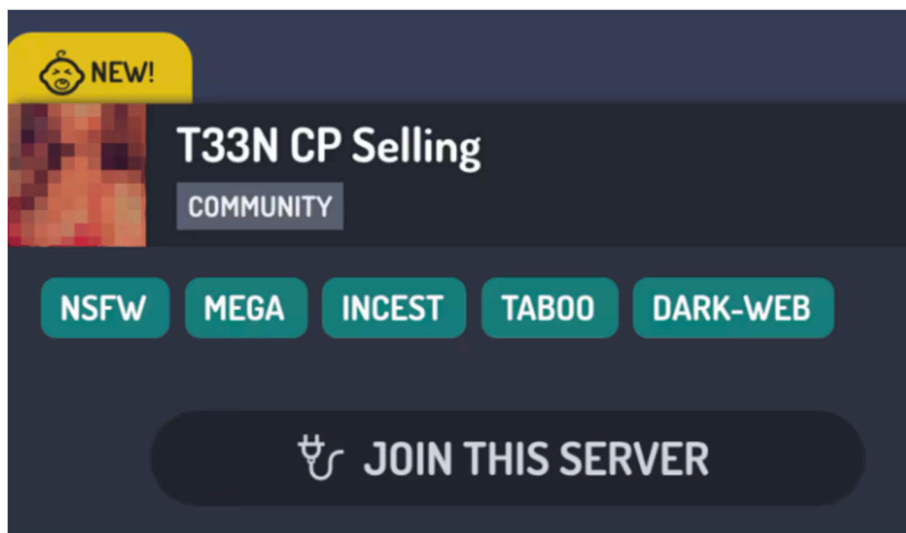


Figure 20 A screenshot from a third-party website showing a Discord Server Promoting CSAM.

Source: NBC News

62. Discord’s own Warning System FAQ admits there is “no simple formula from number of violations to specific penalties.” Discord weighs “the severity and context of each

⁶² Discord, *Teen and Child Safety Policy Explainer* (Accessed May 16, 2026) <https://tinyurl.com/yuyzmsu9>

⁶³ NBC News, *Child Predators Are Using Discord, a Popular App Among Teens, for Sextortion and Abductions* (Accessed May 19, 2026) <https://tinyurl.com/4cxr2atw>

violation” and considers “a user’s history of past violations when calculating the user’s account standing.”⁶⁴ Identical content reported in different contexts receives different enforcement outcomes. Discord’s own transparency reports show significant variance in action rates across server categories, time periods, and content types without explanation. Discord built inconsistency into its enforcement model and called it zero-tolerance.

61. Discord’s Trust & Safety can only act on what it reviews, and it reviews only what users report. In private servers deliberately designed to avoid triggering user reports through controlled membership, carefully managed information sharing, and deliberate opacity, violations persist indefinitely. Discord compounds this by expiring most violations after 90 days.⁶⁵ Zero-tolerance with an expiration date is not zero-tolerance. It is a waiting period.

62. A permanent ban is not permanent when account creation is free and takes four minutes. Thus, in practice, Discord’s zero-tolerance policy produces a four-minute penalty. Discord knows this. It has not changed it.

63. Discord’s zero tolerance claim is further undermined by its own published philosophy. Discord has communicated through policy documents⁶⁶, moderator resources⁶⁷, and Trust & Safety communications⁶⁸ that some users who violate policies or community guidelines can be rehabilitated, that context matters, that ban appeals should consider circumstances, and that community moderation should aim at restoration where possible.⁶⁹ Discord even published an article titled “Remediation: Why you can’t ban your way to a safe platform.”⁷⁰ These are not

⁶⁴ Discord, *Discord Warning System* (Accessed May 16, 2026) <https://tinyurl.com/5n7sy74k>

⁶⁵ *Id.*

⁶⁶ Discord, *The Teachable Moments Hidden in Plain Sight* (Accessed May 17, 2026) <https://tinyurl.com/bdcm8nxb>

⁶⁷ Discord, *Our Policies* (Accessed May 17, 2026) <https://tinyurl.com/4v9y7nnk>

⁶⁸ Discord, *Words Matter* (Accessed May 17, 2026) <https://tinyurl.com/4be7fypa>

⁶⁹ Discord, *Discord Warning System* (Accessed May 17, 2026) <https://tinyurl.com/5n7sy74k>

⁷⁰ Discord, *Remediation: Why you can’t ban your way to a safe platform* (Accessed May 17, 2026) <https://tinyurl.com/2mvkix7e>

compatible enforcement philosophies and Discord publicly embraces both. This results in an enforcement posture that is neither genuinely zero-tolerance nor genuinely rehabilitative.

III. THE OUTCOME OF DISCORD’S AGGREGATED MISREPRESENTATIONS

66. Discord’s safety failures are not isolated oversights. They are the predictable result of consistent choices Discord made every time safety conflicted with growth, accessibility, or user retention.

67. Discord chose to make safety opt-in rather than default. It chose to leave private servers invisible. It chose to staff its most critical safety function with unpaid volunteers. It chose to expire violations after 90 days. It chose to bury the block button. Discord made these decisions.

68. A platform with safety at its core does not offload child protection to uncompensated volunteers. A platform with safety by design does not default every setting toward maximum exposure.

69. Discord made these choices while telling Texas consumers, parents and regulators that safety is at the core of everything it does. It is not. The choices reveal core values.

IV. THE CONSEQUENCES ARE REAL AND DOCUMENTED HARMS

70. Discord has maintained a strong five-year streak on the Dirty Dozen List by the National Center for Sexual Exploitation due to its continued failure to “adequately address sexually exploitative content and activity on its platform.”⁷¹

⁷¹ End Sexual Exploitation, *Why is Discord on the 2026 Dirty Dozen List* (Accessed May 16, 2026) <https://tinyurl.com/59y5ud5a>

71. In May 2025, the Federal Bureau of Investigation launched an investigation into a violent extremist and child-exploitation network that originated in a Discord community titled “764” and ultimately became a global movement for predators. FBI Assistant Director, David Scott described the international criminal enterprise as, “one of the most disturbing things we’re seeing.”⁷² The FBI has opened 250 investigations tied to that network alone.⁷³

Federal cases mentioning Discord over time

Since the communication platform's launch in 2015, Discord has been mentioned in around 655 federal cases in the United States.

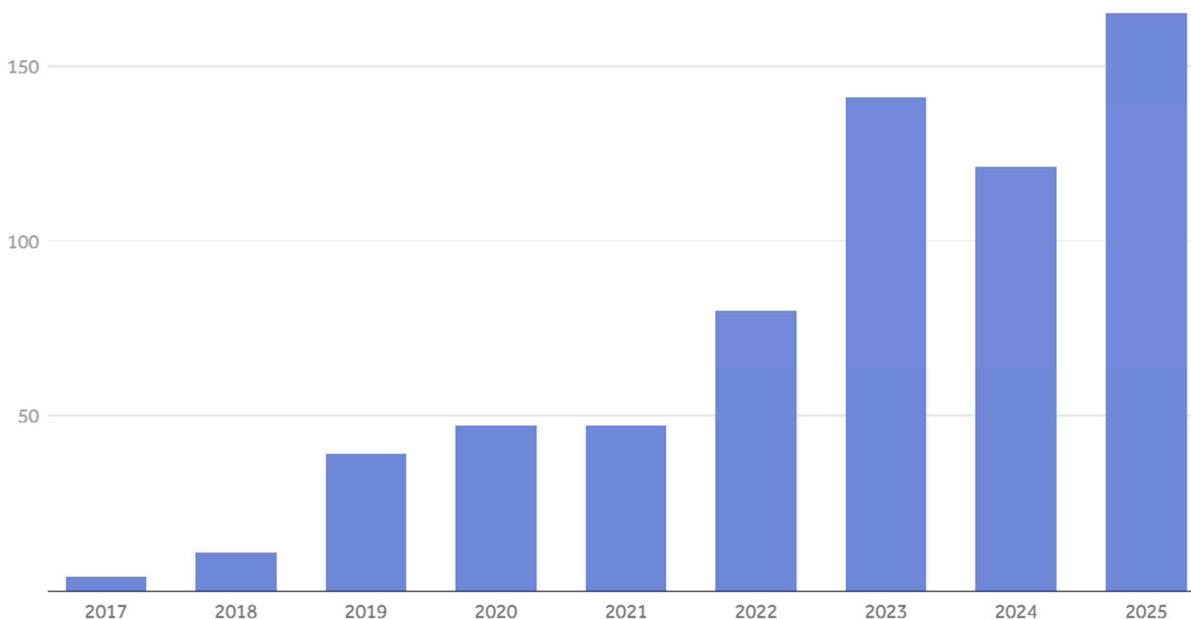


Figure 21

Data as of November 2025. Source: National Investigative Unity Analysis of Court Listener Data⁷⁴

⁷² ABC News, *FBI has opened 250 investigations tied to violent online network ‘764’ that preys on teens, top officials say* (Accessed May 17, 2026) <https://tinyurl.com/249jnx4z>

⁷³ *Id.*

⁷⁴ KCRA 3, *Blind spot allows Discord users to hide evidence from law enforcement* (Accessed May 17, 2026) <https://tinyurl.com/ymvmzu54>

72. Discord promised Texas consumers and parents a safe platform. Children paid for that broken promise with their safety and innocence.

V. DISCORD’S CONDUCT WARRANTS THE MAXIMUM IMPOSITION OF CIVIL PENALTIES

73. Texas Bus. & Com. Code § 17.47(g) describes the six factors the trier of fact “shall consider” when determining the amount of civil penalties to impose: “(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act or practice; (2) the history of previous violations; (3) the amount necessary to deter future violations; (4) the economic effect on the person against whom the penalty is to be assessed; (5) knowledge of the illegality of the act or practice; and (6) any other matter that justice may require.”

74. Texas is entitled to recover up to \$10,000 for each violation of the DTPA. Tex. Bus. & Com. Code § 17.47(c)(1).

75. The facts described in ¶¶ 14-72 shall be considered by the jury when determining the civil penalties to impose. *See* Tex. Bus. & Com. Code § 17.47(g)(1)-(6).

A. The Seriousness of Discord’s Violations Tex. Bus. & Com. Code § 17.47(g)(1)

76. In determining the amount of penalty to impose, the trier of fact shall consider the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act or practice. Tex. Bus. & Com. Code § 17.47(g)(1).

77. The gravity of Discord’s violations is not theoretical. It is documented in courtrooms, investigations and the lives of children across Texas and the United States.

78. In Galveston County, Texas, a 101-page lawsuit alleges that a 13-year-old girl was sexually assaulted in her home while her parents slept by a predator who groomed her over two or three years while using online gaming site Roblox and Discord.⁷⁵

79. A 15-year-old boy was groomed by a predator on Roblox and Discord, who used Discord's direct messaging system to coerce sexually explicit photos and videos. The boy later committed suicide.⁷⁶

80. In Gig Harbor, Washington, a 13-year-old died by suicide in January 2022 after being targeted by the 764 extremist network operating on Discord.⁷⁷ The lawsuit filed by his parents alleges Discord "supplied 764 with unlimited victims" and "abetted one of the most depraved and dangerous child abuse cults in modern history."

81. These cases are not outliers. NBC News identified 35 cases over six years in which adults were prosecuted for kidnapping, grooming, or sexual assault involving Discord communications, and an additional 165 cases involving the transmission or receipt of child sexual abuse material through Discord.⁷⁸ Reports of CSAM on Discord increased 474% from 2021 to 2022 alone. During this period Discord continued making the same design choices challenged in this lawsuit.

82. Discord also solicited government-issued identification from users for age verification purposes and then failed to protect it. A 2025 data breach exposed the sensitive personal identifying information of approximately 70,000 users who submitted driver's licenses

⁷⁵ Khou 11, *Doing enough? Lawsuit filed in Galveston County claim Roblox, Discord didn't protect teen from predator* (Accessed May 20, 2026) <https://tinyurl.com/4v794nsk>

⁷⁶ NBC News, *Roblox, Discord sued after 15-year-old boy was allegedly groomed online before he died by suicide* (Accessed May 20, 2026) <https://tinyurl.com/d2pyrh7t>

⁷⁷ ABC News, *Parents of 764 victim file wrongful death lawsuit against Discord* (Accessed May 20, 2026) <https://tinyurl.com/yc7tzre5>

⁷⁸ NBC News, *Child predators are using Discord, a popular app among teens, for sextortion and abductions* (Accessed May 20, 2026) <https://tinyurl.com/y426xkkc>

and passports in response to Discord's own requirement. Discord demanded the most sensitive category of personal data from its users and could not keep it safe.⁷⁹

B. Discord’s History of Previous Violations Tex. Bus. & Com. Code § 17.47(g)(2)

83. The trier of fact shall consider Discord’s history of previous violations. Tex. Bus. & Com. Code § 17.47(g)(2). Though Discord is a relatively young company, that history is extensive and escalating.

84. Discord has appeared on the National Center for Sexual Exploitation’s Dirty Dozen List for five consecutive years due to its failure to “adequately address sexually exploitative content and activity on its platform.”⁸⁰ Discord has earned that designation each year it has been evaluated.

85. Multiple state attorneys general have independently reached the same conclusion about Discord. In April 2025, the New Jersey Attorney General sued Discord for misleading parents about the efficacy of its safety features, failing to enforce minimum age requirements, and exposing minors to sexual predators in violation of the New Jersey Consumer Fraud Act.⁸¹ In May 2026, the Nevada Attorney General sued Discord, finding that its lack of age verification, hands-off approach to moderation, and refusal to limit interactions between children and adult strangers had made Discord “the go-to chat option for child abusers.”⁸² That same month, the Indiana Attorney General sued Discord following the death of a 17-year-old who was lured to her death by a predator after extensive on-platform communication, stating that Discord and similar

⁷⁹ NBC News, *70,000 government ID photos exposed in Discord user hack* (Accessed May 20, 2026) <https://tinyurl.com/yx7tdev7>

⁸⁰ End Sexual Exploitation, *Why is Discord on the 2026 Dirty Dozen List* (Accessed May 16, 2026) <https://tinyurl.com/59y5ud5a>

⁸¹ State of New Jersey, *AG Platkin Sues Messaging App “Discord” for Unlawful Practices That Expose NJ Kids to Child Predators and Violent, Sexual Content* (Accessed May 20, 2026) <https://tinyurl.com/447a7aad>

⁸² State of Nevada, *Attorney General Ford Sues Online Platform Discord for Failing to Protect Nevada Children* (Accessed May 20, 2026) <https://tinyurl.com/3yrrpumm9>

platforms “know full well that numerous predatory sex criminals have used these platforms to contact and lure their victims. And yet, they continue promoting themselves as safe for children.”⁸³

The Florida Attorney General opened a formal investigation into Discord that same year, stating that “many of our criminal investigations into internet child predators lead to one place: Discord.”⁸⁴

86. These enforcement actions are not isolated. They reflect a consistent finding by multiple sovereigns: Discord knows children are being harmed on its platform and has not meaningfully changed the design choices that make that harm possible.

C. The Amount Necessary to Deter Future Violations Tex. Bus. & Com. Code § 17.47(g)(3)

87. The trier of fact shall consider the amount necessary to deter future violations. Tex. Bus. & Com. Code § 17.47(g)(3). Discord has not been deterred by public exposure, federal or state enforcement actions, or civil litigation.

88. Discord was last valued at \$15 billion in its 2021 funding round,⁸⁵ and generated an estimated \$879 million in annual revenue in 2024, serving over 200 million monthly active users.⁸⁶ A penalty that represents a negligible fraction of that financial capacity will not change Discord’s behavior.

D. Discord’s Knowledge of the Illegality of its Practices Tex. Bus. & Com. Code § 17.47(g)(5)

89. The trier of fact shall consider Discord’s knowledge of the illegality of its acts and practices. Tex. Bus. & Com. Code § 17.47(g)(5). Discord cannot claim ignorance. Discord’s knowledge is direct, documented and admitted.

⁸³ State of Indiana, *To protect Hoosier children from online predators, Attorney General Todd Rokita sues Roblox Corp. and Discord Inc.* (Accessed May 20, 2026) <https://tinyurl.com/493w9xs9>

⁸⁴ State of Florida, *Attorney General James Uthmeier Launches Investigation Into Discord Over Child Safety Concerns* (Accessed May 20, 2026) <https://tinyurl.com/yhxvdd8m>

⁸⁵ TSG Invest, *Discord* (Accessed May 20, 2026) <https://tinyurl.com/bdcnpp3a>

⁸⁶ GetLatka, *Discord’s \$879M Revenue: 25 Moves to \$15B Valuation* (Accessed May 20, 2026) <https://tinyurl.com/3jraea38>

90. In 2020, the Federal Trade Commission issued orders to Discord and eight other social media companies requiring them to provide data on how they collect, use, and present personal information, with a focus on how those practices affect children and teens. Discord has operated under federal scrutiny of its children’s data practices for six years.⁸⁷

91. In January 2024, Discord CEO and Co-Founder Jason Citron personally testified before the United States Senate Judiciary Committee at a hearing titled “Big Tech and the Online Child Sexual Exploitation Crisis.” Discord did not appear voluntarily, the Committee subpoenaed Citron and enlisted the U.S. Marshals Service to serve it after Discord refused to accept service. Discord’s CEO sat before the United States Senate and answered questions about the platform’s role in child sexual exploitation under oath.⁸⁸

92. Discord's knowledge of the illegality of its practices is documented across every level of government. In December 2024, the Texas Office of the Attorney General launched a formal investigation into Discord’s privacy practices for minors under the specific statutes implicated in this lawsuit, Discord had direct notice from this State before this petition was filed.⁸⁹ In April 2025, federal prosecutors in the Southern District of New York described Discord in open court as “a hunting ground to find, manipulate and sextort our most vulnerable.”⁹⁰ In August 2024, Senator Mark Warner wrote to Discord demanding answers about violent predatory groups targeting Virginia teenagers on its platform.⁹¹

⁸⁷ FTC, *FTC Issues Orders to Nine Social Media and Video Streaming Services Seeking Data About How They Collect, Use, and Present Information* (Accessed May 20, 2026) <https://tinyurl.com/3fj2wcd3>

⁸⁸ Judiciary Senate Hearing, “*Big Tech and the Online Child Sexual Exploitation Crisis*” (Accessed May 20, 2026) <https://tinyurl.com/2yfyk59t>

⁸⁹ State of Texas, *Attorney General Ken Paxton Launches Investigations into Character.AI, Reddit, Instagram, Discord, and Other Companies over Children’s Privacy and Safety Practices as Texas Leads the Nation in Data Privacy Enforcement* (Accessed May 20, 2026) <https://tinyurl.com/3kj4tc48>

⁹⁰ United States Attorney’s Office, *Southern District of New York, Discord User Charged In Interstate Scheme To Lure Children And Traffic In Child Pornography* (Accessed May 20, 2026) <https://tinyurl.com/4j9akmyu>

⁹¹ Senator Mark Warner, *Warner Demands Answers from Discord Over Violent Predatory Groups Targeting Virginia Teens* (Accessed May 20, 2026) <https://tinyurl.com/yn4w2bas>

93. Discord has known from federal prosecutors, from the FTC, from the Senate Judiciary Committee, from the attorneys general of multiple states, and from Texas, that its platform is being used to exploit children.

VI. CAUSES OF ACTION

94. Texas incorporates the forgoing allegations as set forth fully herein.

95. The Texas Deceptive Trade Practices Act prohibits false, misleading, or deceptive acts or practices in the conduct of trade and commerce. As alleged herein and detailed above, Discord has in the course and conduct of trade and commerce engaged in false, misleading, or deceptive acts or practices declared unlawful by and in violation of Section 17.46(a) and (b) of the DTPA.

96. At all times described below, Discord and their agents have engaged or continue to engage in conduct that constitutes “trade” and “commerce” as defined in Section 17.45(6) of the Texas Deceptive Trade Practices Act.

Count I: Engaging in false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.

97. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

98. Discord falsely, expressly or by implication, misrepresents and/or deceives Texas consumers that its Application is designed in a manner to keep users safe.

99. Defendant falsely represented, expressly or by implication, to Texas consumers that its Application implemented reasonable measures to protect users against harm and dangers, including but not limited to, child exploitation and abuse. As set for in Paragraphs 14 to 92, Discord did not implement reasonable preventative or reactive measures to against these harms.

100. In doing so, Defendant violated Section 17.46(a) of the DTPA.

Count II: unconscionable action or course of action.

101. Texas Bus. & Com. Code § 17.46(a) prohibits “unconscionable action or course of action” which Texas Bus. & Com. Code § 17.45(5) defines as “an act or practice which, to a consumer’s detriment, takes advantage of the lack of knowledge, ability, experience, or capacity of the consumer to a grossly unfair degree.”

102. In the operation and course of Discord’s business, Defendant engaged in and/or continues to engage in unconscionable commercial acts and practices in violation of Section 17.46(a) of the DTPA.

103. At various times, Defendant has engaged in unconscionable commercial acts and practices in connection with deceiving parents and users into believing they were safe while using Discord, despite knowing that children encountered genuine and significant dangers on the platform, including, but not limited to, the following:

- (a) Safety-by-Design representations despite designing the Application in a way that does not default to maximum safety;
- (b) Zero-tolerance policy despite permitting child predators onto the platform; and
- (c) Inaccurate and incomplete explanation of the limits of Discord’s content moderation technology and practices.

104. In doing so, Defendant violated Section 17.46(a) of the DTPA.

Count III: Failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.

105. Texas Bus. & Com. Code § 17.46(b)(24) provides that “false, misleading, or deceptive acts or practices” includes “failing to disclose information concerning goods or services

which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.”

106. At various times, Discord engaged and/or continues to engage in knowing omissions of material fact, with the intent to deceive, by failing to disclose:

- (a) Facts related to the risk of child predators;
- (b) The product was designed and intended to compel child users to interact, communicate, and engage with adult strangers; and
- (c) The limitations of Discord’s reporting interface and automated moderation system;
- (d) The harms and dangers children experience when using the Application, including but not limited to, child exploitation and abuse; and
- (e) Discord’s failure to safeguard users, notwithstanding its representations to the contrary.

107. In doing so, Defendant violated Section 17.46(b)(24) of the DTPA.

VII. CIVIL PENALTIES

108. Texas incorporates the foregoing allegations as if set forth fully herein.

109. Texas is not required to allege injuries to bring claims seeking civil penalties under the DTPA. Tex. Bus. & Com. Code § 17.47 (creating a cause of action “[w]henver the consumer protection division has reason to believe that any person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by [the DTPA] ...”); *see e.g. Holzman v. State*, No. 13-11-00168-CV, 2013 WL 398935, at *3 (Tex. App.—Corpus Christi 2013, pet. denied) (“Moreover, it is not necessary for the State to allege any injury to a [consumer] to recover

the civil penalties it seeks in its live petition.”); *see also Texas v. Colony Ridge, Inc.*, Civil Case No. CV-H-24-0941, 2024 WL 4553111, at *8 (S.D. Tex. 2024) (same).

110. Texas is entitled to recover up to \$10,000 for each violation of the DTPA. *See* Tex. Bus. & Com. Code § 17.47(c)(1).

111. Texas Bus. & Com. Code § 17.47(g) (emphasis added) provides that “In determining the amount of penalty imposed ... the trier of fact *shall consider*:

- (a) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited act or practice;
- (b) the history of previous violations;
- (c) the amount necessary to deter future violations;
- (d) the economic effect on the person against whom the penalty is to be assessed;
- (e) knowledge of the illegality of the act or practice; and
- (f) any other matter that justice may require.

VIII. TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

112. Texas incorporates the foregoing allegations as set forth fully herein.

113. Generally, an applicant for a temporary restraining order or temporary injunction must plead and prove (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.⁹²

114. However, the Texas Supreme Court has held that “when it is determined that [a] statute is being violated, it is within the province of the district court to restrain it” so “[t]he

⁹² *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002); *Polston v. State*, No. 03-20-00130-CV, 2022 WL 91974, at *3 (Tex. App.—Austin Jan. 6, 2022, no pet.); *Trove v. Scott*, No. 03-99-00118-CV, 1999 WL 546997, at *1 (Tex. App.—Austin July 29, 1999, no pet.) (not designated for publication); Tex. R. Civ. P. 680.

doctrine of balancing the equities has no application to this statutorily authorized injunctive relief.”⁹³

115. And “when an applicant relies upon a statutory source for injunctive relief . . . the statute’s express language supersedes the common law injunctive relief elements such as imminent harm or irreparable injury and lack of an adequate remedy at law.”⁹⁴

116. Even so, the State’s inability to enforce its “duly enacted [laws] clearly inflicts irreparable harm on the State.”⁹⁵

117. This Court may issue a temporary restraining order with or without notice to the opposing party, while a temporary injunction requires notice.⁹⁶

118. Whether to grant a temporary restraining order or temporary injunction rests with a trial court’s sound discretion.⁹⁷

119. The purpose of a TRO is to maintain the status quo pending a full hearing on the merits, not to order the complete relief sought.⁹⁸ The same is true of a temporary injunction.⁹⁹

120. The Attorney General is charged with pursuing an action for a temporary restraining order, temporary injunction, or permanent injunction to prevent and restrain any violations of DTPA Section 17.46(a)–(b).

⁹³ *State v. Texas Pet Foods, Inc.*, 591 S.W.2d 800, 805 (Tex. 1979).

⁹⁴ *West v. State*, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.); see *White Lion Holdings, L.L.C. v. State*, No. 01-14-00104-CV, 2015 WL 5626564, at *9 (Tex. App.—Houston [1st Dist.] Sept. 24, 2015, pet. denied) (mem. op.).

⁹⁵ *Texas Ass’n of Bus. v. City of Austin*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied) (quoting *Abbott v. Perez*, 585 U.S. 579, 602 (2018)); see *Washington v. Associated Builders & Contractors of S. Tex. Inc.*, 621 S.W.3d 305, 319 (Tex. App.—San Antonio 2021, no pet.) (“Like the trial court, our sister court, and the Supreme Court, we agree that the ‘inability [of a state] to enforce its duly enacted [laws] clearly inflicts irreparable harm on the State.’” (quoting *Abbott*, 585 U.S. at 602 n.17, and *Texas Ass’n of Bus.*, 565 S.W.3d at 441)).

⁹⁶ See Tex. R. Civ. P. 680–81.

⁹⁷ *In re MetroPCS Communications, Inc.*, 391 S.W.3d 329, 336 (Tex. App.—Dallas 2013, no pet.); *Butnaru*, 84 S.W.3d at 204.

⁹⁸ *In re Triantaphyllis*, 68 S.W.3d 861, 869 n.7 (Tex. App.—Houston [14th Dist.] 2002, no pet.) (citation omitted).

⁹⁹ *Intercont’l Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 891 (Tex. App.—Houston [1st Dist.] 2011, no pet.).

121. Under the DTPA Texas need only prove the following to obtain a temporary restraining order and temporary injunction against Discord: (1) that the Attorney General has reason to believe it is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the DTPA, and (2) that proceedings would be in the public interest.¹⁰⁰

122. The list of deceptive acts in Section 17.46(b) is non-exhaustive and a restraining order is appropriate if Defendant engaged in any “[f]alse, misleading, or deceptive act[] or practice[.]”¹⁰¹

123. The fact that an entity has, or may, cease its unlawful conduct does not affect the State’s entitlement to injunctive relief.¹⁰²

124. The DTPA itself creates a conclusive presumption that potentially violative conduct coupled with a public need presents a sufficient risk of harm.

125. The Attorney General has reason to believe that Discord is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the DTPA and that a temporary restraining order and a temporary injunction would be in the public interest; consequently, this Court should immediately enter a temporary restraining order enjoining Discord and its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, continuing to treat Texas consumers unlawfully, unfairly, abusively, and deceptively in the ways described herein during the pendency of this suit.

IX. TRIAL BY JURY

126. Texas demands a jury trial and tenders the appropriate fee with this petition.

¹⁰⁰ *West*, 212 S.W.3d at 518–19; *see also* Tex. Bus. & Com. Code § 17.47(a).

¹⁰¹ Tex. Bus. & Com. Code § 17.46(a).

¹⁰² *West*, 212 S.W.3d at 518–19.

X. PRAYER FOR RELIEF

127. Texas respectfully requests that this Honorable Court enter a judgment awarding the following for Discords violations of the DTPA:

- (a) Declaring each of Discord's actions unlawful, deceptive, misleading, and unfair, to Texas consumer under Texas Bus. & Com. Code § 17.46(a);
- (b) Permanently enjoining Discord, their agents, employees, and all other persons acting on their behalf, directly or indirectly, from continuing to treat Texas consumers unlawfully, deceptively, and unfairly in the ways described herein;
- (c) Ordering Discord to default all safety setting to maximum protection for new accounts;
- (d) Ordering Discord to implement age verification requirements pursuant to SCOPE before granting account access;
- (e) Enjoin Discord from representing its platform as safe for children until it complies with SCOPE requirements;
- (f) Ordering Discord to disgorge all money and benefits obtained from their unlawful, deceptive, misleading, and unfair conduct described herein;
- (g) Awarding the State civil penalties for each and every violation of the Texas Deceptive Trade Practices Act pursuant Texas Bus. & Com. Code § 17.46(a);
- (h) Awarding the State attorney's fees and costs of court pursuant to Texas Government Code Section 402.006(c); and
- (i) Granting any other general, equitable, and/or further relief this Court deems just and proper.

Dated: May 22, 2026

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Respectfully submitted,

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ATTORNEYS FOR THE STATE OF TEXAS

VERIFICATION OF ANTHONY RIQUELMY

Pursuant to Texas Civil Practice and Remedies Code section 132.001(f), I, Anthony Riquelmy, submit this unsworn verification in lieu of a written sworn declaration, verification, certification, oath, or affidavit:

1. My name is Anthony Riquelmy. I am over 18 years of age, of sound mind, and capable of making this verification.
2. The facts stated within this verification are within my personal knowledge and are true and correct.
3. I work as an investigator in the Office of the Texas Attorney General. In my capacity as an investigator, I have read the document titled “Texas’ Original Verified Petition and Application for Temporary And Permanent Injunctions,” and the factual allegations stated therein are true and correct.
4. My name is Anthony Riquelmy, and I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this verification as part of my assigned duties and responsibilities. I verify and declare under penalty of perjury that the factual statements in the foregoing are true and correct.

Executed in Harris County, State of Texas, on the 19th day of May 2026.

/s/ Anthony Riquelmy
Anthony Riquelmy
Investigator

VERIFICATION

Pursuant to Tex. Civ. Rem. & Prac. Code § 132.001(f), Johnathan Stone submits this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by Texas Rule of Civil Procedure 682. I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities.

I declare under penalty of perjury that the factual allegations in this motion are true and correct.

Executed in Travis County, State of Texas, on the 22nd day of May 2026.

/s/ Johnathan Stone
Johnathan Stone