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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT) MDL No.
ADDICTION/PERSONAL INJURY) 4:22-md-3047-YGR
PRODUCTS LIABILITY LITIGATION)
_____))
People of the State of) CASE NO.
California, et al.))
v.) 4:23-cv-05448-YGR
Meta Platforms Inc., et al.)

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss SUPERIOR COURT
COMMONWEALTH OF MASSACHUSETTS,
Plaintiff, CIVIL ACTION NO.
2384CV02397-BLS1
v.
META PLATFORMS, INC. and
INSTAGRAM, LLC.
Defendants.

Thursday, March 5, 2026

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Video-Recorded Oral Deposition of
JUSTIN MCCRARY held at the Westin Downtown
Austin, 310 East 5th Street, Austin, Texas,
commencing at 9:13 AM CST on the above date,
before Michael E. Miller, Fellow of the
Academy of Professional Reporters, Certified
Court Reporter, Registered Diplomate
Reporter, Certified Realtime Reporter, and
Notary Public.

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1 Q. Okay. Well, if you can just
2 bear with me for a minute here.

3 You don't have a degree in
4 developmental psychology, correct?

5 A. No. My only degree is in -- my
6 only advanced degree is in economics.

7 Q. Okay. So you don't have a
8 degree in epidemiology?

9 A. No, that's correct.

10 Q. You don't have a degree in
11 population health?

12 A. No.

13 Q. You don't have a degree in
14 public health, correct?

15 A. No.

16 Q. Okay. You don't have a degree
17 in app design, correct?

18 A. No.

19 Q. Okay. You don't have a degree
20 in social media design, correct?

21 A. I'm not even sure there are
22 such, but no, I don't.

23 Q. Okay. Are you trained in
24 survey design?

25 A. Yes, to some extent.

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1 Q. Okay. Can you explain briefly
2 what you mean by "to some extent"?

3 A. Well, in economics, there's a
4 variety of different aspects to your training
5 that would include, for example, how to field
6 surveys of your own, things along those
7 lines, and how those surveys are to be
8 organized.

9 So I would say that yes, my
10 training in economics encompasses training in
11 statistics and in econometrics, and to a
12 certain extent, that pertains to survey
13 design.

14 That being said, there are
15 people who would self-describe as survey
16 experts. I don't self-describe that way.
17 I'd say my expertise is in economics and in
18 statistics.

19 But if there's a particular
20 question that you have pertaining to survey
21 design, it may well be that it's within the
22 realm of my expertise. It would just depend
23 on the specifics.

24 Q. Okay. In your Appendix A, in
25 your CV, you list your areas of interest,

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1 definition, and another is addressing a --
2 what I suppose to the rest of the world is
3 probably very niche but to us as economists
4 is very important, methodological issue
5 that's a follow-on to my American Economic
6 Review 2022 paper that -- that paper is
7 called the TF paper, and the updated paper
8 that's still in progress is called the VTF
9 paper.

10 Q. Okay. On this list of
11 Scholarship in Appendix A, you would agree
12 with me that none of the articles relate to
13 mental health, correct?

14 A. I think that's correct.

15 Q. Okay. You haven't published
16 any scholarship on the issue of child mental
17 health, correct?

18 A. I think that's correct.

19 Q. You haven't published any
20 scholarship on the issue of teen mental
21 health, correct?

22 A. No, that's correct.

23 Q. Okay. You haven't published
24 any scholarship about social media addiction,
25 correct?

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1 A. No. Correct.

2 Q. You have not published any
3 articles about the harms from social media,
4 correct?

5 A. No.

6 Q. Okay. You have not published
7 any articles on Internet safety, correct?

8 A. Correct.

9 Q. Okay. And you have not
10 published any articles on social media app
11 design, correct?

12 A. Correct.

13 Q. Okay. If we can turn to page 5
14 of Appendix A, there's a section stating
15 Courses Taught.

16 Do you see that, Dr. McCrary?

17 A. I do.

18 Q. Let me ask: Currently you're
19 teaching at University of Texas; is that
20 correct?

21 A. That's correct.

22 Q. Okay. And that's why we're
23 here in Austin, correct?

24 A. That's correct.

25 Q. Okay. And is it correct that

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1 of that might have been cross-listed should
2 be listed under the Berkeley headings as
3 well. And I can track that down for you.
4 Give me one second.

5 (Document review.)

6 A. Yeah, exactly. So if you look
7 in 2010-2011, there's a class that's called
8 Econ 250C, I think it's the last entry on
9 that, and that had class -- or that had
10 students from the statistics department, the
11 biostatistics department, the School of
12 Public Health and a couple of other schools
13 as well.

14 I actually don't remember what
15 209.6 refers to. It says that it's shared
16 with that.

17 But I don't -- I don't know
18 offhand whether it was cross-listed with
19 public health, but if it was, I don't
20 remember it one way or the other.

21 BY MR. DOWNING:

22 Q. Okay. You've never taught a
23 psychology course, correct?

24 A. No, that's correct.

25 Q. You haven't taught a course on

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1 child mental health, correct?

2 A. No.

3 Q. Okay. You have not taught a
4 course on teen mental health, correct?

5 A. Correct.

6 Q. Okay. You've not taught a
7 course on social media addiction, correct?

8 A. Correct.

9 Q. Okay. You've not taught a
10 course on the harms of social media, correct?

11 A. Correct.

12 Q. Okay. You have not taught any
13 courses on Internet safety, correct?

14 A. Correct.

15 Q. You've not taught courses on
16 social media app design, correct?

17 A. Correct.

18 Q. Can you turn to Appendix B of
19 your CV in the MDL rebuttal. Okay.

20 This lists Testimony in the
21 Past Four Years, correct?

22 A. That's correct.

23 Q. Okay. And then I just want to
24 compare the MA, Massachusetts rebuttal
25 report.

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1 You also have an Appendix B in
2 the Massachusetts rebuttal report, correct?

3 A. I'm not looking at it yet, but
4 I believe that's correct. Yes.

5 Q. And can you confirm that the
6 Appendix B in the Massachusetts rebuttal
7 report is the same as the Appendix B in the
8 MDL rebuttal report?

9 A. No, they're not quite. They're
10 similar, but they're slightly different.

11 Q. Okay. Can you point out the
12 differences to me?

13 A. Sure.

14 Obviously, testimony in the
15 past four years is a living concept.

16 Q. Yeah.

17 A. And the Massachusetts report is
18 filed February 13th, so a little bit over a
19 month after the MDL report. So in between
20 the filing of the two reports, there was a
21 report filed in a matter on January 30th,
22 2026 that's listed on the top of Appendix B
23 to the Massachusetts report. That's the
24 Orshan v. Apple case.

25 If you look on Appendix B of

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1 the MDL report, I believe you'll see that
2 same case, but it occurs in a different place
3 in the chronological order, because at that
4 time, the most recent report would have been
5 filed May 8th, 2025.

6 Q. Okay. Thanks for pointing that
7 out.

8 A. Sure.

9 Q. Let's go back to the MDL
10 Appendix B.

11 Now, Dr. McCrary, you'd agree
12 that you have not given expert testimony
13 previously about any case involving child
14 mental health, correct?

15 A. I think that's correct.

16 Q. Okay. You have never given
17 expert testimony about a case involving teen
18 mental health, correct?

19 A. Correct.

20 Q. Okay. You've never given
21 expert testimony before about social media
22 addiction, correct?

23 MR. PEREZ-MARQUES: Object to
24 form.

25 A. Correct.

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1 BY MR. DOWNING:

2 Q. You've never given expert
3 testimony about harms from social media,
4 correct?

5 A. I think that's correct.

6 MR. PEREZ-MARQUES: Object to
7 form.

8 THE WITNESS: I apologize.

9 BY MR. DOWNING:

10 Q. Well, this may be the reason
11 that counsel is objecting.

12 You do list on your report --
13 or, sorry, Appendix B, a case -- let me look
14 here -- related to State of New Mexico v.
15 Meta Platforms Inc. on page 2?

16 A. That's a totally fair point.

17 So when you were asking me
18 those questions, I was not thinking of any of
19 the cases in which Meta has been a defendant.
20 That should be a modifier probably to all of
21 the above questions.

22 Q. Okay. So then, just to make
23 sure we have a clear record, other than the
24 case involving State of New Mexico v. Meta
25 Platforms, you've never given expert

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1 BY MR. DOWNING:

2 Q. Well, I was asking if you have
3 any expertise that you have not listed here
4 that you think would be relevant to your
5 qualifications for your case.

6 Did your prior question fully
7 answer that?

8 A. I think so.

9 MR. PEREZ-MARQUES: Object to
10 form.

11 A. I think so, except that I think
12 your -- maybe I misheard the first question.
13 I didn't think that it was specific to the
14 opinion that I'm offering in this case.

15 And with that modification, I'd
16 say the easy answer is: My expertise is in
17 economics and statistics, and that's the
18 basis for the opinions that I've offered
19 here.

20 BY MR. DOWNING:

21 Q. Okay. Among the expertise that
22 you list, you mention education on this list?

23 A. That's correct.

24 Q. What is the nature of your
25 expertise in education?

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1 A. Well, for example, I'm a member
2 of the National Bureau of Economic Research,
3 or the NBER as it's known. One of the groups
4 that I'm a member of there by nomination is
5 the Economics of Education. It's also right
6 that a prominent paper of mine is published
7 in the American Economic Review in 2011 that
8 addresses topics of education specifically.

9 It's a common subject of study
10 within the field of economics, and education
11 has far-reaching implications, of course. So
12 that touches on lots of different things.

13 But that's what I was getting
14 at there, if that's helpful.

15 Q. You mentioned the economics of
16 education. So is that the field of education
17 that you are asserting your expertise is in?

18 A. No.

19 Q. Okay.

20 A. As I described to you, my
21 expertise is in economics and in statistics,
22 but you're asking me what is the word
23 education -- I think that is what your
24 question was.

25 What's the word "education"

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1 doing in that sentence, and I described to
2 you, well, there's a subgroup of the NBER, of
3 which I'm a member, the title of which is the
4 Economics of Education.

5 There's also a prominent paper
6 of mine that's addressing that topic that's
7 also a field within economics, depending upon
8 which department you're in as a graduate
9 student.

10 Q. Okay. In the MDL action you're
11 not holding yourself out as an expert in
12 child mental health, correct?

13 A. That's correct. I don't hold
14 myself out as an expert in child mental
15 health. My expertise is in economics and in
16 statistics.

17 Q. Okay. And you're not holding
18 yourself out as an expert in teen mental
19 health, correct?

20 A. That's correct. I think it's
21 the same answer.

22 Q. You're not holding yourself out
23 as an expert in social media addiction,
24 correct?

25 A. No, that's also correct.

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1 Q. You're not holding yourself out
2 as an expert on harms of social media,
3 correct?

4 A. No. The expertise that I'm
5 offering is about the kinds of conclusions
6 that are drawn from an economic damages
7 analysis, and it's limited to that.

8 Q. Okay. So you're not holding
9 yourself out as an expert on Internet safety?

10 A. No.

11 Q. You're not holding yourself out
12 as an expert on social media app design,
13 correct?

14 A. No. I'm responding to the one
15 expert who has offered an economic damages
16 analysis, and that's the only opinion that
17 I'm offering.

18 Q. Okay. Let's turn to Appendix C
19 of your MDL rebuttal report. Okay.

20 Are you at Appendix C,
21 Dr. McCrary?

22 A. I am.

23 Q. Okay. Appendix C is entitled
24 Documents Relied Upon, correct?

25 A. Correct.

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1 A. Yes.

2 Q. How did you determine what
3 indicators of mental health among teens to
4 focus on?

5 A. The amended complaint. It's
6 spelled out in footnote 151.

7 Q. Okay. So based on footnote
8 151, am I understanding correctly that what
9 you did is you looked at the complaint to
10 identify mental health concerns; is that
11 correct?

12 A. That's correct. I looked at
13 what was being alleged in the complaint and
14 then looked at publicly available data to see
15 whether there were proxies for those mental
16 health measures, including things that might
17 be at the edge of mental health, like, for
18 example, sleeping and things like that.

19 So in other words, I tried to
20 take what was alleged in the complaint and to
21 line that up with available data that's
22 collected by the US government.

23 Q. And how are you able to
24 determine in the complaint whether you
25 identified the appropriate mental health

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1 A. That's correct. If you look at
2 paragraph 93, it's obviously on the heels of
3 paragraph 92, that's describing that if it
4 was right that the measures that Mr. Saba is
5 counting are measures that are indicative of
6 something like psychological harm, then you
7 would expect for measures of psychological
8 harm to show that there were, for example,
9 increases associated with adoption of
10 at-issue features or things along those
11 lines.

12 So it's really about the --
13 about what's missing from Mr. Saba's
14 analysis.

15 You're right that the analysis
16 I'm putting forward is limited to the three
17 datasets that I've put forward. I think it's
18 right that it may be possible that there's
19 other datasets as well, but sitting here
20 right now, I'm not aware of any.

21 Q. So you aren't saying that there
22 is no other available public data sources on
23 teen mental health, correct?

24 A. That's correct. That's a
25 bridge too far. It's possible that there

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1 are, but sitting here right now, if there
2 are, I'm not aware of them.

3 Q. Yeah.

4 And in Section VII, when you're
5 referring to teen mental health data, you're
6 not referring to academic articles, correct?

7 A. I'm not sure I follow.

8 Q. Well, your analysis of teen
9 mental health data is analysis just of the
10 three databases and not a meta-analysis of
11 the literature on teen mental health, right?

12 A. I think it's plain that
13 Section VII is not doing a meta-analysis of
14 the academic literature. That being said,
15 the three datasets that I'm describing are
16 widely used in the academic literature, which
17 is why your question confused me a little
18 bit.

19 Q. Okay. On page 57, you discuss
20 the NSCH Mental Health Data, correct?

21 A. That's correct.

22 Q. Okay. And you state at the end
23 of paragraph 103 the following:

24 You say: My analysis of the
25 NSCH data presented in this section supports

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1 mental health challenges over time.

2 Do you see that?

3 A. I do.

4 Q. Okay. And this is the -- one
5 of the observations you make from your
6 analysis of the NSCH data, correct?

7 A. That's correct.

8 Q. You used the term "consistent"
9 in this observation, correct?

10 A. That's correct.

11 Q. Okay. You say that the NSCH
12 data that you observed was not consistent
13 with increased -- not consistent with
14 increases in mental health challenges,
15 correct?

16 Well, strike that. Let me
17 withdraw that question.

18 I want to ask you about the
19 idea of a consistent increase. In your view,
20 what constitutes a consistent increase?

21 A. Like an increase that continues
22 from one period to the next and then from
23 that period and so on, so that is to say,
24 loosely speaking, a trend.

25 Q. Okay. So if an increase -- so

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1 if a trend increases at a rate more rapidly
2 than it does previously, is that a consistent
3 increase in your mind, or not?

4 MR. PEREZ-MARQUES: Object to
5 form.

6 A. Well, that's a different point.
7 That's what (iii) is about. But (i) is just
8 simply saying, you know, if you hadn't looked
9 at the available data, you know, it would be
10 easy to be worried about what measures of
11 mental health might show.

12 But measures of mental health
13 tend to show actually that things today are
14 similar to what they were 10, 15 years ago.
15 BY MR. DOWNING:

16 Q. Okay.

17 A. And that appears to be,
18 generally speaking, right.

19 There's exceptions to that, but
20 that's mostly what the data tends to bear
21 out.

22 Q. Okay. You also used the word
23 "widespread" in (i). Why does it matter to
24 you if an increase is widespread?

25 A. Well, it's not the case that

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1 Instagram or Facebook are limited to, for
2 example, one state or a handful of states.
3 It's obviously something that many people
4 throughout the United States might use.

5 So if, for example, it was
6 right that you looked at a given state and
7 that state might be consistent with an
8 increase that was consistent for a particular
9 outcome that was a negative mental health
10 measure, the next question that you would
11 have is, well, wait, that isn't the only
12 state that has many people using Instagram
13 and Facebook. Is it also true, for example,
14 that the same pattern that you see there is
15 present in other states where people also
16 would use Instagram and Facebook.

17 So when there is prevalence
18 generally throughout the nation with respect
19 to something, if that something is to be
20 connected to measures of mental health
21 challenges, you'd expect for it to be
22 widespread and consistent, just as the (i)
23 that you were asking me about says.

24 Q. Okay. Does your concept of
25 something being widespread have to do with

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1 the percentage of teens who are experiencing
2 a mental health challenge?

3 A. No. It has to do instead with
4 widespread across states. That's what I was
5 trying to communicate. So if you will,
6 guardrails against something like
7 cherry-picking.

8 So one ought not look in, for
9 example, the MDL matter at one state's
10 evidence in isolation; you should look at the
11 totality of the evidence.

12 I've tried to put that forward
13 in my report. For space reasons, I have
14 highlighted the four largest states in the
15 main text, but that's why the appendices have
16 all of the available evidence for all of the
17 states that are MDL states.

18 Q. So in your view, if a metric
19 increased in one state more so than it
20 increased in another state, would that mean
21 that you would not view that as a widespread
22 increase?

23 A. Well, I --

24 MR. PEREZ-MARQUES: Object to
25 form.