

EXHIBIT 3

Page 1

1 COMMONWEALTH OF MASSACHUSETTS
2 SUFFOLK, ss. SUPERIOR COURT

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3 COMMONWEALTH OF MASSACHUSETTS ,
4 Plaintiff,

5

- against - Index No:
2384CV02397-BLS1

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8 META PLATFORMS, INC. and
9 INSTAGRAM, LLC,

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Defendant.

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25 Job No. MDLG7726454

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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PEOPLE OF THE STATE OF CALIFORNIA, et al.

Plaintiffs,

-against-

META PLATFORMS, INC., Instagram, LLC,
Meta Payments, Inc., Meta Platforms
Technologies, LLC, et al.,
Defendants.

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VIDEOTAPED DEPOSITION of ADAM ALTER, Ph.D.,
taken by the Defendant, pursuant to Notice, held at 450
Lexington Avenue, 10th Floor New York, NY 10163, on
December 12, 2025, at 8:41 a.m., before a Notary Public
of the State of New York.

1 A. No.

2 Q. You're not an economist, are you?

3 A. I wouldn't describe myself as an economist, but
4 I do behavioral economics work as part of my judgment
5 and decisionmaking work. And I'm familiar with many
6 economic concepts through my work as a professor at a
7 business school, and based on some of the research I've
8 done, some of which engages in economics-type analyses.

9 Q. Is it right that you've never worked full-time
10 for a social media company as an employee?

11 A. That's correct.

12 Q. Have you ever consulted for a social media
13 company?

14 A. I haven't engaged in an extended consulting
15 engagement with a social media company, but I've
16 delivered a short session to employees at LinkedIn, and
17 that was a number of years ago. I can't recall exactly
18 when.

19 I also, at one point, spoke to a former
20 colleague of mine who had studied at Princeton
21 University with me in grad school, who had gone to work
22 at Instagram, and she had read my book and asked me to
23 talk to her and two members of her team about some of
24 the ideas in the book.

25 Q. And when was that conversation that you're

1 your hypotheses?

2 MR. SLOTHOUBER: Objection. Form.

3 Asked and answered.

4 Q. Let's move on.

5 Is it possible as a general matter in your
6 experience to empirically test consumers'
7 interpretations of company's statements?

8 MR. SLOTHOUBER: Objection. Vague.

9 A. That's a broad question. It really depends on
10 the context. Sometimes that is a method that you could
11 use; sometimes it might not be the appropriate method to
12 use; sometimes it might not be the best method to use
13 but it's a method that has been used and can be used.

14 Q. In fact, it's a method that has been used by
15 you, right?

16 A. In certain contexts, yes.

17 Q. In fact, in other cases where you served as an
18 expert, you have conducted consumer surveys to
19 empirically test consumers' understandings?

20 A. I've certainly conducted consumer surveys. I'd
21 need to have my memory refreshed. I've worked on a
22 number of cases. But in some contexts, for example, you
23 have a particular label and you want to know how people
24 understand that label in the here and now, that might be
25 the best method for doing that.

1 When you're asking people to go back in time
2 and to imagine having seen a statement, in a rapidly
3 changing context where knowledge has shifted across
4 time, where their understanding has shifted across time,
5 where their engagement with the topic has shifted across
6 time, asking -- now put yourself back in time to this
7 year, based on everything you knew at the time, can you
8 respond is a method that, in this context, I would say
9 is not ideal, and so I did not think it was the best
10 approach here.

11 Q. You recall your testimony in the O'Connor v.
12 Ford case?

13 A. I know that I did testify in a deposition, if
14 that's what you're asking.

15 Q. And you recall your expert opinions in that
16 case?

17 A. At a high level. I haven't reviewed that
18 testimony recently. It's a couple of years ago now.

19 Q. You recall that you were asked to opine as to
20 consumer expectations regarding Ford F-150s at the time
21 of leasing or purchasing them?

22 A. Broadly speaking, yes. It was a consumer
23 expectations case, yes.

24 Q. And you recall, generally, that you said a
25 couple years ago that your report was submitted in March

1 Q. And we'll come back to this concept of the
2 gist, and word of mouth. But as to the statements of
3 themselves, you did not undertake any empirical analysis
4 as to the dissemination of those statements on a
5 state-by-state basis; is that right?

6 MR. SLOTHOUBER: Objection. Vague.

7 And asked and answered.

8 A. As I said, that was not my intention. I did
9 not intend to systematically examine exposure state by
10 state; I wasn't asked to do that. But what I was asked
11 to do is describe broadly the kinds of outlets and the
12 kind of reach that these statements had, where they were
13 republished, for example, where they were discussed, the
14 prominence of the outlets associated with them, and so
15 that's what you see expressed in that section of the
16 report.

17 Q. And your analysis of whether the challenged
18 statements or the messages, the gist, were likely to
19 reach consumers, it's not tethered to any specific
20 individual statements; is that right?

21 MR. SLOTHOUBER: Objection. Vague and
22 compound.

23 A. I was not asked to examine the extend to which
24 any one particular statement reached various audiences.
25 In some of the analyses, I refer, for example, to a

1 (Whereupon, a short break was taken.)

2 THE VIDEOGRAPHER: Stand by, please.

3 The time right now is 12:02 p.m., and we're
4 back on the record.

5 BY MR. PEREZ:

6 Q. Dr. Alter, you understand you're still under
7 oath?

8 A. Yes.

9 Q. For purposes of your deception analysis, you
10 recall you used a definition of "reasonable consumer"?
11 It's just yes or no, to orient you?

12 A. Broadly, yes.

13 Q. And your definition of the consumers you
14 analyzed were not limited to users of Meta's products;
15 is that right?

16 A. To end users, yes, that's right.

17 Q. One of the premises of your report, I think
18 it's fair to say, is that social media is a credence
19 good; is that right?

20 A. I'm not sure it's a premise, but it's certainly
21 a point that I make in the report.

22 Q. Right. And a concept that you rely on in
23 reaching your opinions; is that right?

24 A. It's certainly relevant to those opinions, yes.

25 Q. And a credence good you define to mean products

1 frame the statement?

2 MR. SLOTHOUBER: Objection. Compound
3 and speculation.

4 A. We're speaking at a very high level here, not
5 about the specific statements in this case. I'm not in
6 a position to offer a generic response to that question
7 about all companies and all statements. But in this
8 particular instance, looking at Meta and its strategic
9 objectives, the kinds of discussions that were had about
10 its communications and so on, the statements it made had
11 context that was opaque to the consumer.

12 Q. That's based on your assessment of the
13 evidence?

14 A. It's based on my understanding of how company
15 communications operate and the fact that, as a matter of
16 fact, consumers don't have access to the same
17 information that personnel at companies have about those
18 companies and their strategies and policies.

19 Q. Would you agree that there are aspects of a
20 consumer's subjective experience using social media that
21 consumers do have the ability to assess for themselves?

22 A. In the context of credence goods, which we're
23 discussing now, not every aspect of the good needs to be
24 opaque to the consumer.

25 So there are certainly cases, I suppose, where

1 a particular aspect of a product is "experienceable," if
2 that's a word, or something that you could understand
3 through experiencing the product. But the product at
4 large can still be a credence good, because there are
5 credence attributes.

6 Q. And there are indeed aspects of social media
7 that consumers do have the ability to assess for
8 themselves, correct?

9 A. Well, we're speaking in the abstract here, so I
10 would need to look at what specific attributes we're
11 referring to, and the context in which the consumer
12 perceives them. It's difficult to make blanket claims.
13 It depends.

14 Q. So for instance, consumers might be able to
15 independently assess how long they spent using social
16 media?

17 A. I'm not sure that I would think of that in the
18 same context as, for example, the statements here. So
19 that's a consumer examining his or her own behavior with
20 respect to the product. That's a bit different from
21 understanding communication that arises from the company
22 and that's shared by the company.

23 Q. You're not answering my question. My question
24 is: Do you agree that consumers can assess for
25 themselves the amount of time they spend using social

1 media?

2 MR. SLOTHOUBER: Objection. Form. And
3 outside the scope.

4 A. I haven't examined, for the purposes of this
5 report, all the ways consumers can examine how long
6 they're spending using social media platforms. I'm
7 aware that there are ways to track that. A consumer
8 could create a log to reflect on how long that consumer
9 has been using the product. But I'm really focused on
10 company representations, not on the consumer side here.
11 And so this is a different analysis.

12 Q. Would you agree that consumers can assess for
13 themselves whether they stayed up later than they
14 intended, using social media?

15 MR. SLOTHOUBER: Objection. Beyond the
16 scope, and form.

17 A. You're asking first order questions about, for
18 example, assessing time spent. So yes, you could
19 certainly, as a consumer, reflect on your exposure to a
20 product or your use of a product and say, "I think it's
21 having a particular effect."

22 But the second order effects might be hidden
23 from you. You may not understand what that means or
24 what effect that might have on your wellbeing, for
25 example or what the company thinks about that use and

1 how they've tried to enhance it, or anything else that
2 might be associated with it. That would all be hidden
3 from the consumer.

4 Q. Would you agree that consumers have access to
5 sources of information about the safety of social media
6 from sources beyond Meta?

7 MR. SLOTHOUBER: Objection. Vague.

8 A. What sort of information are you referring to?

9 Q. Well, for instance, your book is a source of
10 views and analysis concerning the impacts of social
11 media to which consumers have access, correct?

12 A. Consumers do have access to some information
13 about social media, yes. Absolutely.

14 Q. Right. Not only from the company, correct?

15 A. That's true.

16 Q. And they have access to views that are critical
17 of social media, correct?

18 A. Certainly that exists in the world and so they
19 can access it.

20 Q. And they have access to sources of information
21 that emphasize the potential risks of social media,
22 correct?

23 MR. SLOTHOUBER: Objection. Vague.

24 A. I'm not sure exactly what sort of information
25 you have in mind. But broadly speaking -- excuse me.

1 Consumers have access to information outside of
2 what the company produces.

3 Q. Including about the risks of social media,
4 correct?

5 MR. SLOTHOUBER: Objection. Vague.

6 A. I wasn't asked to perform an analysis of the
7 extent to which this information was available, for the
8 purposes of my report.

9 But I can say that the extent to which they
10 could access that information has shifted across time,
11 and their knowledge that such information was available
12 has shifted across time. So --

13 Q. Your book --

14 A. -- I don't want to make a blanket claim.

15 Q. Your book has been available since 2017?

16 A. Yes.

17 Q. Were you the first to speak out as to the
18 potential risks on social media?

19 MR. SLOTHOUBER: Objection. Compound.

20 A. I'm not aware of what the full landscape looks
21 like, but as I've described earlier, my experience,
22 having proposed the book in 2014 was that, at the time,
23 not much had been written and that it was a fairly new
24 topic, at least as far as books were concerned.

25 And that at least some of the people I floated

1 Q. You are offering conclusions as to Meta's
2 intentions, correct?

3 A. I am able to offer those conclusion, yes.

4 Q. And you're purporting to do so, correct?

5 A. You can see where I've done that in this
6 report, to the extent that I have, where, for example, I
7 have a document that says this is what Meta was saying
8 and this is what they were intending by that, and so
9 there that's, I suppose, a statement of deliberate
10 intent to enact a particular strategy that's at issue
11 here. So yes, to the extent there is evidence, I'm
12 offering my opinion on intent in that case.

13 Q. Okay. And that occurs throughout your report,
14 fair?

15 MR. SLOTHOUBER: Objection. Vague and
16 mischaracterizes the report.

17 A. I don't want to give a blanket response about
18 that, but it occurs in various places throughout the
19 report.

20 Q. As a hypothetical, Dr. Alter, if a survey were
21 conducted and it was determined that many consumers
22 don't believe a word of what Meta says about health or
23 safety, would that be inconsistent with your views in
24 this case?

25 MR. SLOTHOUBER: Objection.

1 if Meta is making a particular claim, consumers don't
2 assume automatically that there is contradictory
3 evidence available to Meta that it's not sharing.

4 Q. In addition to what you've laid out in
5 Section VIII of your report, you mention, I think, in
6 your rebuttal report that your understandings come from
7 personal experience, including conversations that you
8 say represent thousands of longitudinal data points that
9 allowed you to gauge consumer understanding over time.
10 Do you recall that generally?

11 MR. SLOTHOUBER: Sorry, where are you
12 referring to, Counsel?

13 MR. PEREZ: It's page 14 of the
14 rebuttal report.

15 THE WITNESS: Of the rebuttal report,
16 sorry.

17 A. Yes, I describe this as a kind of auxiliary
18 piece of support for some of the claims I made.

19 Q. That's part of what you're relying on is
20 conversations you've had over time?

21 A. Depends on the particular claim, but in having
22 gauged over time the extent to which consumer sentiment
23 has broadly shifted and the extent to which the messages
24 have reached consumers and so they have shared that
25 understanding with me that Meta has made certain claims,

1 this was a relevant piece of experience in addressing
2 those issues.

3 I'm not claiming there's a systematic process
4 here by which the data points were collected, but across
5 time we're talking about a significant volume of data.

6 This was also part of the reason why I thought
7 a survey run asking people to have put themselves in the
8 position of, say, a consumer in 2021 or 2017 would have
9 been quite difficult because the situation had shifted
10 so dramatically across time.

11 Q. These, what you describe as longitudinal data
12 points from your conversations, those aren't enumerated
13 in your report, correct? You're not identifying the
14 conversations that you're relying on, right?

15 A. No, I don't seek to do that in the report. I
16 just describe, where relevant, my impressions from those
17 repeated conversations across time.

18 Q. Right. You don't identify who the
19 conversations were with, right?

20 A. I don't specify who the conversations were
21 with, but I describe broadly what those conversations
22 informed, for example, the extent to which certain
23 issues were raised, the extent to which I notice
24 sentiments shifting across time.

25 But again, this not an attempt to provide a

1 trend line or anything like that that's grounded in
2 specific methods. This is just a reflection of my
3 experience across time which is, I would say, consistent
4 with, it dovetails with the other evidence that I have,
5 and it converges with the other evidence, and so
6 strengthens my impressions, but is not certainly the
7 only evidence I present.

8 Q. You didn't provide a full record of what was
9 said in those conversations?

10 A. I did not provide a full record, because I did
11 not intend to do that, that was not what I was trying to
12 do in describing these conversations. I didn't record
13 every conversation I had, but over time, that became the
14 useful way of gauging what consumers were thinking,
15 broadly speaking.

16 Q. And that series of conversations you had here
17 and there over a course of years, that's not a
18 methodology another researcher could replicate, correct?

19 MR. SLOTHOUBER: Objection. Compound
20 and misstates the testimony.

21 A. I think here and there over the years, perhaps,
22 minimizes just how many conversations there were and
23 with how many audiences. We're talking about many, many
24 speaking engagements and consulting engagements with a
25 huge and diverse range of consumers, with children, with

1 may have been transmitted.

2 Q. You didn't undertake to quantify how many
3 consumers were exposed to Meta's statements in their
4 verbatim original form, did you?

5 A. My assignment was not to examine exposure
6 levels and numbers for each statement. You can see, for
7 some of the statements, I present specific numbers and
8 tether those numbers to specific states. Talk about
9 exposure to Mark Zuckerberg's statement on October 5,
10 2021, that's at paragraph 388. And so, in some cases,
11 I'm very explicit about transmission numbers, at least
12 at first instance, and in others I talk about, at a much
13 higher level, the fact that the outlets themselves are
14 high profile indicates that those messages will have
15 been perceived at first instance and then perhaps
16 shared.

17 Q. But you haven't -- other than specific examples
18 that you pull out in your report, you have not
19 undertaken to quantify consumer exposure to the
20 statements that you analyze; is that right?

21 A. My intention was not to quantify exposure. I
22 think you also see, as an indication of the reach of
23 these audiences or of these outlets, these media
24 outlets, these are the outlets that Facebook and
25 Instagram personnel chose to share their message on

1 including, for example, CBS This Morning. These are
2 national outlets, and those venues are often chosen
3 because they happen to have large reach. It is expected
4 the message will reach people, and so that's another
5 factor that might contextualize the extent to which the
6 message will have reached consumers.

7 Q. You've expressed your views about social media
8 on platforms with broad reach, haven't you?

9 A. I'm not sure exactly which platforms you're
10 referring to, but certainly some of them have large
11 audiences.

12 Q. Like Joe Rogan, you've been on the Joe Rogan
13 podcast?

14 A. Yes.

15 Q. And that's one of, if not the most popular,
16 podcast in the country?

17 A. It certainly has a large audience, yes.

18 Q. And so you would agree that -- well, you've
19 also participated in Oprah Winfrey's podcast?

20 A. I have, yes.

21 Q. Yeah. So you would agree, generally, that you
22 have expressed your views on platforms with broad
23 audiences?

24 A. Some of the podcasts had perhaps one or two
25 listeners. But yes, some of the outlets that I appeared

1 That evidence was certainly relevant to my
2 understanding of how consumer sentiment has shifted. So
3 in this case, I did not look at this specific post and
4 how consumers responded.

5 Q. Was there any company statement in this case,
6 for which you systematically reviewed contemporaneous
7 consumer reactions, such as in comments and online
8 reactions, as a check on your hypotheses on consumer
9 interpretations?

10 MR. SLOTHOUBER: Objection. Form.
11 Compound.

12 A. That was not an analysis I sought to undertake
13 and instead applied the social influence analysis
14 framework and my expertise, and many data points I had
15 collected over time to answer that question.

16 Q. At -- the last sentence of paragraph 388, says:
17 "Thousands of these views, reactions
18 and/or comments to Mr. Zuckerberg's posts
19 comprised Massachusetts users."

20 Do you see that?

21 A. Yes.

22 Q. You didn't undertake that state-specific
23 analysis with respect to any state other than
24 Massachusetts; is that right?

25 A. That's correct, in this particular instance.

1 But there are other places where I focus on what are
2 called prioritized markets, and at paragraph 391, for
3 example, I break out some of the states. But in this
4 particular paragraph, I focused only on Massachusetts.

5 Q. And in paragraph 391, you mention five states,
6 right, out of the 31 or 32 that are at issue in these
7 proceedings?

8 A. Yes, that's correct.

9 Q. But you didn't systematically assess exposure
10 to even the message gists with respect to specific
11 states in these proceedings?

12 MR. SLOTHOUBER: Objection. Form.
13 Compound.

14 A. My assignment, and also my intention was not to
15 examine exposure at the state level, but rather to look
16 at exposure broadly.

17 And since many of the media outlets that I
18 described here, and the word of mouth processes are
19 universal and apply across the entire country, and are
20 viewed by people across the entire company, I did not
21 perform a breakout analysis to capture exactly what
22 proportion of viewers was in each state.

23 Q. Well, if we look at paragraph 387, for
24 instance, one of the new sources you reference there as
25 transmitting the message or message gist, the last item

1 sentences?

2 Simple question, have you spoken to a single
3 consumer who told you they interpreted that statement in
4 this way?

5 A. I could point you to the same forms of evidence
6 and the same approach I used for understanding the other
7 statements in context. The same application of the same
8 expertise, background, principles that I used to
9 understand such statements in other contexts, internal
10 documents at Meta, the large gap between what was known
11 at Meta and what this statement implies and so on to
12 unpack what consumers would have understood and the gulf
13 between that and the true nature of the situation at the
14 company.

15 Q. So the answer is, no, you have not spoken to a
16 single consumer who has told you that they interpreted
17 Ms. Davis's statements in the way that you just posited?

18 A. I'll say again, you can see the approach that I
19 used in my report to unpacking these statements, what
20 they mean, explaining the relevance of the context, and
21 explaining the various models that I use and the
22 approach I use to understand how consumers would
23 understand those statements.

24 Q. Yep, I understand what you did do. I'm asking
25 a different question. You have not spoken to a single

1 consumer who told you they interpreted Ms. Davis's
2 statements at this hearing in the way that you posit,
3 correct?

4 MR. SLOTHOUBER: Objection. Form.

5 Asked and answered.

6 A. That's not the approach I took. As I said, I
7 had a different approach which was to examine using a
8 model, using lots of experience, having done similar
9 things in the past as an expert on such communications
10 in many contexts, including this one, that read in
11 context, this statement says to a consumer or audience
12 based on the principles of linguistic psychology and
13 otherwise, that either they're not on Instagram, or if
14 we find them, we very quickly remove them. And I've
15 explain how I arrive at that conclusion here and in the
16 report.

17 Q. Based on the principles of linguistics, et
18 cetera, as you said, but not one person has told you
19 that they interpreted this statement the way you posit,
20 correct?

21 MR. SLOTHOUBER: Objection. Form.

22 Asked and answered.

23 A. My assignment was not to interview people
24 directly. I did not feel that was the best way to go
25 about unpacking the interpretation of these statements,

1 litigation?

2 A. My assignment was not to examine the number of
3 such users but rather to look at Meta's own assessment
4 of the situation and how Meta described that to its
5 consumers. And then also -- sorry, that's for the
6 deception component.

7 In the COPPA section, I examined Meta's own
8 data that captured its own understanding of how many
9 users there were, and so I used a slightly different set
10 of data, but again, triangulating or overlapping.

11 Q. So you have not attempted to calculate the
12 number of under-13-year-olds on Meta's platforms using
13 the raw user data that Meta has produced?

14 A. I believe since Meta claims under 13s are not
15 on the platform at all, it hasn't explicitly measured
16 that. I may be misremembering, but I know it has done
17 other research that I refer to in this report, and in
18 the COPPA section of the report, where the company
19 attempts to capture how many people under 13 use the
20 platform, or at least the proportion of that population.

21 Q. But you haven't used the raw user data to try
22 to calculate the number of under-13-year-olds on the
23 platform, right? That's a simple one?

24 A. That's certainly something someone might be
25 able to do. It's just not something that I did in the

1 course of my investigation.

2 Q. Right. Instead the data you cite as to the
3 number of under-13-year-old users on Meta platforms
4 comes from either prior studies done by Meta or
5 unaffiliated third parties; is that right?

6 A. The data I cite are both internal Meta data and
7 data from, I think you described it as unaffiliated
8 third parties, so organizations that routinely collect
9 this sort of data.

10 Q. Okay. Not work you did yourself?

11 A. As I said earlier, there are different ways of
12 collecting data. You could do the primary collection,
13 but often in the course of collecting archival data, you
14 can rely on collection processes by others.

15 Q. And so the sections of your report about
16 audience composition, you are providing your
17 interpretation of prior relevant studies?

18 A. In my examination of audience composition, I
19 rely on a range of different studies that examine that
20 question. My role here was not to provide a canonical
21 or objective specific number that described how many
22 users there were, but rather to examine, broadly
23 speaking, whether the platform was directed to children,
24 and one piece of evidence there is that a substantial
25 number of such children are using the platform. There

1 are certainly other pieces of evidence, but actual
2 audience composition is one piece.

3 Q. Okay. But you weren't -- if we look, for
4 instance, at paragraph 59 -- not 59 -- 509 on page
5 309 --

6 A. Yes.

7 Q. -- you weren't involved in the studies that
8 you're citing there, correct?

9 A. By my count, there are -- one, two, three,
10 four -- perhaps 10 or 11 or maybe more instances of data
11 collection that bear on this question. Some of them
12 internal by Meta, some of them external. I did not
13 conduct my own independent collection of data because
14 there was already adequate data that existed on that
15 particular question.

16 Q. And you weren't involved in any of the studies
17 that you're citing in paragraphs 509 or 510, correct?
18 That's not work you did?

19 A. I was not engaged in the process of actually
20 collecting these data.

21 Q. Okay.

22 A. And I actually say, though, these numbers vary
23 they demonstrate that a meaningful number of children
24 below the age of 13 use Instagram regularly, so I'm not
25 trying to arrive at a fixed number, but just to broadly

C E R T I F I C A T E

STATE OF NEW YORK)

) ss.:

COUNTY OF QUEENS)

I, BROOKE E. PERRY, a Notary Public
within and for the State of New York, do hereby
certify:

That ADAM ALTER, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by such witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of December, 2025.



BROOKE E. PERRY