

Exhibit 3

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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)
_____)

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss SUPERIOR COURT

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff, CIVIL ACTION NO.
2384CV02397-BLS1

v.
META PLATFORMS, INC. and
INSTAGRAM, LLC.

Defendants.

Monday, March 2, 2026

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

Video-Recorded Oral Deposition of CARL
S. SABA held at the offices of Davis Polk &
Wardwell LLP, 900 Middlefield Road, Redwood
City, California, commencing at 9:03 AM PST
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 California CSR #13649.

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1 BY MR. WILLIAMS:

2 Q. What do you mean by that?

3 A. I mean, that my assignment
4 didn't start with: We want you to use the
5 BEEF survey to prepare these calculations.
6 It was -- part of my assignment
7 was to calculate certain types of bad
8 encounters, and then there was a discussion
9 about what would serve as a reasonable data
10 source for that.

11 Q. Okay. But you don't state that
12 in your explanation of your assignment,
13 right?

14 A. Not in that level of detail, I
15 don't think.

16 Q. In your paragraph 17, you state
17 that you were asked to perform the following
18 calculations, and one of those calculations
19 is calculate the number of instances in which
20 teens were exposed to specific bad
21 experiences on Instagram based on the
22 findings of the Bad Experiences and
23 Encounters Framework survey conducted by
24 Meta, correct?

25 A. That's correct.

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1 Q. So that was your assignment,
2 correct?

3 A. That was my assignment.

4 Q. What did you do to determine
5 that it was reasonable to calculate the bad
6 experience violations based on the BEEF
7 survey?

8 A. I made an assessment of the
9 survey itself and compared it to other
10 potential data sources.

11 Q. And when you say you made an
12 assessment of the survey itself, what do you
13 mean by that?

14 A. I mean I took into account that
15 it was a large survey. It was the largest
16 that I could locate of the other potential
17 data sources.

18 For example, there was a
19 Negative Experiences Survey that was
20 conducted in 2019, I believe another version
21 of it in 2018 that asked similar questions.
22 It was much smaller. It was 30,000
23 participants versus almost 240,000.

24 I took into account that this
25 was something that was prepared by Meta; that

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1 it was prepared by Dr. Andrews, who testified
2 in his deposition that he had very
3 significant survey design expertise; that
4 that was a focus of his expertise.

5 I took into account that his
6 direct supervisor stated in his performance
7 review that that survey gave Meta the most
8 comprehensive understanding at the time that
9 they had gained about what causes bad
10 experiences on Instagram.

11 I took into account that it was
12 recommended by data science that the survey
13 should be used starting in the first half of
14 2022 to set well-being goals. So, therefore,
15 that essentially Meta gave it credibility.
16 Meta wanted to use it.

17 Dr. Andrews testified that it
18 was -- you know, there is no perfect survey,
19 but it was a successful survey in his view
20 and it provided significant insights.

21 Other factors -- there's a --
22 in the survey results, there is a fairly
23 narrow 95% confidence interval reported.

24 Those are the things I can
25 think of at the moment.

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1 Q. You're not offering an opinion
2 that -- in this action that it's appropriate
3 to use the BEEF survey for purposes of your
4 calculations, correct?

5 MS. ARORA: Objection to form.

6 A. I don't think I'm offering an
7 opinion, but I -- I do think it's a
8 reasonable data source for the -- for the
9 calculations that I'm preparing.

10 BY MR. WILLIAMS:

11 Q. You don't do any empirical
12 analysis of the BEEF data to conclude that
13 it's a sufficiently reliable source for
14 purposes of your calculations, correct?

15 A. Can you define empirical
16 analysis?

17 Q. Well, how do you understand it?

18 A. Well, I'm asking you because I
19 don't know what you're alluding to.

20 I mean, I looked at a number of
21 factors, right, to assess is this a
22 reasonable data source. One of them that I
23 just relayed to you is the confidence
24 interval. You could state that that's
25 empirical.

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1 Q. You don't discuss the
2 confidence interval of the report -- of the
3 survey in your report, correct?

4 A. I don't.

5 Q. And you don't set any
6 parameters for what size of a confidence
7 interval you would view as reasonable in your
8 report, do you?

9 A. I don't discuss that in my
10 report.

11 Q. So in your report, you don't
12 conduct that type of empirical analysis,
13 correct?

14 A. No, I don't.

15 MS. ARORA: Objection.

16 BY MR. WILLIAMS:

17 Q. And there's no other type of
18 empirical analysis you reflect in your report
19 that -- regarding the appropriateness of
20 using the BEEF survey, correct?

21 A. Again, I think if you mean --
22 by empirical, you mean some sort of
23 statistical or numerical analysis, no, I
24 don't. I assessed a number of other factors.

25 Q. And you mentioned the NET

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1 survey -- well, sorry, I think you called it
2 the negative experience something survey.
3 That's the NET survey? Do you understand
4 that to be the same?

5 A. I don't know about the NET
6 moniker, but --

7 Q. I don't think it has the T in
8 your reply report.

9 A. Yeah.

10 Q. We'll call that the Negative
11 Experience Survey; is that fair?

12 A. That's fine.

13 Q. So you're referring to a 2019
14 survey conducted by Meta, correct?

15 A. Correct.

16 Q. Other than the negative -- the
17 2019 Negative Experiences Survey, did you
18 consider using any other survey for purposes
19 of calculating negative experiences?

20 A. I mean, I did look at --
21 there's a portfolio of Thorn surveys. I do
22 reference a Thorn survey for other purposes.
23 It doesn't -- it asks a much more limited set
24 of questions about bad encounters than BEEF.

25 And then I've become aware of

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1 another survey that was linked to the Heat
2 Initiative that was conducted in -- I believe
3 it's August of 2025, but that is past the end
4 of my relevant time period.

5 Q. And so why didn't you use it as
6 a -- so why didn't you use the Heat
7 Initiative as the basis for calculating bad
8 experiences?

9 A. Because it was more limited,
10 and it was less of a fit, right? So it's
11 past my relevant time period, first of all,
12 whereas the BEEF survey is inside my relevant
13 time period.

14 The Heat survey is limited to
15 only a subset of teens -- I think it's 13 to
16 15 if I'm recalling correctly, so it's not
17 all teens -- whereas the BEEF survey allows
18 me to look at response rates for all teens.

19 I believe also the Heat
20 Initiative survey had more limited questions
21 that were asked about bad encounters.

22 Q. And all of those factors made
23 it inappropriate in your view to use as the
24 measure of bad experiences in this case?

25 A. I don't think I would --

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1 A. Yes, I was aware that there was
2 a Country field.

3 Q. And did you analyze in
4 connection with your opening report the
5 percentage of respondents who were not
6 located in the US?

7 A. I didn't try to estimate what
8 proportion were outside of the US.

9 Q. Do you know what proportion are
10 outside the US?

11 A. Well, I know that Dr. Isaacson
12 has come up with what appears to be a new
13 opinion after his rebuttal report that -- I
14 think it's 4% are in the US.

15 Q. And have you undertaken any
16 analysis to determine whether Dr. Isaacson's
17 calculation is correct?

18 MS. ARORA: I'm going to object
19 to questions about Dr. Isaacson's new
20 opinion as that new opinion does not
21 comport with the Court's orders or the
22 Federal Rules of Civil Procedure.

23 MR. BERGE: I would object on
24 behalf of Massachusetts because we
25 didn't have a reply opinion in this

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1 case or a surreply in this case, so I
2 launch the objection for Massachusetts
3 as well.

4 MR. WILLIAMS: Noted. We
5 disagree.

6 Court reporter, could you read
7 back the question pending, please.

8 -----

9 (The following portion of the
10 record was read.)

11 QUESTION: And have you
12 undertaken any analysis to determine
13 whether Dr. Isaacson's calculation is
14 correct?

15 (End of readback.)

16 -----

17 A. My team has been looking into
18 this. I have not had enough time to fully
19 analyze this, but I -- what I would say is
20 the preliminary results of what we've seen is
21 that the responses that I am relying on
22 appear to correlate to US counts, not
23 out-of-country counts.

24 So if the US is 4% of survey
25 participants, that's approximately 10,000 out

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1 of 240,000, and if you look at the counts for
2 the respondents in the tables that I was
3 relying on, they're in that order of
4 magnitude. There are 1- or 2- or 3,000
5 respondents to each question. There're not
6 tens of thousands or hundreds of thousands.

7 Q. And when you say you looked at
8 the tables that you were relying on, you're
9 referring to the tables in the internal Meta
10 deck that summarizes the BEEF survey results?

11 A. No, not the -- not the
12 PowerPoint slide. It's more detailed tables
13 that are in Excel workbooks.

14 Q. And those are tables linked to
15 through the -- to that deck?

16 MS. ARORA: Objection to form.

17 I think you'd have to show him
18 the deck if you want answers like
19 that.

20 A. The deck is summarizing some of
21 the data that's in those Excel tables, but
22 the Excel tables provide a lot more detail.
23 BY MR. WILLIAMS:

24 Q. So your understanding is that
25 you relied on US response rates for purposes

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1 of performing your calculations, correct?

2 A. It appears to be the case, yes.

3 Q. And if you didn't rely on US
4 response rates, would that affect the
5 reasonableness of -- your view as to the
6 reasonableness of using the -- strike that.

7 Do you know how large the
8 sample size was for US respondents aged 13 to
9 17 for each of the ten bad experience
10 questions that you relied on?

11 A. No, I don't.

12 Q. Do you know what the 95 -- the
13 confidence interval, the 95% rate was for
14 each of those ten questions?

15 A. Yes, it's what I relayed to you
16 earlier. It's typically plus or minus 1%.
17 So if, for example, the response rate was 27%
18 in the affirmative, if you look at the 95%
19 confidence interval, you would typically see
20 28% as the upper bound and 26 as the lower
21 bound.

22 Q. And those were confidence
23 intervals provided in the BEEF survey summary
24 deck, correct?

25 A. Correct. They're communicating

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1 MS. ARORA: Objection to form.

2 A. I'm not offering an opinion
3 about that. If I am asked in trial, you
4 know, based on the evidence that I reviewed
5 that it appeared that Meta was aware it had
6 under-13s on its platform, I would answer in
7 the affirmative.

8 BY MR. WILLIAMS:

9 Q. So you mentioned earlier that
10 you relied on the Thorn surveys to estimate
11 U13s, correct?

12 A. That's one of the data sources
13 I relied on, yes.

14 Q. What are the other data sources
15 you relied on?

16 A. US Census data for each state
17 for under-13s.

18 Q. And how did you select the
19 Thorn surveys for purposes of your
20 calculations?

21 A. So again, I think my team and I
22 made an assessment of what data sources we
23 had access to and what data sources we could
24 locate through our research that might be
25 suitable for making this estimate. And we

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1 were aware of these Thorn surveys, and they
2 fit that purpose.

3 Q. Did you have access to the
4 underlying -- strike that.

5 Did you have access to the raw
6 data from the Thorn surveys?

7 A. I don't think so. I think what
8 we had were the reports that discussed how
9 the survey was conducted, what questions were
10 asked, and then what the results were.

11 Q. And you're referring to the
12 reports that Thorn made public as to each of
13 the surveys; is that right?

14 A. I believe so, because I know
15 that you can -- you can locate them online.

16 Q. Were you asked by counsel to
17 use the Thorn surveys to calculate U13s?

18 A. No. I was asked to just simply
19 make an estimate of how many U13s were on the
20 platform.

21 Q. Did you undertake any
22 investigation to determine whether the Thorn
23 surveys were -- provided a reliable basis for
24 calculating the number of U13s?

25 A. Could they make a general

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1 assessment similar to what I described for
2 the BEEF survey as to the suitability of that
3 survey and whether -- and it's actually more
4 than one survey; it's several surveys over
5 this time span. And whether I had any other
6 better data sources, and my conclusion was
7 that this was the best.

8 Q. Are you offering -- sorry,
9 strike that.

10 Can you describe the general
11 assessment that you just referenced?

12 A. Yes. So these surveys were
13 conducted over several years, so there are
14 several of them. So I can see to what extent
15 the results are consistent or vary over time.

16 They do ask questions about
17 what social media platforms and gaming
18 platforms 9- to 12-year-olds use and whether
19 they're used daily or whether they were ever
20 used, which is directly on point for my
21 calculations.

22 And, generally speaking, I
23 think one of these surveys or this work in
24 general conducted by Thorn was considered to
25 be, you know, of high quality by Meta. I

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1 discuss that Meta had characterized their
2 research as important, measured, quality and
3 thoughtful.

4 Q. But you're not providing an
5 opinion that the Thorn surveys are -- provide
6 a reliable basis for you to calculate the
7 number of U13s on Meta's platforms, correct?

8 MS. ARORA: Objection to form.

9 A. Well, I mean, I think that
10 they're a reasonable basis of information for
11 making those estimates. I don't know
12 which...

13 I'm not providing an opinion on
14 how the survey was designed or how it should
15 have been designed.

16 BY MR. WILLIAMS:

17 Q. I'm just asking if you're
18 providing an opinion in this action that the
19 surveys provide a reasonable basis for
20 estimating the number of U13s on the
21 platform?

22 A. I do think it's a reasonable
23 data source for my calculations.

24 Q. And is that an expert opinion
25 you're offering in this action?

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1 the survey respondent would not necessarily
2 be active -- be an active person on Instagram
3 or Facebook, correct?

4 MS. ARORA: Objection to form.

5 A. Depends on how you define it.
6 Because, I mean, active person is generally
7 defined as somebody who has made some use of
8 the platform. So, I mean, you could -- you
9 could interpret that to also include if
10 they've used the platform through their
11 parents' account.

12 BY MR. WILLIAMS:

13 Q. So your calculations of active
14 persons, of MAPs, in this action is not
15 limited to children who have accounts on
16 Instagram or Facebook, correct?

17 MS. ARORA: Objection.

18 Objection to form.

19 A. I'm not -- I am not making an
20 explicit assumption about that one way or
21 another. I'm attempting to reflect kids who
22 were making some use of the platform.

23 BY MR. WILLIAMS:

24 Q. And you don't know whether
25 those kids who made some use of the platform

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1 actually had accounts, correct?

2 MS. ARORA: Objection to form.

3 A. I don't, but, I mean, you know,
4 one of the questions was: Do you use this
5 daily? If somebody -- if a kid responds in
6 the affirmative, it would seem to me highly
7 likely that they have an account.

8 BY MR. WILLIAMS:

9 Q. What if their parent allows
10 them to use it daily?

11 MS. ARORA: Objection to form.

12 A. That's a possible scenario. I
13 wouldn't expect that to be the typical
14 situation.

15 BY MR. WILLIAMS:

16 Q. So again, when you're
17 calculating your estimate of U13s on the
18 platforms, you're not limiting it to children
19 who actually have Instagram and Facebook
20 accounts, correct?

21 MS. ARORA: Objection to form.

22 A. I think allowing for the
23 possibility of the scenarios that you just
24 described, I think that is true.

25 ///