

Exhibit F

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No.
IN RE: SOCIAL MEDIA ADOLESCENT 4:22-MD-03047-YGR
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

This Document Relates To:

ALL ACTIONS

CONFIDENTIAL - ATTORNEYS' EYES ONLY
PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF
ALLISON L. HARTNETT

Held At: Covington & Burling LLP
Salesforce Tower
4415 Mission Street
San Francisco, California

June 16th, 2025
9:59 a.m.

Reported By:
MAUREEN O. POLLARD, CSR #14449, RDR

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Videotaped Deposition of ALLISON L.
HARTNETT, held at Covington & Burling LLP,
Salesforce Tower, 415 Mission Street, San Francisco,
California, commencing at 9:59 a.m. on the 16th of
June, 2025, before Maureen O'Connor Pollard,
Registered Diplomate Reporter, Realtime Systems
Administrator, California CSR #14449.

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1 It is IP address, device ID, cookie data,
2 and then button clicked page -- activity
3 data. That's the data collected.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. Okay. And Meta collects data on
6 activities that users do perform on those, so like
7 Facebook and Instagram pages, when they're logged
8 out?

9 A. Just like clicks or page visit, pages
10 visited.

11 Q. Okay. Does Meta collect, for example,
12 how long a user views a public real, for example?

13 A. No, no. It's only, like, the page
14 visit that is on a -- if it's a public page, it's
15 just like page visit that's collected. Detailed
16 activity data is only collected on the registration
17 page.

18 Q. Let's talk about how Meta finds and
19 removes children under 13 on its platforms.

20 So I see you have a lot of notes on
21 this topic.

22 A. Yes.

23 Q. We'll see if we can get through with
24 your notes, or we may show you some documents just
25 to organize ourselves.

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1 A. Okay.

2 Q. But, okay, so for Facebook and
3 Instagram, from 2019 through April 1, 2024, Meta had
4 several different ways that it found and removed
5 under 13 users on Facebook and Instagram, right?

6 A. Yes, that's right.

7 Q. Okay. One of those ways is online
8 reporting, right?

9 A. That's right.

10 Q. So people -- users on Facebook and
11 Instagram or people who don't have accounts on
12 Facebook and Instagram can report a child under 13
13 on the platform to Meta?

14 A. Yes, that's right.

15 Q. Okay. Another -- and Meta has
16 processes to review the reports and decide what to
17 do with them, right?

18 A. That's right.

19 Q. Okay. We'll talk about that in a
20 little bit.

21 Another process that Meta has used in
22 that period for identifying users who may be
23 children on Facebook and Instagram is internal
24 reviews?

25 A. Internal -- I don't think that's the

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1 precise term. You might mean internal escalation,
2 is the --

3 Q. That's the term here that's used, yeah,
4 sure. Internal escalation, right?

5 A. Yep.

6 Q. And that is referring to Meta has human
7 reviewers who review accounts or content that are
8 reported for other reasons other than for belonging
9 to an underage user, right?

10 A. That's right.

11 Q. And in the process of that review if
12 they notice some strong indication that the account
13 belongs to a child under 13, they can escalate that
14 into the underage review?

15 MR. CHAPUT: Object to the form.

16 THE WITNESS: That is accurate.

17 BY MR. OLSZEWSKI-JUBELIRER:

18 Q. Okay. And that policy allowing
19 escalations, internal escalations, when did that
20 begin on Facebook and Instagram?

21 MR. CHAPUT: Object to the form.

22 (Witness reviewing document.)

23 BY MR. OLSZEWSKI-JUBELIRER:

24 Q. You're looking at your notes, right?

25 A. Yeah. Looking at my notes, I don't

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1 have the date that that policy or that process
2 began. Checking.

3 (Witness reviewing document.)

4 A. Yeah, I don't have that date.

5 Q. Okay. Another way that Meta detects
6 underage users is user self-reports, is that right?

7 A. User self-reports, yes.

8 Q. So that refers to when users edit their
9 date of birth, their stated age, right?

10 A. That's correct.

11 Q. And if they edit their date of birth to
12 stated age as under 13, Meta places those users'
13 accounts in an age checkpoint, right?

14 A. That's correct.

15 Q. The age checkpoint is where a user is
16 prohibited from accessing the account, right?

17 A. Yes. If you're in an age checkpoint,
18 you can't access your account.

19 Q. And Meta places users in an age
20 checkpoint when it determines that the user is under
21 13, right?

22 MR. CHAPUT: Object to the
23 characterization.

24 THE WITNESS: No. That's not accurate.
25 Meta places users in an age checkpoint when

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1 a human reviewer has reviewed the account
2 after there's -- you know, the account has
3 come in for human review from the sources
4 you described, and then a human reviewer
5 reviews the account and determines if
6 there -- either if they -- if they think
7 the account may be under 13, and we
8 instruct the human reviewers to err on the
9 side of if you were uncertain, mark it as
10 possible. And so the user is then
11 checkpointed, so there's uncertainty in the
12 checkpoint.

13 Then the user has the opportunity to
14 appeal the checkpoint with -- by providing
15 ID, by certifying, yeah, identifying
16 themselves.

17 BY MR. OLSZEWSKI-JUBELIRER:

18 Q. You just testified that when users
19 self-report that they're under 13, Meta checkpoints
20 those accounts, right?

21 A. That's right.

22 Q. And that process does not involve human
23 review, right?

24 A. That's -- it is reviewed after -- the
25 appeal involves human review, yeah.

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1 Q. Okay. But there's no human review
2 between a user stating their age as under 13 and
3 being sent to the checkpoint, right?

4 A. That's right.

5 Q. Okay. You talked about appeals, right?

6 A. (Nodding in the affirmative.)

7 Q. So after a user is placed in the
8 checkpoint, the user can appeal Meta's decision to
9 place them in the checkpoint?

10 A. That's accurate.

11 Q. And the decision to place them in the
12 checkpoint is based on Meta's determination that
13 they're likely under 13, right?

14 MR. CHAPUT: Object to the
15 characterization.

16 THE WITNESS: Yeah, it is not precisely
17 that they're likely under 13, it is if they
18 could be under 13 or if you have doubt.

19 That's the instructions for the reviewer,
20 is you err on the side of your doubt -- err
21 on the side of young if you're unsure.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. Just based on talking about the
24 review proc- -- appeal process, the appeal process
25 involves users being able to submit their ID to Meta

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1 to verify that they are over 13, right?

2 A. That's correct.

3 Q. Okay. And there's a time limit on how
4 long the user has to submit their ID?

5 A. Yes. The user has 30 days. If they
6 don't, then the appeal is considered failed and the
7 account is deleted.

8 Q. Okay. The account -- we'll talk about
9 it later, but there's some time period after the
10 30 days when Meta schedules the account for
11 deletion, right?

12 A. That's right.

13 Q. It's not immediately deleted after
14 30 days?

15 A. Yes. Deletion is -- when I'm using the
16 term "deleted," it is a process. Deletion is a
17 process, yeah.

18 Q. Okay. But the deletion process -- we
19 can talk about that later.

20 Okay. When a user changes their age
21 from under 18 to over 18, Meta requires them to
22 verify their age, right?

23 A. That's right.

24 MR. CHAPUT: Sorry, just object to the
25 form. I'm not sure if there's an issue

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1 when that started, right?

2 A. I do not.

3 Q. Signals from Yoti?

4 A. The date that Yoti was implemented is
5 in that time period, yeah.

6 Q. User self-reporting?

7 A. Yeah.

8 Q. And cross-platform checks?

9 A. Yes. That is the right list, yes.

10 Q. Okay. But beyond that, Meta has not
11 used any other method to identify users under 13 in
12 the period from 2012 to April 2024?

13 A. No.

14 Q. Okay. And the same question for
15 Instagram. Beyond those categories, Meta has not
16 used any other process to identify users on
17 Instagram from 2012 to April 2024?

18 A. Instagram has the same -- has had the
19 same general processes as Facebook. There is a
20 nuance with the user interface. Instagram -- in the
21 user reports Instagram experimented with
22 off-platform and in-app user reporting, but it's all
23 user reporting.

24 Q. Okay. And just to go back to user
25 self-reporting, before December 2019 Meta didn't

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1 but he might know who he inherited it from.

2 Q. Okay. Who is [REDACTED]?

3 A. He is an engineer who worked on this
4 flow at the time.

5 Q. And "this flow" is the underage --

6 A. The flow is underage enforcement, and
7 specifically the cross-app propagation. He worked
8 specifically on that.

9 Q. Is he currently employed at Meta?

10 A. Yes.

11 Q. What does he do now?

12 A. I don't know his current role.

13 Q. There's another method that Meta uses
14 to detect underage users listed in your notes,
15 right?

16 A. Mm-hmm, yes.

17 Q. Proactive detection?

18 A. Yes.

19 Q. Can you tell me about that?

20 A. Yes. So today and beginning in
21 early -- I think, yeah, beginning in October 2024,
22 Meta uses a heuristic-based method to proactively
23 detect accounts that we would like humans to review.
24 So it works similar to as if a user had reported.
25 It's sent to human review.

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1 Meta has been working on proactive
2 detection via model or heuristic-based methods for
3 several years, but the heuristic-based method is now
4 live.

5 Q. Okay. And what does the
6 heuristic-based method look at?

7 A. The heuristic method looks at signals
8 on accounts, on Instagram and Facebook, that the
9 account might be under 13. It looks at information
10 in the profile essentially, yeah.

11 Q. "Information in the profile," meaning
12 information in the user's bio?

13 A. Correct, or in their content, in their
14 photos.

15 Q. In their photos as well?

16 A. Yes.

17 Q. What information in the photos does the
18 heuristic look at?

19 A. It is -- well, let me be clear. The
20 heuristic is not looking at the photos because the
21 heuristic can't do that. The human reviewer is
22 looking at the photos after the account goes to
23 human review.

24 So the heuristic is just like pretty
25 simple rules based and it's using, like, written

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1 content in the bio or in captions.

2 Q. In captions on photographs?

3 A. Let me just be precise that we use that
4 now.

5 (Witness reviewing document.)

6 A. The heuristic uses explicit and
7 implicit statements of age. I will have to check
8 exactly which surfaces it looks like at for the
9 explicit and implicit statements of age. I know
10 that it definitely looks at profile bio.

11 We're in a continuous improvement
12 process for the heuristic, so I am not precisely
13 sure all of the surfaces that it uses today. We are
14 experimenting because we are trying to make the
15 heuristic as effective as possible.

16 Q. Okay. I think we'll come back to that.

17 Okay. So let's talk about how Meta
18 reviews reports of users being under 13.

19 And before we get into that, let's talk
20 about how people can submit reports --

21 A. Okay.

22 Q. -- of someone being under 13 on
23 Facebook and Instagram.

24 There's a web form where people can
25 submit reports of underage users on Facebook and

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1 Instagram, right?

2 A. That's right.

3 Q. And there's different forms for
4 Facebook and Instagram?

5 A. There are different -- you know,
6 actually, I don't know if there are different forms
7 for Facebook and Instagram.

8 (Whereupon, Meta-Hartnett-12 was
9 marked for identification.)

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. You have a document that's Bates
12 numbered META3047MDL-014-00169674.

13 A. Yes.

14 Q. We'll do this as Exhibit 11 --
15 Exhibit 12.

16 Do you recognize this?

17 A. Yep.

18 Q. What is it?

19 A. This is the underage reporting form on
20 Facebook.

21 Q. Okay. And this form asks for five
22 pieces of information, right?

23 A. Yes.

24 Q. It asks for the URL of the child's
25 profile?

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1 A. Yes.

2 Q. The full name of the child, is that
3 right?

4 A. Full name of the person, yes.

5 Q. The actual age of the child?

6 A. Yes.

7 Q. And there's a drop-down menu where the
8 person can select an age that they think the child
9 is?

10 A. Yes.

11 Q. There's a box called "Other"?

12 A. Mm-hmm.

13 Q. Do you know what that is asking for?

14 A. That's asking for any other information
15 you'd like to provide.

16 Q. And then it asks for the person
17 reporting's contact e-mail address, right?

18 A. Yes.

19 Q. And this form has been available for
20 reporting a child on Facebook since 2012?

21 A. I'm reviewing my notes. I'm just
22 trying to get the date right.

23 (Witness reviewing document.)

24 A. I can't find this in my notes, but it
25 is my understanding that this form has been

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1 available since before 2012. There are -- I can't
2 testify if this is the exact form that has been
3 available, but it would be a form for reporting
4 underage.

5 Q. You don't know what the form looked
6 like at any particular time?

7 A. No.

8 MR. CHAPUT: Objection. Scope.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. The form is also available through
11 April 1, 2024, right?

12 A. Yes.

13 Q. Okay. A33, please. This is a document
14 with a Bates number of META3047MDL-003-00002262.

15 (Whereupon, Meta-Hartnett-13 was
16 marked for identification.)

17 MR. OLSZEWSKI-JUBELIRER: And it's
18 Exhibit 13.

19 BY MR. OLSZEWSKI-JUBELIRER:

20 Q. Do you recognize the document?

21 A. Yes.

22 Q. What is it?

23 A. This is the underage reporting flow on
24 Instagram, reporting form.

25 Q. Okay. And this is the version as of

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1 February 28, 2022, is that right?

2 A. I see that it says 2022 on the page.

3 Q. In the top left there's a date.

4 A. I see. Okay. Yes.

5 Q. Is that right?

6 A. Yes, I see that.

7 Q. Okay. And this form also asks for five
8 pieces of information, right?

9 A. Yep.

10 Q. It asks for the user name of the
11 account you'd like to report?

12 A. Yes.

13 Q. The full name of the child?

14 A. Full name of the person, yes.

15 Q. The form is for reporting a child,
16 right?

17 A. Yep.

18 Q. Okay. The date of birth of the child?

19 A. Yes.

20 Q. And that -- there's a box that just
21 says "Year," right?

22 A. Yes.

23 Q. But it asks for the date of birth down
24 to the day, right?

25 A. I believe so. I would need to see. I

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1 can't, like, confirm that by looking at the
2 printout.

3 Q. But if you enter a year, then it asks
4 you for the month and then it asks you for the day,
5 right?

6 A. I believe so. I would love to, like,
7 see it live to be 100 percent certain.

8 Q. The form asks for the person reporting,
9 how they are related to the child, right?

10 A. Yes.

11 Q. And there's a drop-down menu and the
12 first selection option is "Parent," right?

13 A. Yes.

14 Q. And it also asks for the e-mail address
15 of the person reporting, right?

16 A. Yes.

17 Q. Okay. This form -- same question we
18 asked about Facebook, this form has been available
19 since 2013?

20 (Witness reviewing document.)

21 A. I'm sorry, I just don't have this date
22 in my notes, but I'm sure we can follow up on it.

23 Q. Okay. And the form is still available,
24 is still in use as of April 1, 2024, right?

25 A. Yes.

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1 Q. And it's still in -- to the extent you
2 know, it's still in use today?

3 A. Yes.

4 Q. Okay. Your notes also talk about
5 in-app reporting, right?

6 A. Yes.

7 Q. Has Meta allowed users to report
8 children on Facebook within the Facebook app?

9 A. No.

10 Q. In the period from 2012 to April 1,
11 2024, the testimony is Meta has not allowed users to
12 report in the Facebook app, other users, as being
13 under 13?

14 MR. CHAPUT: Object to the form.

15 THE WITNESS: So to -- let me just
16 explain more to make sure that I'm
17 interpreting your question correctly.

18 The in-app reporting flow that is
19 available out to -- it is available on
20 Instagram, just a very small percentage of
21 the population, was not tested on Facebook,
22 has only ever been tested on Instagram. It
23 has not been expanded because it leads to a
24 doubling of false reports.

25 So my understanding is this has never

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1 been available on Facebook. The -- let me
2 just check to see if there's any other
3 experimentation on Facebook.

4 (Witness reviewing document.)

5 THE WITNESS: There was one other
6 system that existed at one point on
7 Facebook where Facebook users could report
8 Instagram users who cross-posted content to
9 Facebook but didn't have a Facebook
10 profile.

11 I haven't seen the user experience of
12 that but it must have been in the Facebook
13 app if that was its functionality.

14 That also generated a huge amount of
15 false reports, so the -- so that is not
16 live anymore, but it was live at some point
17 in the period that you mentioned.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. What page of your notes are you looking
20 at?

21 A. 4.

22 Q. Okay. So the in-app flow on Instagram
23 that you testified is only available to 4 percent of
24 the population --

25 A. Yes.

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1 Q. -- aside from that in-app flow, can
2 users report users within the Instagram app as being
3 under 13?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: Users can get to the help
6 center from within the Instagram app, but
7 it's a logged-out form in order to report
8 the user.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. So there's a flow that users can
11 follow in the Instagram app to --

12 A. To get to -- sorry to interrupt you.

13 Q. No, that's okay.

14 That takes the user ultimately to the
15 same web form, right?

16 A. Yes.

17 Q. Okay.

18 MR. OLSZEWSKI-JUBELIRER: Can we do A1,
19 please? This is a document with the Bates
20 number META3047MDL-014-00166515. And we'll
21 mark that as Exhibit 14.

22 (Whereupon, Meta-Hartnett-14 was
23 marked for identification.)

24 BY MR. OLSZEWSKI-JUBELIRER:

25 Q. Do you recognize this document?

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1 A. Yes, I have seen this document.

2 Q. When did you see it?

3 A. I saw it during my prep session on
4 Friday with my counsel.

5 Q. Okay. You reviewed this document with
6 your counsel?

7 A. Yes.

8 Q. Okay. This is an e-mail thread from
9 March 2019, right?

10 A. Yes.

11 Q. And the subject line is "Reporting flow
12 broken," right?

13 A. Yes.

14 Q. If you look at the last page of the
15 document, it's an e-mail from Monika Bickert, right?

16 A. Yep.

17 Q. Who is Monika Bickert?

18 A. She is an employee in policy, policy
19 team at Meta.

20 Q. Okay. What is her job title?

21 A. I don't know her current job title.

22 Q. Is she a manager in the policy team?

23 A. Yeah. My understanding is she's
24 probably VP in the policy team.

25 Q. A vice president --

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1 A. Yes.

2 Q. -- in the policy team?

3 A. Yes.

4 Q. She's pretty high up?

5 A. Yes.

6 MR. CHAPUT: Object to the
7 characterization.

8 THE WITNESS: She has a senior title.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. The last page at the bottom,
11 Ms. Bickert is talking about trying to report
12 profiles being underage, right?

13 A. Last page of the...

14 Q. It starts, "Hey there. I was trying to
15 report this profile for being underage"?

16 A. Yes, I see that.

17 Q. And then she has a profile, a URL
18 profile, and that's a Facebook profile, right?

19 A. Yes.

20 Q. Okay. And then the last paragraph
21 says, "Antigone and [REDACTED], added you for
22 awareness of the report flow issue and because for a
23 related profile, which I was able to report, the
24 reporting flow was pretty bad. I wondered if we
25 should look into it. It was obviously structured to

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1 deter any reports."

2 A. I see that.

3 Q. She's referring to the underage
4 reporting flow in the Facebook app, right?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: I don't know if she's
7 referring to the underage reporting flow in
8 the Instagram or Facebook apps, but it's
9 one of them.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. She said, "It was obviously structured
12 to deter any reports," right?

13 A. That's what she said.

14 MR. CHAPUT: Object to the
15 characterization and to scope.

16 THE WITNESS: That is what she said.
17 To my knowledge, that has absolutely never
18 been true. I don't know why she would say
19 that.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. Okay. Well, it's not just she that
22 said that, right? If you look at the e-mail from
23 Antigone Davis that's on the second-to-last page,
24 sent on March 26, 2019, at 18:06 --

25 A. I see that.

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1 Q. -- it says, "Regarding the reporting
2 flow, I agree it is more than pretty bad and
3 suggests we want to deter underage reporting."

4 A. Antigone's actually -- I mean, my read
5 is Antigone is saying something very different from
6 Monika. Monika is saying that she believes it was
7 structured to deter any reports. Antigone is saying
8 that the fact that the way that the flow looks makes
9 it look as -- looks as if we want to deter underage
10 reporting. Those are -- so they're saying different
11 things.

12 Q. Okay. And who is Antigone Davis?

13 A. She is VP in policy as well.

14 Q. Is she the head of safety at Meta?

15 MR. CHAPUT: Object to the form.

16 THE WITNESS: She is the head of safety
17 policy.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. Okay. She's also pretty high up at
20 Meta?

21 MR. CHAPUT: Object to the
22 characterization.

23 THE WITNESS: She is a senior employee
24 at Meta.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. Who worked on safety policy,
3 right?

4 A. That's right.

5 Q. She's in charge of safety policy?

6 MR. CHAPUT: Object to the form.

7 THE WITNESS: She is a senior employee
8 on safety policy.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. And she says after that
11 sentence, "It would be great to prioritize a fix
12 given the significant public focus on underage
13 accounts," right?

14 A. Yes.

15 Q. Did Meta prioritize a fix to its
16 underage reporting flow?

17 MR. CHAPUT: Object to the form.
18 Scope.

19 THE WITNESS: So it's hard for me to
20 answer. I don't know exactly what happened
21 after this e-mail. Meta has continually
22 improved those forms as well as the human
23 review process and the proactive detection
24 over time. So I'm not sure exactly what
25 happened in response to this e-mail.

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Has Meta improved the in-app reporting
3 flow on Facebook for underage users since
4 March 2019?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: Meta doesn't have an
7 in-app, so on Facebook it is possible for
8 users to get to the help center and report.

9 If you're using in-app only to mean a
10 form that you have to submit in the app
11 fully logged in, then Facebook doesn't have
12 that.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. Okay. But Meta has, as of this date at
15 least, March 2019, a flow in the Facebook app where
16 users could go through this flow and end up at the
17 underage reporting form and fill it out, right?

18 A. Yes.

19 Q. Okay. So if you look at the first page
20 of this document, [REDACTED] writes, "Thanks
21 [REDACTED], So to be clear what's currently happening
22 is the way to report 'Underage profiles' is through
23 a contact form for underage reporting," right?

24 A. Yes.

25 Q. That's the web form we've been talking

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1 about?

2 A. Yes, that's right.

3 Q. It says, "Inside the US only - if you
4 select 'something else' in FRX on the user's
5 profile - you get the option which takes you through
6 to the form (shown below)," right?

7 A. Yes.

8 Q. FRX is what?

9 MR. CHAPUT: Object to the scope.

10 THE WITNESS: So my understanding is
11 FRX is some kind of, like, entry point in
12 the reporting flow where a -- I don't know
13 what it stands for -- where a user, if
14 they're trying to report something, can get
15 to multiple options of things to report.

16 BY MR. OLSZEWSKI-JUBELIRER:

17 Q. Okay. And then it says, "Improving
18 this is not currently in the plans for FRX and
19 looking at these numbers seem quite small (only 15K
20 completions per week), but happy to be looped into
21 the age management effort to see what age
22 requirements there might be if that would help?"

23 A. Yes, that's what it says.

24 Q. Improving how users could find their
25 way ultimately to the underage reporting form within

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1 the Facebook app was not currently in the plans
2 for -- in 2019, March 2019, right?

3 MR. CHAPUT: Object to form. Scope.

4 THE WITNESS: Yeah, that is what Tim
5 says in this e-mail.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Okay. Did Meta, since March 2019, make
8 any improvements in the flow where users could find
9 their way to the underage reporting form in the
10 Facebook app?

11 A. I don't know about specific experiments
12 on Facebook. I can speak to generally there has
13 been an effort to optimize these flows since 2019,
14 but I do not know exactly what has happened since
15 this e-mail.

16 Q. So you don't know whether Meta has
17 changed the flow in the Facebook app to report
18 underage users since March 2019?

19 MR. CHAPUT: Object to the
20 characterization. Scope.

21 (Witness reviewing document.)

22 THE WITNESS: I don't know precise
23 examples of changes that have gone into
24 that flow, but by answering that I am not
25 saying that I know there were not. I am

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1 just saying I don't have precise examples
2 of changes that have gone into that flow.

3 BY MR. OLSZEWSKI-JUBELIRER:

4 Q. So you don't know what changes have
5 gone into that flow, good or bad, right?

6 A. I do not know.

7 MR. CHAPUT: Object to the form.
8 Scope.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. And in fact, by March 2021, Meta
11 had completely eliminated the ability of users to
12 find their way to that underage reporting form and
13 report children in the Facebook app, right?

14 MR. CHAPUT: Object to the form.
15 Scope.

16 THE WITNESS: I'm sorry, I'm not
17 following that.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. We talked about a flow where users
20 through FRX could find their way to the underage
21 reporting form at Facebook, right?

22 A. The flow as described in this e-mail?

23 Q. Yes.

24 A. Okay, so this existed.

25 Q. In March 2019, right?

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1 A. Yes.

2 Q. That flow was eliminated by March 2021,
3 right?

4 MR. CHAPUT: Object to the form.
5 Scope.

6 THE WITNESS: I am not aware of that.
7 What information do you have on that?

8 MR. OLSZEWSKI-JUBELIRER: Let's do A3,
9 please. This is a document with the Bates
10 number META3047MDL-020-00278850.

11 (Whereupon, Meta-Hartnett-15 was
12 marked for identification.)

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. Do you recognize this document?

15 A. I do not.

16 Q. Okay. It's a series of chats from Meta
17 employees, right?

18 A. Yes.

19 Q. From March 23rd, 2021?

20 A. Yes.

21 Q. Okay. The first chat is from [REDACTED]
22 [REDACTED], and she's talking about, One of the
23 things our partners have been asking for is in-app
24 reporting for underage accounts. Right?

25 A. Yes, that's what she says.

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1 Q. Okay. And then you look at the last
2 chat by [REDACTED]. It's the second-to-last chat.
3 She says, "Data point: For reporting, currently,
4 there is no way for users to report U-13 users on
5 Facebook in app and takes over 7 screens for users
6 to report U-13 users on IG."

7 Is that right?

8 A. Yes.

9 Q. So there was no way for users to report
10 under 13 users on Facebook in the app by March 2021,
11 right?

12 MR. CHAPUT: Object to form. Scope.

13 THE WITNESS: So I think that this
14 is -- so, okay, I'm going to try to be
15 describing this correctly.

16 But when we say "in-app," I believe
17 what she's referring to is that there is
18 not a logged-in form in the app that
19 doesn't take you to a mobile browser. That
20 is accurate that that only existed on
21 Instagram, but that doesn't mean that from
22 within the app you can't get to the contact
23 form.

24 The user wouldn't experience -- being
25 taken, like, from an app to a mobile

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1 browser is not a super disruptive user
2 experience where they can fill out the
3 contact form.

4 I believe that's what this is referring
5 to.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Okay. But you don't know?

8 A. I've never seen this chat before.

9 Q. Okay. You didn't review it with your
10 lawyers?

11 A. Not in my memory.

12 Q. Okay. But in-app reporting flow on
13 Instagram that you're talking about where you can --
14 the logged-in experience --

15 A. Yes.

16 Q. -- do you know how many screens that
17 takes?

18 MR. CHAPUT: Object to the form.

19 Scope.

20 THE WITNESS: No, I don't know how many
21 screens it is.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. But your notes say in 2022 they
24 started testing this in-app reporting flow, right?

25 A. Yes.

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1 Q. Okay. This chat is from March 2021,
2 right?

3 A. Yes.

4 Q. So the in-app reporting flow that it's
5 talking about on Instagram is not the one you're
6 talking about that started testing in 2022, right?

7 MR. CHAPUT: Object to form. Calls for
8 speculation, scope.

9 THE WITNESS: Yeah, I don't know what
10 this chat is referring to.

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Okay. Let's look at those reporting
13 flows on Instagram, right.

14 MR. OLSZEWSKI-JUBELIRER: Can we do
15 A34, please?

16 (Whereupon, Meta-Hartnett-16 was
17 marked for identification.)

18 MR. OLSZEWSKI-JUBELIRER: This is a
19 document with Bates number
20 META3047MDL-037-00088544.

21 BY MR. OLSZEWSKI-JUBELIRER:

22 Q. Do you recognize this document?

23 A. I have not seen this.

24 Q. Okay. This is another set of chats for
25 Meta employees, right?

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1 A. Yes.

2 Q. From March 22, 2022?

3 A. Yes, that's right.

4 Q. Okay. And the third chat from [REDACTED]
5 [REDACTED] says, "We have a content form on our site...

6 And we're working on a shortened in-app flow to get
7 file an underage report on IG." Right?

8 A. Yes.

9 Q. Okay. And the next chat asks about
10 whether the in-app flow is -- whether Meta is
11 looking at using them on Facebook or just Instagram,
12 right?

13 A. Yes, that's what that's asking.

14 Q. Okay. And then it says, "At the moment
15 just IG but we're hoping to do FB late H1 early H2."
16 Right?

17 A. Yep, that's what that says.

18 Q. H1 is the first half of 2022?

19 A. Yes.

20 Q. And H2 is the second half?

21 A. Yes.

22 Q. Okay. And then below that [REDACTED],
23 the last one, writes, "Here's the new updated
24 flow ... and the old." Right?

25 A. Yep.

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1 Q. And then shares two different PNG
2 files, right?

3 A. Yes.

4 Q. Those are screenshots?

5 A. Yeah, those are design files probably.

6 MR. OLSZEWSKI-JUBELIRER: Okay. So
7 let's do A35.

8 (Whereupon, Meta-Hartnett-17 was
9 marked for identification.)

10 MR. OLSZEWSKI-JUBELIRER: This is a
11 document Bates-numbered
12 META3047MDL-037-00088546.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. I'll represent to you this is one of
15 those -- has the same file name as those two PNG
16 files we just saw.

17 MR. CHAPUT: Sorry, Counsel, which of
18 the two PNG files is this?

19 MR. OLSZEWSKI-JUBELIRER: I believe it
20 is the second one, but we can confirm that
21 for you if you want off the record. We'll
22 come back on the record, but if you want us
23 to get that.

24 MR. CHAPUT: Okay.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. This is a reporting flow, right?

3 A. Yes.

4 Q. On Instagram?

5 A. Yes.

6 Q. And it has one, two, three, four,
7 five -- six screens?

8 A. Yes.

9 Q. It may be a little bit easier to look
10 over there. The print is pretty small, so as you
11 need to look back and forth at the paper, please do.

12 But the first frame here, that's the
13 FRX -- that's an FRX screen, right?

14 A. Yes.

15 Q. You click on something and pull up the
16 menu, right?

17 A. Yes.

18 Q. And then within that menu you have to
19 click on "Report," right?

20 A. Correct.

21 Q. And then the next one shows this
22 screen, and you have to select "Report Account,"
23 right?

24 A. Yes.

25 Q. And then the next screen you have to

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1 select you're reporting the account because "it may
2 be under the age of 13," right?

3 A. Yes.

4 Q. And then the next screen, then you get
5 this page that talks about reporting a child under
6 the age of 13, and you have to click "Learn More,"
7 right?

8 A. I believe that's what that says.

9 Q. Okay. And then the next screen, it
10 sends you to the Help Center, right?

11 A. Yes.

12 Q. And that's just Meta's public web page,
13 right?

14 A. Yes.

15 Q. And that talks about how you can report
16 a child under the age of 13, right?

17 A. Yes.

18 Q. And on that page you have to click on a
19 link that says, "fill out this form."

20 Do you see that there?

21 A. I see that.

22 Q. Okay. And then when you click on "fill
23 out this form," then it sends you to this screen
24 which is that form that we've been talking about,
25 right?

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1 A. Yes, that's right.

2 Q. Okay. So this is a flow that takes
3 six, maybe seven screens that ends up at the web
4 form, right?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: It takes six screens.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. Okay. I mean, there's a screen you're
9 at before you pull up that first menu, right?

10 A. You have to be -- yes, you have to be
11 in a screen to get to the menu.

12 Q. Okay.

13 MR. OLSZEWSKI-JUBELIRER: All right.
14 Let's look at the A36, please.

15 (Whereupon, Meta-Hartnett-18 was
16 marked for identification.)

17 MR. OLSZEWSKI-JUBELIRER: This is a
18 document with Bates number
19 META3047MDL-037-00088547. And that's
20 Exhibit...

21 THE STENOGRAPHER 18.

22 MR. OLSZEWSKI-JUBELIRER: 18.

23 Did you mark the last exhibit?

24 THE STENOGRAPHER: Yes.

25 MR. OLSZEWSKI-JUBELIRER: Thank you.

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1 The last one was 17.

2 BY MR. OLSZEWSKI-JUBELIRER:

3 Q. Okay. So Exhibit 18, do you recognize
4 this document?

5 A. I haven't seen it before, but is this
6 one of the attachments?

7 Q. This is another one of the attachments,
8 that's right, yeah.

9 Okay. And you see it has -- it says
10 "New Design In-App U13 Reporting Flow," right?

11 A. Yes.

12 Q. And it starts out the same. You have
13 this FRX menu, right? Click "Report"?

14 A. Yep.

15 Q. And then you have to click "Report
16 account"?

17 A. Yep.

18 Q. And then you click "it may be under the
19 age of 13"?

20 A. Yep.

21 Q. And then you get to a different screen
22 where you can click "Learn More" or you can click
23 "Report," right?

24 A. Yes.

25 Q. So if you click "Learn More," it sends

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1 you to that page on the Help Center, right?

2 A. Yep.

3 Q. But if you click Report, it sends -- it
4 just submits the report, right?

5 A. Yes.

6 Q. It doesn't send you to the Help Center,
7 right, to fill out the web form?

8 A. Yes, that's right.

9 Q. Okay. And that's the new underage
10 reporting flow, right?

11 A. Yes, that's what's referred to as
12 in-app reporting prior in my testimony where you
13 don't go through the contact form at all, and that
14 has been shown to double the rate of false reports.

15 Q. Okay. The prior flow we just looked at
16 with six or seven screens, that existed on Instagram
17 also in 2022, right?

18 A. Yes.

19 Q. And that flow still exists right now on
20 Instagram, right?

21 MR. CHAPUT: Object to the form.

22 Scope.

23 THE WITNESS: Yes.

24 BY MR. OLSZEWSKI-JUBELIRER:

25 Q. That flow existed as of April 1st, 2024

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1 on Instagram, right?

2 A. So it's very possible that there are
3 changes since this is 2022. There are -- it's very
4 possible there are some changes to content or even
5 these screens, I'm not sure, but the general flow
6 exists on Instagram.

7 Q. Okay. And you don't know if there were
8 any changes, right?

9 MR. CHAPUT: Object to form. Scope.

10 THE WITNESS: I don't know.

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Does Meta know if there were changes?

13 MR. CHAPUT: Same objections.

14 THE WITNESS: It is possible that
15 someone at Meta knows, and we could look
16 into it.

17 BY MR. OLSZEWSKI-JUBELIRER:

18 Q. Who would know at Meta?

19 A. The person that I spoke to as the
20 subject matter expert on this flow is [REDACTED]. He
21 would be a good place to start.

22 Q. Okay. [REDACTED] would know?

23 A. He may.

24 Q. Okay. He would at least know people
25 who would know?

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1 A. Possibly.

2 Q. The in-app reporting flow that we've
3 been talking about with six or seven screens that
4 requires users to fill out the reporting form at the
5 end was the -- sorry. One sec.

6 Okay. Strike that.

7 The older in-app reporting flow that
8 has six or seven screens, which is still in use
9 today, and requires users to fill out the reporting
10 form at the end limits the number of reports of
11 children that users can submit, right?

12 MR. CHAPUT: Object to the form.

13 THE WITNESS: Not that I'm aware of.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. Let me say that again.

16 The reporting flow with six or seven
17 steps on Instagram that sends users to the reporting
18 form at the end is set up that way to limit the
19 number of reports that users would submit, right?

20 MR. CHAPUT: Object to the form.

21 Scope.

22 THE WITNESS: No, it is not. That is
23 not what I thought you were asking in the
24 prior question. I thought you were asking
25 if the form limited, like, the number of

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1 times you could submit. And no to that as
2 well.

3 MR. OLSZEWSKI-JUBELIRER: Okay. Can we
4 do A2, please?

5 (Whereupon, Meta-Hartnett-19 was
6 marked for identification.)

7 MR. OLSZEWSKI-JUBELIRER: This is a
8 document Bates-numbered
9 META3047MDL-072-00298792.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. Do you recognize this document?

12 A. No.

13 Q. Okay. You didn't review this document
14 with your lawyers?

15 A. I have not seen this one.

16 Q. Okay. This is a set of chats between
17 Meta employees, right?

18 A. Yes.

19 Q. From February 3rd, 2021?

20 A. Yes.

21 Q. Okay. And the first employee at the
22 top -- these are employees discussing options for
23 reporting children on Facebook and Instagram, right?

24 A. I'm going to -- I should probably read
25 it.

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1 (Witness reviewing document.)

2 Q. I'll only be asking questions about the
3 first two pages, if that's helpful.

4 A. Okay. I've read the first two pages.

5 Q. Okay. And these are Meta employees
6 talking about underage reporting options on Facebook
7 and Instagram, right?

8 A. Yes.

9 Q. Okay. You see in the middle of page 1
10 there's a chat from Sophie Natalie Vogel at
11 3:33 p.m. and 56 seconds?

12 A. Yes.

13 Q. Okay. And she says, "I had to jump
14 before the end of that call - so we're saying the
15 issue is that you can report in-app, but it just
16 directs you to the off-app form, which is a bit
17 complicated (it's silly, it asks you for what year
18 you think the person was born, which is a stupid q
19 as how would you know, you're just saying they're
20 u13."

21 Did I read that right?

22 A. Yes.

23 Q. Do you know who Sophie Vogel is?

24 A. I don't.

25 Q. Okay. Do you see on the next page

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1 her -- Sophie Vogel's chat at 3:40 p.m. and
2 8 seconds?

3 A. Yes.

4 Q. She says, "it is weird why you can't
5 just report it straight away and have to still do
6 the form and guess a date of birth."

7 A. I see that.

8 Q. Okay. And then you see two chats down
9 a Meta employee named [REDACTED] replies?

10 A. I see that.

11 Q. And [REDACTED] says, "[REDACTED] explained
12 this was a 'tradeoff'" --

13 A. Yes.

14 Q. -- and then the next chat says, "to be
15 able to handle the queues."

16 Right?

17 A. I see that.

18 Q. Okay. And the "tradeoff to be able to
19 handle the queues" means it will -- these -- strike
20 that.

21 The tradeoff to handle the queues
22 refers to users submitting fewer reports, right?

23 MR. CHAPUT: Object to form.

24 Characterization, scope.

25 THE WITNESS: I really -- I mean, I

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1 don't know exactly what this refers to.

2 BY MR. OLSZEWSKI-JUBELIRER:

3 Q. Okay. If there are fewer reports,
4 they're easier to handle in the queues, right?

5 MR. CHAPUT: Same objections.

6 THE WITNESS: I mean, it could be that
7 is one possibility, but the other
8 possibility is the accuracy of the reports
9 is a big part of what handling the queues
10 means. The, like, more inaccurate reports,
11 the harder it is to do human review on
12 them.

13 So that's not clear what this means.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. Why is it harder to do human review on
16 inaccurate reports?

17 A. Just if you have a very high percentage
18 of inaccurate reports in the queue, you -- I guess
19 maybe it's obvious, like, you would like to have a
20 higher percentage of accurate reports whenever
21 you're reviewing something. Yeah, I'm not sure how
22 to explain that.

23 Q. It's not harder to do human review of
24 reports that are inaccurate, right? It's just
25 there's more reports to review?

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1 MR. CHAPUT: Object to the
2 characterization.

3 THE WITNESS: I'm not -- I don't
4 think -- I'm not sure if I can say it's
5 harder or less hard, yeah.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Okay. And "queues," we're talking
8 about review queues, right?

9 A. That is what I am talking about.

10 Q. Okay. Human -- sorry.

11 Reports of underage users go into a
12 review queue? That's what Meta calls it?

13 A. Yes, that's right.

14 Q. Okay. So let's talk about this
15 experiment that Meta has been doing on an improved
16 underage reporting flow on Instagram, okay?

17 You said -- you testified it's only
18 available to 4 percent of global users?

19 A. That is right.

20 Q. Okay.

21 MR. OLSZEWSKI-JUBELIRER: Let's do A4,
22 please.

23 Q. Meta doesn't provide those options to
24 all users of Instagram, right?

25 A. That's right.

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1 MR. OLSZEWSKI-JUBELIRER: Okay. This
2 is a document META3047MDL-111-00080128.

3 (Whereupon, Meta-Hartnett-20 was
4 marked for identification.)

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. And I'll represent that the metadata
7 for this document states it was last modified
8 August 9th, 2022.

9 Do you recognize the document?

10 A. No.

11 Q. You didn't review this with your
12 attorneys --

13 A. No.

14 Q. -- in preparation for the deposition?

15 A. No.

16 Q. Okay. Does this look like an internal
17 Meta document to you?

18 A. Yes.

19 Q. Okay. It was produced from Meta's
20 files.

21 And the subject of the document is the
22 "IG U13 Reporting flow (SURF) - Impact Assessment
23 for MR," right?

24 A. Yeah.

25 Q. And "SURF" is the shortened user

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1 reporting flow?

2 A. Yes.

3 Q. That's Meta's term for this improved
4 underage reporting flow on Instagram, right?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: Yes.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. Okay. And [REDACTED] -- sorry, "MR" in this
9 document is [REDACTED], right?

10 MR. CHAPUT: Object to the form.

11 Scope.

12 THE WITNESS: I believe so.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. The first sentence under Context reads,
15 "Meta has an upcoming legal inquiry about [REDACTED]
16 [REDACTED]"?

17 A. Yeah.

18 Q. [REDACTED] was a British girl?

19 MR. CHAPUT: Object to the form.

20 Scope.

21 THE WITNESS: Yes.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. And the inquiry is about [REDACTED]
24 [REDACTED] suicide, right?

25 MR. CHAPUT: Objection. Beyond the

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1 scope.

2 THE WITNESS: I believe that's what
3 this is referring to, yes.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. Okay. And there was an inquiry into
6 the role that Instagram may have played in her
7 suicide, is that right?

8 MR. CHAPUT: Objection. Scope.

9 THE WITNESS: I don't have detailed
10 knowledge about this, but it's my
11 high-level understanding.

12 BY MR. OLSZEWSKI-JUBELIRER:

13 Q. Okay. And then, let's see, you'll see
14 the second paragraph there talks about Meta's launch
15 of IG SURF, that SURF improved reporting flow. It
16 says, "It's currently launched to only 1 percent
17 (just launched in North America market) in target
18 markets because of ops capacity constraints," is
19 that right?

20 A. I'll read the document.

21 (Witness reviewing document.)

22 A. Okay. I just read the first section.
23 Can you repeat the question?

24 Q. The sentence says, "It's currently
25 launched to only 1 percent (just launched in North

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1 America market) in target markets because of ops
2 capacity constraints"?

3 A. That's right.

4 Q. And "ops capacity," what is ops
5 capacity?

6 A. What that's probably referring to is
7 the capacity of the number of human reviewers on the
8 review queues.

9 Q. Okay. So it's the amount of time that
10 Meta's human reviewers could spend reviewing
11 reports?

12 MR. CHAPUT: Object to the form.

13 THE WITNESS: It probably doesn't refer
14 to amount of time. It probably refers to
15 number of people times time, people who
16 could be staffed.

17 BY MR. OLSZEWSKI-JUBELIRER:

18 Q. Okay. Based on the number of people
19 that Meta had contracted with to review reports,
20 right?

21 MR. CHAPUT: Object to the form.
22 Scope.

23 THE WITNESS: Sorry, can you ask the
24 complete question again? The second half.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Ops capacity is a measurement of the
3 amount of reports that the people that Meta has
4 contracted with can review, right?

5 A. That's correct.

6 MR. CHAPUT: Object to the form.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. Meta could increase its ops capacity by
9 contracting with more people, right?

10 MR. CHAPUT: Object to the form.

11 Scope.

12 THE WITNESS: Meta can theoretically
13 increase ops capacity by contracting with
14 more people. There's typically a
15 constraint of how many -- at any one time
16 when you're trying to increase ops
17 capacity, there's often a constraint of
18 actually how many people can you hire and
19 train. Like there's not unlimited people
20 in the world that you can hire, but in the
21 abstract that is what that refers to.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. And then the next sentence says,
24 "IG teams favor to launch to 100 percent by EOY"?

25 A. Yes.

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1 Q. "EOY" means end of year?

2 A. Yes.

3 Q. It says, "Once launched fully, it would
4 result in +1.8M incremental u13 accounts annually,"
5 right?

6 A. Yes, that's what it says.

7 Q. That means in this context if Meta had
8 rolled out this improved reporting flow to
9 100 percent of accounts, it would result in an
10 additional 1.8 million underage accounts detected on
11 Instagram, right?

12 MR. CHAPUT: Object to the form. Calls
13 for speculation, scope.

14 THE WITNESS: Yeah, I am not sure what
15 the precise date -- where in the u13 funnel
16 it's saying that data point is.

17 BY MR. OLSZEWSKI-JUBELIRER:

18 Q. Okay.

19 A. So it could be saying -- that could be
20 a number of reports. I'm not sure.

21 Q. And you don't know because you've never
22 seen this document before, right?

23 A. Yes.

24 MR. CHAPUT: Object to the form.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. You're not prepared to testify to the
3 content of this document?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: I've never seen this
6 document before.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. Does Meta have any estimates for the
9 amount -- the number of additional underage accounts
10 it would be able to detect if it expanded the
11 improved underage reporting flow to all of Instagram
12 users?

13 MR. CHAPUT: Object to the form.
14 Characterization, calls for speculation,
15 scope.

16 THE WITNESS: Meta does not have an
17 estimate -- I am not aware of an estimate
18 of -- at this time period. I don't know
19 what this data means.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. You don't know whether that's an
22 estimate or not?

23 A. It is -- this is an estimate. I do not
24 know precisely what step in the underage reporting
25 flow it is estimating.

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1 Q. Okay. And you don't know if Meta has
2 an estimate of the number of additional underage
3 users it would detect if it rolled out the improved
4 underage reporting flow to all users?

5 MR. CHAPUT: Object to form.

6 Characterization, scope.

7 THE WITNESS: Meta likely has some form
8 of analysis on the performance of this
9 flow.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. Like the form of analysis might be
12 presented in this document, right?

13 A. I have still only looked at the first
14 couple paragraphs. Should I look at more of this
15 document? I'm going to look at more of the document
16 to answer that.

17 Q. Is it fair to say this estimate of an
18 additional 1.8 million could be that analysis that
19 you're talking about?

20 MR. CHAPUT: Object to the form.

21 Scope.

22 THE WITNESS: I'm not sure what time
23 period you're asking me about. Are you
24 referring to -- are you asking me about,
25 like, Meta in general having analyses,

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1 but -- yeah, can you ask the question
2 again?

3 BY MR. OLSZEWSKI-JUBELIRER:

4 Q. You testified -- okay.

5 You don't know whether Meta has any
6 analyses of the number of additional underage users
7 it would detect if it rolled out the form to the
8 improved underage reporting flow to 100 percent of
9 Instagram users, right?

10 A. At this time period? So I do not know
11 what the estimate would have been at this time
12 period or if there -- or precisely, like, what
13 estimates were going on at this time period.

14 Based on this document, it looks like
15 there is some estimate of 1.8 million for some
16 metric. It's described as incremental u13 accounts
17 annually. I do not know precisely if that means
18 reports or accounts, I don't know.

19 Q. And you don't know whether Meta has an
20 estimate of the number of additional underage
21 accounts it would detect by rolling out the flow to
22 100 percent of users in any other time period,
23 right?

24 MR. CHAPUT: Object to form. Scope.

25 THE WITNESS: What I know is that

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1 Meta -- I mean, no, sorry, that's
2 speculation. I don't know.

3 BY MR. OLSZEWSKI-JUBELIRER:

4 Q. Okay. Can you turn to the
5 second-to-last page of the document? Do you see
6 where it says, "SURF Flow Stats"?

7 A. Yes.

8 Q. Do you see under "Daily Additional
9 Identified Jobs" it says 5,013?

10 A. Yes.

11 Q. Okay. And then there's some comments
12 on the right about those numbers, right?

13 A. Yes, I see. I read those.

14 Q. Okay. And the second-to-last comment
15 in the middle, it says, "Does this mean we would
16 action 5k extra jobs/day for being underage - or
17 that we would review 5k extra jobs/day?"

18 Do you see that?

19 A. I see that.

20 Q. And the reply below says in the middle,
21 "Yes action an extra 5k jobs a day that are
22 underage."

23 Right?

24 A. I see that.

25 Q. Okay. And "action" in this context

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1 means disable their account?

2 MR. CHAPUT: Object to the form.

3 Scope.

4 THE WITNESS: I'm not -- I'm trying to
5 puzzle out exactly what the last comment is
6 saying. I'm not sure. I just don't
7 understand. I read it as, "Yes action an
8 extra 5K jobs a day that are underage."

9 Then it says, "No, the false positives
10 are separate, these are jobs that our
11 reviewers manually ignore because the
12 account was not underage."

13 I just don't know what that means.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. There's a different comment below that
16 question about the 5,000 that's asking about what
17 the 37 percent is. There's a 37 percent number of
18 false positives on the other -- on the next page,
19 right?

20 But suffice it to say, when Meta uses
21 the word "action" in its review flow, that
22 means checkpointing the user at least,
23 right?

24 A. Typically that's what it means.

25 Q. Okay. So this would -- this is saying

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1 if they rolled out SURF to 100 percent of Instagram
2 accounts, they would checkpoint 5,000 additional
3 users per day for being underage, right?

4 MR. CHAPUT: Object to form. Scope.

5 THE WITNESS: It is possible that
6 that's what this is saying. The terms I'm
7 not familiar with -- I'm not familiar with
8 the term "daily identified jobs" and how
9 that matches up with "action."

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. Right.

12 The comment says, "Yes action an extra
13 5K jobs per day that are underage," right?

14 A. That's what the comment says.

15 Q. And Meta, in fact, has estimated how
16 much it would cost to identify these additional
17 underage users by improving the reporting flow on
18 Instagram, right?

19 MR. CHAPUT: Object to the form.

20 Scope.

21 THE WITNESS: I see an estimate.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. There's an estimate here, that's
24 right. Do you know what the estimate is?

25 A. Do you mean like just as written here?

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1 Q. Well, what is the estimate -- do you
2 know what Meta's estimate here or elsewhere for how
3 much it would cost per additional underage user
4 detected using this improved reporting flow?

5 A. I mean, I can see from reading this
6 document that it says, "Cost per Action Success -
7 \$0.57."

8 Q. Okay. Is that Meta's estimate for the
9 amount it would cost to -- per additional underage
10 user detected --

11 MR. CHAPUT: Object to --

12 BY MR. OLSZEWSKI-JUBELIRER:

13 Q. -- using the improved reporting flow?

14 MR. CHAPUT: Object to form. Scope.

15 THE WITNESS: That was an estimate that
16 was made in this document at this time.

17 MR. OLSZEWSKI-JUBELIRER: Okay. Let's
18 do A5, please. This is a document with
19 Bates number META3047MDL-190-00036711.

20 (Whereupon, Meta-Hartnett-21 was
21 marked for identification.)

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. This is a document marked Exhibit 21.
24 Do you recognize this document?

25 A. I don't.

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1 Q. You've never seen this document before?

2 A. No.

3 Q. You didn't review it with your lawyers?

4 A. No.

5 Q. Okay. This is an e-mail thread, right?

6 A. It's an e-mail thread.

7 Q. Of Meta employees?

8 A. Yes.

9 Q. And it's from April 11, 2022, right?

10 A. Yes.

11 Q. Okay. And it's talking about this
12 improved underage reporting flow, right?

13 MR. CHAPUT: Object to the form.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. The subject line is, "Re: IG Shorten
16 Underage Report Flow (SURF) & Ops Capacity"?

17 A. That is the subject line.

18 Q. Okay. And SURF is that underage
19 reporting flow, right?

20 A. Yes.

21 Q. Okay. And then --

22 MR. CHAPUT: Object to the form.

23 BY MR. OLSZEWSKI-JUBELIRER:

24 Q. Okay. This first e-mail is about
25 estimating the cost of additional underage users if

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1 they were to roll out the IG SURF reporting flow to
2 100 percent of users, right?

3 MR. CHAPUT: Objection. Scope.

4 (Witness reviewing document.)

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. Can I point to a sentence in the first
7 e-mail?

8 A. Yeah go ahead.

9 Q. You've read the whole e-mail, right?

10 A. Yes.

11 Q. Okay. So in the first e-mail there's a
12 sentence that reads, "It will cost us roughly an \$1
13 per underage user we find on the app if we roll out
14 SURF widely in future quarters," right?

15 A. That's what it says.

16 Q. Okay. So that's an estimate that Meta
17 would have to spend an additional \$1 for every child
18 under 13 it identified on the app if it rolled out
19 the improved underage reporting flow widely to
20 Instagram users, right?

21 MR. CHAPUT: Object to form. Scope.

22 THE WITNESS: I think what that's
23 saying is a total of \$1 instead of
24 additional. But otherwise, yes.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. So it would cost a dollar per
3 child -- Meta would have to spend a dollar per child
4 to identify them if it rolled out this improved
5 underage reporting form on Instagram, right?

6 MR. CHAPUT: Object to form. Scope.

7 THE WITNESS: Yeah, I wouldn't
8 characterize it as a dollar per child.
9 It's a dollar per checkpointed account.
10 That's what that is saying.

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Okay. A dollar per underage user,
13 right?

14 MR. CHAPUT: Object to the form.
15 Characterization, scope.

16 THE WITNESS: Again, no, a checkpointed
17 account doesn't -- it is not equivalent to
18 an underage user. There is only a certain
19 percentage of checkpointed accounts that
20 end up being disabled.

21 Even when they are disabled, we don't
22 know that they're underage users. We just
23 know they did not appeal or did not appeal
24 successfully.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. Do you know -- how do you know
3 that it's not referring to additional underage users
4 who are -- ultimately are removed from the platform?

5 MR. CHAPUT: Object to the form.

6 Scope.

7 THE WITNESS: I don't precisely know
8 because I haven't seen the exact
9 spreadsheet of what this is referring to,
10 but it is -- my read of this e-mail chain,
11 what I am thinking is that this refers to
12 checkpoint, but I'm not sure.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. Okay. Because you've never seen this
15 document before, right?

16 A. I have not seen this document before.

17 MR. CHAPUT: Object to the form.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. Okay. And the next sentence reads,
20 "The question at hand is the tradeoff of removed u13
21 versus ops capacity & cost," right?

22 A. That is the next sentence.

23 Q. Okay. And the tradeoff Meta was
24 considering about whether to roll out this underage
25 reporting flow was additional removed u13 users

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1 versus ops capacity and cost, right?

2 MR. CHAPUT: Object to the form.

3 Scope.

4 THE WITNESS: That's what the sentence
5 in this e-mail says.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. And this e-mail is from April of 2022,
8 right?

9 A. Yes.

10 Q. And Meta still has not rolled out the
11 improved underage reporting flow for Instagram to
12 all users, right?

13 A. That's right.

14 MR. CHAPUT: Object to the
15 characterization.

16 MR. OLSZEWSKI-JUBELIRER: Okay. I
17 think we should take a break. Let's go off
18 the record.

19 THE VIDEOGRAPHER: The time is
20 2:00 p.m. We're off the record.

21 (Whereupon, a recess was taken.)

22 (Whereupon, Meta-Hartnett-22 was
23 marked for identification.)

24 THE VIDEOGRAPHER: The time is 2:24.
25 Back on the record.

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1 say, I disagree with some of the specifics
2 in that.

3 BY MR. OLSZEWSKI-JUBELIRER:

4 Q. But to ask the question again, you
5 don't know the precise number. Do you have a
6 ballpark of how many documents you looked at that
7 you were aware we were going to ask you about?

8 A. I don't know. It was well south of
9 150, but, yeah, I don't know.

10 Q. Less than ten?

11 A. I'm honestly not sure.

12 Q. Okay. And just for the record, some of
13 the documents that we have reviewed that you
14 indicated you have not looked at we sent last week,
15 including on Wednesday, just for the record.

16 Okay, let's move on.

17 So we talked about how Meta allows
18 people to submit reports of underage users. Let's
19 talk now about how Meta reviews those reports.

20 A. Okay.

21 Q. Okay. So your notes talk about
22 automation performed after accounts are flagged as
23 potentially under 13?

24 A. Yes.

25 Q. And automation refers to, like, an

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1 automated review procedure that Meta uses after
2 someone has reported a user, right?

3 A. Yes, that's right.

4 Q. And these are designed to filter
5 reports out of the queue so that they don't need to
6 be reviewed by humans, right?

7 A. Yeah, they're designed to filter
8 reports that are obviously false, so they don't need
9 to be reviewed by humans.

10 Q. Okay. Just to identify reports that
11 are obviously false, is that the reason -- that's
12 the only reason why these automation policies exist?

13 A. Yeah, that is the reason why those
14 automation policies exist.

15 Q. Okay. So your notes have a list of
16 automation policies, right?

17 A. Yes, that's right.

18 Q. On page 4 and 5?

19 A. Yep.

20 Q. So, and this talks about the
21 pre-October 2024 automation policies, right?

22 A. Yes, that's right.

23 Q. Did they change after October 2024?

24 A. Since October 2024 there are slight
25 tweaks that I don't have listed here. I think we

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1 just listed pre-October 2024 for the scope to be
2 accurate on the scope, but there were substantially,
3 like, not major changes since October 2024.

4 Q. Do you know of any of the changes after
5 October 2024?

6 MR. CHAPUT: Objection. Scope.

7 THE WITNESS: I just -- I can't
8 remember, but we can talk to [REDACTED]
9 about it.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. [REDACTED] would know?

12 A. Yes.

13 Q. He's the source of information in this
14 section?

15 A. Yes. Yes.

16 Q. Okay. So let's talk about a couple
17 examples of automation policies.

18 On Facebook, for example, one of the
19 automation policies automatically ignores reports
20 when Meta's adult classifier predicts the user to
21 have an age of over 18, right?

22 A. Yes, that's right.

23 Q. Okay. And the adult classifier is an
24 age model that Meta has, right?

25 A. Yeah, that's right. The adult

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1 classifier refers to an age model that predicts a
2 user as over or under 18.

3 Q. Okay. And for under 18 it actually
4 predicts if they're between 13 and 17, right?

5 A. Yeah. That's what it's predicting,
6 yes.

7 Q. So it predicts whether the user is 13
8 to 17 or 18 and over, right?

9 A. That's right, yeah. It doesn't -- just
10 to be very clear, it doesn't predict -- it just
11 predicts two outcomes.

12 Q. Right. It doesn't predict whether a
13 user is under the age of 13, right?

14 A. It does not, no, nor a precise age
15 other than over or under 18.

16 Q. Okay. And it says in your notes
17 precision threshold of 90 percent?

18 A. Yep.

19 Q. What does that mean here?

20 A. So when you're using a classifier, you
21 always have to choose what precision threshold
22 you're using it at. A classifier can be -- you can
23 use different versions of the classifier at
24 different precision thresholds.

25 So this is saying -- a precision

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1 threshold is saying that 90 percent of the time the
2 prediction will be accurate. That's what this is
3 saying.

4 Q. Okay. And 90 percent of the time it
5 will predict that when it says a user is over 18 the
6 user is actually over 18, is that right?

7 A. That's what that's saying.

8 Q. Okay. In Meta's evaluation of the
9 classifier, did Meta evaluate how likely it is to
10 predict under 13 users as being over 18?

11 A. No. We can't do that because the way
12 that you evaluate precision is with ground truth, so
13 ground truth, you have to have -- what ground truth
14 is is like, you know, as close as you can get to the
15 real truth about the user that you were predicting.
16 With age it's very hard for us to get, like, ground
17 truth as in we 100 percent know the age of this
18 individual.

19 What we use for ground truth for our
20 age modeling is birthday posts. So we create --
21 users on Facebook and Instagram, as you have
22 probably seen, wish each other a happy birthday, and
23 we create a labeled dataset of those birthday posts.
24 Humans review to -- you know, humans review the post
25 to assess to the best of their ability is this a

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1 real post that really reflects the age the user.

2 We do not have that dataset for under
3 13, and we don't retain any data for under 13. If
4 we in labeling the birthday posts see that a -- we
5 believe that a user may be under 13, then we -- that
6 goes for internal escalation as we talked about
7 before, and then we don't retain any of that data.
8 So we can't actually assess the classifier
9 performance on the 13 boundary.

10 Q. So Meta doesn't know how accurate it is
11 at predicting whether users who are under 13 are
12 adults?

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: We do not have any -- so
15 the model is meant to predict over or under
16 18, and we have no data related to under 13
17 on that model.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. The model is meant to predict whether a
20 user is a teen or over 18, right?

21 A. Correct.

22 Q. It's not meant to predict whether a
23 user is under 13 or -- is under 13, right?

24 A. Correct.

25 Q. Okay. Let's see, another automation

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1 policy is previously manually reviewed, is that
2 right?

3 A. Yes.

4 Q. So that means if a report -- an account
5 had been reported previously and had gone through
6 the human review process and it was not checkpointed
7 at the end of the human review process, if it was
8 reported again Meta would automatically ignore the
9 report, right?

10 A. That's what that means.

11 Q. Okay. And the one below that, it says,
12 No media or no bio associated with a profile.
13 Right?

14 A. Yes, that's right.

15 Q. Okay. And that says -- that means on
16 Facebook if an account is reported and it has no
17 photos and no bio, the report is automatically
18 ignored by Meta systems, right?

19 A. Yeah, this is -- we can follow up, but
20 what this is saying is if there's no data
21 associated, like there's no content on the account,
22 there's nothing to review, then it's ignored. I
23 noted "no media or no bio." That might be like an
24 imprecise note, but it's essentially like there's
25 nothing to review, it's a blank account.

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1 Q. Okay. "No media" means what? Photos
2 or all posts?

3 A. All media. The user hasn't created any
4 media.

5 Q. Okay. No text posts?

6 A. Yeah, that's what that refers to.

7 Q. Okay. Does it include whether the user
8 has made comments on other people's posts?

9 A. I don't know.

10 MR. CHAPUT: Objection. Scope.

11 THE WITNESS: I don't know. We can get
12 back to you on that.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. Okay. Does it include whether users
15 have sent each other direct messages?

16 MR. CHAPUT: Objection. Scope.

17 THE WITNESS: I'm not sure. I don't
18 know.

19 BY MR. OLSZEWSKI-JUBELIRER:

20 Q. You see below that on Instagram your
21 notes also refer to automations on Instagram, right,
22 from the pre-October 2024 period?

23 A. Yes.

24 Q. Okay. And the same ones we've talked
25 about are there, right?

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1 A. Yes.

2 Q. Okay. So let's talk about how the
3 human review process actually works.

4 So if the account is not automatically
5 ignored by Meta's automation policy, then it goes
6 into this human review queue, right?

7 A. That's right.

8 Q. And the human -- in this queue the
9 report waits to be reviewed by one of Meta's
10 contract reviewers, right?

11 A. Yes. I actually don't know if the
12 human reviewer are contract or employees, but
13 they're likely mostly contract. But there's
14 probably a mix of employees and contract on this
15 queue.

16 Q. And while the report is waiting to be
17 reviewed, the user still has access to their
18 account, right?

19 A. That's right.

20 Q. Okay. They can continue to post
21 content, right?

22 A. Yes. The checkpoint does not happen
23 until after review.

24 Q. Okay. And while the report is waiting
25 for review Meta continues to collect personal

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1 information from the users, right?

2 A. That's right.

3 Q. Okay. So your notes say the human
4 reviewers followed a checklist, right?

5 A. Yes.

6 Q. Have you also heard this referred to as
7 the decision tree?

8 A. Sure, yeah.

9 Q. Okay. And, let's see, let's walk
10 through what is in that checklist or that decision
11 tree. Right?

12 A. Yeah, so the --

13 Q. Sorry, go ahead.

14 A. The first thing that the reviewer is
15 looking at is the account -- the reviewer is looking
16 at data from the account. The first thing the
17 reviewer is looking at is does the account display
18 child sexual abuse material or child sexual
19 exploitation. In that case, the account goes to --
20 escalated to a review queue that is specific to
21 those issues so it can be dealt with properly.

22 The next thing the reviewer is checking
23 is does the account represent a non-human entity, a
24 pet or a business, in which case the reviewer would
25 reject.

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1 The next thing a reviewer is checking
2 is is there an explicit admission of age in the bio
3 or in the age-assessed widget. What that does is
4 it's showing past information on the profile. Like,
5 it may be things that the user has since edited out
6 but the tool pulls in past edits that could be
7 useful.

8 Prior to -- there have been some recent
9 changes on the checklist. Prior to October 2024
10 there wasn't the question on is this a human, so
11 that was added.

12 Prior to October 2024 you could not --
13 the reviewer could not see the historical
14 information.

15 And then prior to October 2024 when the
16 reviewer was reviewing the account, they were
17 looking for 50 percent of the photographs in the
18 account represented an underage user, and in
19 October 2024 that was lowered to 25 percent.

20 Q. Okay. So just to step through that,
21 there's three or maybe four different questions that
22 the reviewer has to walk through.

23 So, first of all, is there child sexual
24 abuse material, does the account represent a
25 non-human entity, and then reviewing -- then the

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1 reviewer looks at whether there's an explicit
2 admission of age in the bio, right?

3 A. Yes.

4 Q. And after October 2024, Meta started
5 showing human reviewers prior versions of the user's
6 bio, right?

7 A. Yes.

8 Q. Okay. Are you aware that the state AGs
9 sued Meta in this lawsuit in October 2023?

10 A. I was not aware of that, or I don't
11 know the precise dates of the suit.

12 Q. Okay. And then the reviewer looks at
13 photographs on the account, right?

14 A. That's right.

15 Q. To see what percentage of them
16 represent a particular underage person, right?

17 A. Yeah, that's right.

18 Q. Okay. And prior to October 2024 if
19 there were fewer than 50 percent of photographs
20 representing a particular underage person, the human
21 reviewer would not checkpoint the account, right?

22 MR. CHAPUT: Object to form.

23 THE WITNESS: I believe that is
24 correct.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. And after October 2024 if there
3 are fewer than 25 percent of the photos in the
4 account representing a particular person who appears
5 to be under the age of 13, Meta will not checkpoint
6 the account, right?

7 MR. CHAPUT: Object to the form.

8 THE WITNESS: If there are fewer than
9 25 percent. Yeah, just one nuance is the
10 photographs still -- sorry, and this goes
11 back to before October 2024. The
12 photographs are one element of the overall
13 account evaluation.

14 If there is an explicit admission of
15 age -- again we should check this. My
16 understanding is if there's an explicit
17 admission of age and the photos are
18 ambiguous, they still will checkpoint the
19 account. We should check exactly how those
20 roles are used.

21 BY MR. OLSZEWSKI-JUBELIRER:

22 Q. If there's an explicit admission of age
23 in the bio?

24 A. In the bio, in the text, yeah.

25 Q. Okay. In the text of the bio?

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1 A. I believe so, yes.

2 Q. Okay. But the reviewers don't look at
3 texts of posts, right?

4 A. I'm pausing because I am not
5 remembering what is pre and post-October 2024 and
6 what is in our experimentation.

7 My understanding is pre-October 2024
8 only looking at the bio, yes.

9 Q. Okay. After October 2024 what do
10 reviewers look at?

11 A. So we are -- yeah, go to, like, this is
12 -- we're continually trying to improve this flow,
13 and so we are -- we have looked at different times
14 at collecting, like, how can we look at incremental
15 data to help a reviewer do as good a job as
16 possible.

17 But I would have to check exactly what
18 is in the flow now versus what has been experimented
19 with.

20 Q. You don't know what reviewers look at
21 post-October 2024?

22 MR. CHAPUT: Objection. Scope.

23 THE WITNESS: I know that the reviewers
24 look at content of the profile and its
25 media, but I cannot remember precisely

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1 which fields on each piece of media are
2 looked at or not, because we have been
3 experimenting with that to learn. Yeah.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. When did Meta start experimenting with
6 improving its underage review flow?

7 A. I mean, continually throughout its
8 existence.

9 Q. Meta has experimented with showing
10 reviewers things -- pieces of information aside from
11 the bio and photos in the account?

12 MR. CHAPUT: Object to the form.

13 THE WITNESS: I don't know precise
14 dates of what experiments have occurred
15 over the entire existence of that review
16 flow, but there have been attempts to
17 improve that review flow for multiple
18 times.

19 MR. OLSZEWSKI-JUBELIRER: Okay. Can we
20 do A10, please? This is a document with
21 Bates number META3047MDL-046-00068729.

22 (Whereupon, Meta-Hartnett-23 was
23 marked for identification.)

24 BY MR. OLSZEWSKI-JUBELIRER:

25 Q. And it's a document -- and that's

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1 Exhibit 23. The document has a title -- a filename
2 underagetraining.pdf.

3 A. Underage training? Underage Flow?

4 Q. The filename of the document. It's --
5 (Cross-talking.)

6 MR. CHAPUT: So you're representing
7 that that is the filename in the metadata?

8 MR. OLSZEWSKI-JUBELIRER: Based on
9 Meta's metadata.

10 THE WITNESS: Understood.

11 MR. OLSZEWSKI-JUBELIRER: Thanks for
12 that clarification.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. That's true, the title of the document
15 is Underage Flow, right?

16 A. Yes.

17 Q. Do you recognize this document?

18 A. No.

19 Q. Have you seen the document before?

20 A. No.

21 Q. Meta's -- your lawyers didn't show you
22 the document?

23 A. No. I do not recall seeing this.

24 Q. Okay. Would you agree that this is a
25 training for human reviewers for underage reports?

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1 MR. CHAPUT: Object to the form.

2 Scope.

3 THE WITNESS: I'm just going to need a
4 couple minutes to look at this to answer
5 that.

6 (Witness reviewing document.)

7 THE WITNESS: Yeah, I think this could
8 either be a training or it could be just
9 describing the process.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. A description of the training perhaps?

12 A. Potentially.

13 Q. Okay. Can you turn to the page ending
14 in 68738?

15 A. Yes.

16 Q. The title is Decision Tree?

17 A. Yes.

18 Q. This is a decision tree that human
19 reviewers were to use in reviewing underage reports?

20 MR. CHAPUT: Object to form. Scope.

21 THE WITNESS: It looks like it.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. And the first thing says, "Look
24 at the photos on the" file, right?

25 A. It looks like it's cut off. It says,

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1 "Look at the photos on the."

2 Q. "photos on the" -- sorry, "Look at the
3 photos on the."

4 A. Yes.

5 Q. Do you see that?

6 A. That's what it says, yes.

7 Q. Okay. So looking at photos is the
8 step, is that fair to say?

9 A. I think so.

10 Q. Okay. And then -- okay.

11 Do you see the -- so the first box is
12 referring to that step about checking for child
13 sexual abuse material, right?

14 A. I believe so. I'm not familiar with
15 this acronym, CEI, but I believe that it's likely.

16 Q. And if the answer is no, then you move
17 on past that to the next diamond, is that right?

18 A. Yes.

19 Q. Okay. And then the question is, "Are
20 there 1 or 0 photos on the account?" Right?

21 A. Yes.

22 Q. So if Meta reviewed a report of an
23 underage account and there was only one photo on the
24 account, the reviewer is instructed to ignore the
25 report, right?

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1 A. Yes.

2 Q. Okay. The next box says if an account
3 is reported for being underage, and Meta's
4 instructed its human reviewers to ignore the report
5 if there were no people in photos on the account,
6 right?

7 A. Yes.

8 Q. Okay. And the next box asks, "Are
9 there at least 3 photos of the same clearly of age
10 person?" Right?

11 A. That's what it says.

12 Q. Okay. And if the answer is yes, then
13 the human reviewers were instructed to ignore the
14 report, right?

15 A. Yes.

16 Q. So if there are at least three photos,
17 no matter how many photos are on the account, Meta
18 instructed its -- at least -- strike that.

19 Meta instructed its reviewers when
20 reviewing underage reports that if there are at
21 least three photos of the same person who is clearly
22 over the age of 13 on the account, they should
23 ignore the report, right?

24 A. I think that's what that's saying.

25 Q. Okay. And then -- so let's just say if

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1 there are 20 photos on the account and 17 of them
2 are someone the reviewer recognized to be a 10 year
3 old but three of them are of someone who is 16 years
4 old, Meta instructed the reviewer to ignore the
5 report, right?

6 MR. CHAPUT: Object to form. Scope.

7 THE WITNESS: I'm just reading the
8 small text here. Can you go -- well...

9 (Witness reviewing document.)

10 THE WITNESS: Yeah, I mean, that's
11 actually not an accurate, because what it's
12 saying here is if there were 17 -- if there
13 were a couple of photos of someone who is
14 borderline age like 16, then, no, it
15 wouldn't have been ignored.

16 BY MR. OLSZEWSKI-JUBELIRER:

17 Q. Do you see the box on the left that
18 says, "Clearly of age"?

19 A. Yes. It says, "Clearly of age is
20 someone who does not look borderline, so above the
21 age of 16."

22 Q. Okay. So let me ask the question
23 again, but we can change the age to 17.

24 If there are 20 photos on the account
25 and 17 of them are someone the reviewer recognized

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1 to be a 10 year old but three are someone who the
2 reviewer believed was 17, then the reviewer was
3 instructed to ignore the report, right?

4 MR. CHAPUT: Object to form. Scope.

5 THE WITNESS: I think that's the
6 literal interpretation of this decision
7 tree. I think the -- what the instruction
8 is trying to get at here is if there's any
9 uncertainty, like if there's someone that
10 looks borderline, don't ignore it.

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Okay. If there are three photos of
13 someone who doesn't look borderline, like someone
14 who looks like they're 25?

15 A. Then it's instructing to ignore.

16 Q. Okay. Is this the same review process
17 that Meta used until October 2024?

18 MR. CHAPUT: Object to the form.

19 THE WITNESS: I don't know if this is
20 exactly what was in place until
21 October 2024.

22 What date is this from?

23 BY MR. OLSZEWSKI-JUBELIRER:

24 Q. I can tell you the metadata on the
25 document says it's from 2016. If you want, I can

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1 show you an e-mail that says it's --

2 A. This is from 2016?

3 Q. I can show you an e-mail that says
4 current as of 2020.

5 A. Okay. Yeah, I don't know if this was
6 exactly the same from 2020 to October 2024. I --
7 let me check.

8 I know that there have been changes to
9 the human review process between the time period of
10 2020 and 2024, so I don't think this is the exact
11 same process.

12 Q. But you don't know what the changes
13 were, right?

14 MR. CHAPUT: Object to the form.
15 Scope.

16 THE WITNESS: I know what some of the
17 changes were, but I don't have a
18 comprehensive -- each change and date to
19 give you.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. What changes do you know about?

22 A. I know, for example, in 2021 the tools
23 that reviewers used to be able to see photos were
24 improved. I don't know how the decision tree
25 changed over that time.

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1 Q. What do you mean by the tools reviewers
2 used to see photos changed?

3 A. If you look in this document, the
4 page -- this page.

5 Q. Yep. You're pointing to a page where
6 the Bates number is 68732?

7 A. This is the review -- this is the
8 screen that a reviewer sees, and there were user
9 experience changes here where a reviewer could
10 see -- could see more photos or zoom in on photos.

11 I don't know how the decision tree
12 changed.

13 Q. Do you know of any other changes?

14 MR. CHAPUT: Object to form. Scope.

15 THE WITNESS: They added date
16 information to photos more prominently so
17 you could see, like, when was a photo
18 posted.

19 Yeah, those are the changes that I'm
20 aware of.

21 BY MR. OLSZEWSKI-JUBELIRER:

22 Q. Okay. And in fact, Meta's own
23 employees have recognized that the human review
24 process for reviewing underage reports was
25 indefensible, right?

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1 MR. CHAPUT: Object to form.

2 Foundation, scope.

3 THE WITNESS: I'm not aware of Meta
4 employees doing that.

5 MR. OLSZEWSKI-JUBELIRER: Okay. Let's
6 look at A12, please.

7 MR. KOSSLYN: Can we go off the record?

8 MR. OLSZEWSKI-JUBELIRER: Yes.

9 THE VIDEOGRAPHER: The time is 2:55.
10 We're off the record.

11 (Off the record discussion.)

12 THE VIDEOGRAPHER: The time is 2:56.
13 We're back on the record.

14 MR. OLSZEWSKI-JUBELIRER: So we're
15 pulling up A12.2. 12.1 is just the
16 slipsheet because this is a natively
17 produced Excel file. So we can mark --
18 this is Exhibit 24. I guess we'll mark the
19 slipsheet and we can file the Excel in
20 along with the same exhibit.

21 (Whereupon, Meta-Hartnett-24 was marked
22 for identification.)

23 MR. OLSZEWSKI-JUBELIRER: This is an
24 Excel file that was produced with a Bates
25 number META3047MDL-111-00153337.

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1 So can you pull up the Excel file,
2 please, 12.2. And this is a document
3 with -- the file name of this document is
4 Age Problems Handover Plan_, and then
5 there's a long alphanumeric sequence.

6 BY OLSZEWSKI-JUBELIRER:

7 Q. I can represent the metadata of this
8 document has an original date of August 9, 2022, and
9 the metadata indicates it was modified December 15,
10 2023.

11 A. Okay.

12 Q. Have you seen this document before?

13 A. No.

14 Q. Your counsel didn't show you this
15 document in preparation for the deposition?

16 A. I don't think so, no.

17 Q. Okay. Let's look at the Backlog tab,
18 please. So you see at the top the first title is
19 Backlog?

20 A. Yes.

21 Q. And then it says, "Work that we have
22 dropped and will now hand over to new team," right?

23 A. Yep.

24 Q. Okay. Let's go to row 21, please.

25 MR. CHAPUT: Counsel, just so we're on

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1 the same page, there are row numbers and
2 item numbers, and you're referring to the
3 row in the spreadsheet, which is item
4 number 17, is that right?

5 MR. OLSZEWSKI-JUBELIRER: Yes, correct.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Okay. So item number 17, which is in
8 row 21, the task is, "Add the ability to include
9 content from messages or posts in our underage
10 enforcement review jobs," right?

11 A. Yes.

12 Q. So this is talking about a task in a
13 backlog which would be to add the ability to include
14 content from messages and posts in underage review?

15 MR. CHAPUT: Object to form. Scope.

16 THE WITNESS: Yeah, I think that's what
17 it's saying.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. Okay. And then the description says,
20 "At the moment our third party report review doesn't
21 include any message or post content from users, so
22 totally lacks any insight into place where users
23 have admitted to being underage. Adding these
24 features may help the precision of our enforcement.
25 Reels/stories also apply here."

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1 Do you see that?

2 A. Yes, I see that.

3 Q. Including those things -- I should say
4 allowing human reviewers to look at messages or post
5 content from users Meta believed would improve the
6 precision of its enforcement against underage users,
7 right?

8 MR. CHAPUT: Object to form.

9 Foundation, and scope.

10 THE WITNESS: Yeah, obviously I don't
11 know who wrote this or what the context
12 was, but that is what they are describing
13 here.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. Okay. And then under Motivation on the
16 right, do you see in column F it reads, "Our review
17 protocol is currently based almost exclusively on
18 account photos. If the account in question has
19 admitted to being underage via message or post, we
20 may still end up ignoring them despite them
21 self-admitting. This is quite an indefensible
22 enforcement gap."

23 Do you see that?

24 A. I see that.

25 Q. Could you go down to row 23? Do you

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1 see where it says "Support inclusion of user's bio
2 in FB report jobs" in column B?

3 A. Yeah.

4 Q. Okay. So at that time reviewers did
5 not look at a user's bio when a Facebook account was
6 reported for being underage, right?

7 A. This is -- I guess that is what this is
8 saying.

9 What is the year of this again? Sorry.

10 Q. The original date is August 9, 2022,
11 and it was modified December 15, 2023.

12 A. Okay.

13 Q. And then under Description you see --
14 part of it says, "In FB jobs we do not search the
15 bio - only the photos are considered."

16 Do you see that?

17 A. Yes, I see that.

18 Q. Okay. Okay. If you look at F,
19 column F, it says, "Using the bio on Instagram but
20 not on Facebook for account reviews means our
21 enforcement is not in parity across our apps and
22 means we may be missing important information in
23 deciding to checkpoint an account on Facebook."

24 Right?

25 A. Yes, I see that.

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1 Q. Okay. So Meta employees at this time
2 recognized that the user could post biographic
3 information on their Facebook profile that would
4 reveal they were under 13, right?

5 MR. CHAPUT: Object to form.
6 Foundation, scope.

7 THE WITNESS: Sorry, can you state the
8 question again?

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. This is a document written by Meta
11 employees, right?

12 A. Yeah.

13 Q. Okay. And in this document those
14 employees are recognizing that users could post
15 information in their bio that indicated they were
16 under 13, right?

17 MR. CHAPUT: Object to form.
18 Foundation, scope.

19 THE WITNESS: That would be my read of
20 this document.

21 BY MR. OLSZEWSKI-JUBELIRER:

22 Q. Okay. And they recognize that because
23 Meta did not look at Facebook users' bios, it meant
24 that they may be missing important information in
25 deciding to checkpoint an account on Facebook,

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1 right, for being underage?

2 MR. CHAPUT: Same objections.

3 THE WITNESS: Yeah. I mean, that's
4 what it says, yes.

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. Can you go down to row 29, please? Do
7 you see where it says, "Explore reviewing hard-link
8 FB and IG accounts when reviewing a report of an
9 account being underage to ensure we're using all
10 available information where possible"?

11 A. Yep.

12 Q. And so that's talking about exploring
13 adding that option, right?

14 A. Yeah. That is a bit confusing to me,
15 but that's what it says.

16 Q. Okay. Why is that confusing to you?

17 A. I'm just trying to look at the dates of
18 when that was done. So this spreadsheet is from
19 2022 or 2023, we don't know when it was -- the exact
20 date it was put in.

21 There definitely -- according to my
22 conversations, there was hard-link propagation prior
23 to that time period. There -- as you can see in the
24 notes, like at some point it had been broken and
25 fixed prior to that time period, so that's why

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1 that's surprising to me.

2 Q. Okay. Your notes are talking about
3 hard-link propagation, right?

4 A. Yes.

5 Q. But this row is talking about when a
6 Facebook account, for example, is being reported,
7 the reviewer just looks at the Facebook account,
8 right?

9 A. Oh, I see. I see what you're saying.
10 Okay. It is a -- I see. So this is saying pull in
11 the account data into the reviewer interface?

12 Q. Right.

13 A. It might be.

14 Q. Pull in the account data from the
15 hard-linked accounts, right?

16 MR. CHAPUT: Objection. Lacks
17 foundation, scope.

18 THE WITNESS: I'm just reading.
19 (Witness reviewing document.)

20 THE WITNESS: Yeah, I think this is
21 referring to pull in data from a
22 hard-linked account into the reviewer
23 interface, which is, sorry, not what I was
24 referring to when I was confused.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Right.

3 For example, if a user on Instagram was
4 reported as being underage, the reviewer would only
5 look at that Instagram account, not look at that
6 user's hard-linked Facebook account, right?

7 A. That's right.

8 MR. CHAPUT: Object to form.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. And that's still the case,
11 right?

12 (Witness reviewing document.)

13 A. I would like to follow up and check
14 this. I'm not sure.

15 Q. But you don't know?

16 A. But I know who to ask. I just am -- I
17 am not sure if the changes were made.

18 Q. Okay. Who would you ask?

19 A. [REDACTED]

20 MR. OLSZEWSKI-JUBELIRER: Can we go off
21 the record briefly?

22 THE VIDEOGRAPHER: The time is 3:07.
23 We're off the record.

24 (Discussion off the record.)

25 ///

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1 (Whereupon, a recess was taken.)

2 THE VIDEOGRAPHER: The time is 3:26.

3 We're back on the record.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. So before we took a break we were
6 looking at Exhibit 20 --

7 A. 4.

8 Q. -- 24, which was that age problems
9 handover spreadsheet, right?

10 A. Yes.

11 Q. So I can represent to you that the
12 metadata that was provided to us from Meta indicates
13 that the document was from the custodial file of
14 someone named [REDACTED].

15 Do you know who [REDACTED] is?

16 A. Vaguely. He's product or eng. He's
17 one of those two functions.

18 Q. "Eng" is engineering?

19 A. Yes, engineering.

20 Q. And the author of the document is
21 [REDACTED]@meta.com.

22 A. Okay, that is someone that I spoke to.

23 Q. And [REDACTED] is the subject
24 matter expert you spoke to about cross-app
25 enforcement?

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1 A. Yes.

2 Q. And specifically in the context of
3 cross-app enforcement for underage reports, right?

4 A. Yes, that's right.

5 Q. Okay. So we'll move on from that
6 document.

7 So just to take a step back here, if a
8 parent discovers that their child has an account on
9 Facebook or Instagram, the way the parent can tell
10 Meta to take down the account is by filing a report,
11 right?

12 A. That's right.

13 Q. And the reports from parents of
14 underage users are treated the same way as any other
15 reports of any of Meta's underage reporting forms,
16 right?

17 MR. CHAPUT: Objection. Form.

18 THE WITNESS: You're asking if there's
19 a difference if the person who reports is a
20 parent versus not a parent, or is there any
21 difference in how the report is treated?

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Yes.

24 A. No.

25 Q. They're treated the same way?

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1 A. Yes.

2 Q. And so, for example, if a parent tells
3 Meta by filing a report that their child has a --
4 their child who is under the age of 13 has an
5 account on Facebook or Instagram but the account
6 does not have a bio or photos, Meta would ignore
7 that report, right?

8 MR. CHAPUT: Object to form.

9 THE WITNESS: That's theoretically
10 true. Meta also doesn't have a way of
11 verifying that the person who reported it
12 is really a parent.

13 So the point of ignoring a report if
14 there's no bio or photos is that there's
15 simply no information for Meta to go on,
16 and the reporter indicating that they're a
17 parent doesn't give us any incremental
18 information. We don't know if that person
19 is a parent.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. But Meta -- sorry, go ahead.

22 A. It is -- I think I've spoken about this
23 a little bit, but a very, very high percentage of
24 the reports are false, and the contact form contains
25 a lot of false data, so we don't have any indication

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1 that the parent -- that a person indicating that
2 they're a parent, that they are a parent.

3 Q. Meta asks whether the reporter is a
4 parent, right?

5 A. Right.

6 MR. CHAPUT: Object to form.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. But Meta doesn't use that information
9 in reviewing the report, right?

10 MR. CHAPUT: Object to form.

11 THE WITNESS: I'm not sure. I'm not
12 sure.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. You don't know whether Meta uses the
15 information that a reporter is a parent in reviewing
16 the report?

17 MR. CHAPUT: Object to form. Asked and
18 answered.

19 THE WITNESS: I'm not aware of any way
20 Meta uses that information.

21 I'm also saying that I'm not aware of
22 any way Meta would validate that the person
23 was a parent just because they indicated
24 that in the form.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. And Meta asks reporters to provide
3 their own e-mail address, right?

4 A. Yes. And I can't remember if that was
5 in both flows, but I can look at the documents. I
6 remember it definitely being on the Facebook flow.
7 I can look it up.

8 Q. And Meta doesn't follow up with
9 reporters to ask for more information based on -- by
10 contacting them at their e-mail address, right?

11 MR. CHAPUT: Object to the form.

12 THE WITNESS: Not that I'm aware of.
13 There could be some specific exceptions in
14 the past, but, yeah, as far as I know, not
15 as normal practice.

16 BY MR. OLSZEWSKI-JUBELIRER:

17 Q. Right.

18 So, for example, if someone indicated
19 they were a parent of a child on Instagram and
20 reported the child's account and -- Meta would not
21 contact that parent by e-mailing them at the e-mail
22 address they provided, right?

23 MR. CHAPUT: Object to the form.

24 THE WITNESS: Not as a normal practice.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. You said a large number of the reports
3 are false.

4 A. (Nodding in the affirmative.)

5 Q. By "false," you mean they were
6 ultimately not checkpointed, right?

7 A. Either that they were not checkpointed
8 or that they turned out to be -- they could have
9 also been checkpointed but then appealed. The --
10 and then ID verified that they are over 13.

11 We've seen, like, very significant
12 abuse of this flow because users know that it's a
13 flow that ultimately ends at an account being taken
14 down. It is an attack factor for public, like often
15 celebrity accounts, for other users to get them
16 taken down.

17 So we see, like, Kim Kardashian being
18 reported every single day many times. So, yeah,
19 that's what I'm speaking about.

20 Q. Meta doesn't review every report about
21 Kim Kardashian's account for being underage, right?

22 A. Meta does not human review every report
23 for Kim Kardashian, yeah.

24 Q. Do you know what percentage of reports
25 are -- that go into the checkpoint are ultimately

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1 successfully appealed?

2 MR. CHAPUT: Object to the form.

3 Scope.

4 THE WITNESS: I don't have that data
5 point.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Okay. You don't know or Meta doesn't
8 know?

9 MR. CHAPUT: Object to the form.

10 THE WITNESS: I don't know.

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Okay. Who at Meta would know?

13 A. [REDACTED].

14 Q. All right. Let's talk about account
15 linking. So we've talked about hard linking, right?

16 A. Yes, we talked about that.

17 Q. And hard linking is when a user tells
18 Meta that they have more than one account on the
19 platform, right?

20 A. Yeah, that's right.

21 Q. Okay. And Meta since December 2021
22 used that information to propagate its enforcement
23 on underage accounts across --

24 MR. CHAPUT: Object --

25 ///

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1 So I want to check how we use a piece
2 of information that we have on new account creation.

3 Q. Okay. All right.

4 A. By "contact point," I mean e-mail or
5 phone number.

6 Q. Okay.

7 MR. OLSZEWSKI-JUBELIRER: Why don't we
8 take a ten-minute break.

9 THE VIDEOGRAPHER: The time is 4:17.
10 We're off the record.

11 (Whereupon, a recess was taken.)

12 THE VIDEOGRAPHER: The time is 4:33.
13 We're back on the record.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. So let's talk about inauthentic reports
16 of underage users.

17 A. Okay.

18 Q. You've talked about abuse as a
19 reporting form, right?

20 A. Yes.

21 Q. Has Meta's underage reporting form been
22 the subject of scripting attacks?

23 A. Yes.

24 Q. And aside from scripting attacks you
25 talked about, are there other ways that -- is Meta

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1 aware of other sources of inauthentic reports of
2 child users on its platforms?

3 A. Yes, just individual reports also
4 are -- can be inauthentic.

5 Q. Okay. Those are from people
6 maliciously reporting another account, right?

7 A. Yes, that's our understanding.

8 Q. Okay. And you gave examples of
9 celebrities being reported for being underage?

10 A. Yes.

11 Q. And your notes also talk about the IDF
12 being reported?

13 A. Yeah, that's currently the most
14 reported account.

15 Q. For being underage?

16 A. Correct.

17 Q. And that's the Israeli Defense Forces?

18 A. Yes.

19 Q. Okay. The IDF account is an Israeli
20 account?

21 A. I don't actually know who owns that
22 account. I don't know.

23 Q. Okay. All right. Is Meta aware of how
24 many reports of underage users are inauthentic?

25 A. It is -- so I can give estimates.

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1 The -- the way -- one way of looking at this is what
2 percentage of reports are ultimately checkpointed.

3 Again, as I've said, a checkpoint does
4 not mean that the user will end up being underage.
5 It means that the human reviewer thought that there
6 was doubt, like they might be underage.

7 In the US, 14 percent of the reports
8 that are reviewed by humans are ultimately
9 checkpointed.

10 Q. And conversely, if an account is not
11 checkpointed, it doesn't mean that the user is not
12 underage, right?

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: I can't definitively
15 state either way.

16 BY MR. OLSZEWSKI-JUBELIRER:

17 Q. Right. It just means that if an
18 account is not checkpointed after being reviewed --
19 after an underage report is filed against the
20 account and it's being reviewed through Meta's
21 review process, it just means that Meta's review
22 process did not decide to checkpoint the account,
23 right?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: The intention of the

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1 review process is that the human reviewer
2 is doing their best to determine if they
3 think the account is under 13 or has a
4 chance of being under 13. So that's the
5 best data that we have.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. And we've talked about today various
8 steps in that review process, right?

9 A. We've talked about that, yes.

10 Q. And at various steps in the review
11 process, if -- for various reasons a reviewer is
12 being instructed to ignore reports, right?

13 MR. CHAPUT: Object to the form.

14 Vague, mischaracterizes the testimony,
15 scope.

16 THE WITNESS: We've talked about the
17 decision tree -- we talked about the
18 decision tree, I believe it was 2020 that
19 you showed me, and there are certain parts
20 of the decision tree where a user based on
21 some data then clears the report, yes.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Clears --

24 A. Ignore, like says ignore this report,
25 yeah.

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1 Q. Okay. Beyond this statistic that
2 14 percent of human reviewed underage reports in the
3 US are checkpointed, does Meta have any other
4 understanding of the number of inauthentic underage
5 reports submitted against US users?

6 MR. CHAPUT: Object to the form.
7 Scope.

8 THE WITNESS: There are certainly other
9 analyses than just this single data point.
10 I don't have, like, every analysis that has
11 been done. This data point is the, like,
12 best data point for the general scope.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. What other analyses are you talking
15 about?

16 MR. CHAPUT: Object to the form.
17 Scope.

18 THE WITNESS: The -- again, like
19 speaking in generalities, the team that has
20 owned this flow over time has done analyses
21 to understand its efficacy, yeah. That's
22 -- even some documents that we pointed to
23 earlier where you can see, like, they were
24 estimating what percentage of reports would
25 ultimately get to checkpoint.

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1 So the documents you showed me, those
2 are other analyses that make estimates. So
3 I'm just speaking about that kind of thing.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. Okay. But you're not aware of any
6 other analysis that Meta has conducted to determine
7 the number of inauthentic reports of underage users
8 in the US, right?

9 MR. CHAPUT: Object to form.
10 Mischaracterizes testimony, beyond the
11 scope.

12 THE WITNESS: No, I'm not saying that
13 I'm not aware of other analyses. I'm
14 saying that I am not able to point to,
15 like, specific analyses, when they were
16 done, what the exact results were outside
17 of what is in these notes, but I am aware
18 that there were other analyses because
19 you've even shown some of them to me today.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. We're talking about just analyses of
22 the number of inauthentic reports, right?

23 A. Yes.

24 Q. Okay. So beyond the documents that
25 I've shown you today, are you aware of any other

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1 analyses of the number of inauthentic reports of
2 underage users that Meta has received?

3 MR. CHAPUT: Object to the form.
4 Scope.

5 THE WITNESS: So I believe that I have
6 seen other analyses, yes. Like there's
7 data -- we look at data on the efficacy of
8 this flow over time, and so, yes.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. You're saying you look at data on the
11 efficacy of this flow, right?

12 A. Yes.

13 Q. And the efficacy of the flow meaning
14 the number of users who are reported that are
15 ultimately checkpointed, right?

16 A. Yes. But then it is also looking at
17 the implication of the ones that are not accurate.
18 Like whenever you're looking at the number of users
19 that were checkpointed, you're also looking at the
20 number of users that were not checkpointed.

21 So I consider that an analysis about
22 the false reports in this flow.

23 Q. Okay. In those analyses, did Meta look
24 at the number of users who were not checkpointed who
25 were actually underage?

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1 MR. CHAPUT: Object to form. Scope.

2 THE WITNESS: I'm not sure how we would
3 do that. Can you describe more or -- yeah,
4 ask the question again?

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. You keep talking about reports that
7 don't result in a checkpoint as being false reports,
8 right?

9 A. Yes.

10 Q. Okay. But my question is, just because
11 a report isn't checkpointed doesn't mean that the
12 user is not under 13, right?

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: That's right.

15 BY MR. OLSZEWSKI-JUBELIRER:

16 Q. And so my question is, has Meta done an
17 analysis to determine the number of users that are
18 not checkpointed after being reported as under 13
19 who actually are, in fact, under 13?

20 MR. CHAPUT: Object to form. Scope.

21 THE WITNESS: How would we do that? We
22 don't have data that would allow us to do
23 that. Yeah, the data that we have, the
24 closest data we have to is the account --
25 is the checkpoint accurate is the user's

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1 appeal.

2 So we don't have appeals data if it was
3 not checkpointed.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. So the answer to my question is no,
6 right?

7 MR. CHAPUT: Object to the form.
8 Mischaracterizes the testimony, asked and
9 answered, scope.

10 THE WITNESS: Yeah, I don't -- I don't
11 think that the question is like an accurate
12 representation of the options that Meta has
13 to analyze that data. Like Meta doesn't
14 have the information to prove or disprove,
15 so, yeah, couldn't have analyzed it.

16 BY MR. OLSZEWSKI-JUBELIRER:

17 Q. Just as a for example, Meta could look
18 at other things that an account has posted, right,
19 to determine whether they've posted information that
20 indicates they're under 13? Right?

21 MR. CHAPUT: Object to the form.
22 Incomplete hypothetical, scope.

23 THE WITNESS: Yeah, if we had that
24 information, and I think like that's
25 actually consistent with our internal

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1 escalation process, we would escalate it to
2 the review process. So it's not like an
3 analysis that we would do.

4 Does that make sense?

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. I think we can move on pretty soon, but
7 just to say -- I think we've established this,
8 right? We're of the same understanding that the
9 review process looks at only certain pieces of
10 information, right?

11 A. Yes, that's right.

12 Q. And Meta has in its possession other
13 pieces of information associated with users'
14 accounts, right, that are not looked at in the
15 review process for underage reports?

16 MR. CHAPUT: Object to form. Scope.

17 THE WITNESS: Yes, that's right.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. Direct messages, for example?

20 MR. CHAPUT: Object to form. Scope.

21 THE WITNESS: Yes.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. And so Meta -- my question is,
24 Meta has not done a study of users who are reported
25 as being underage and then not checkpointed, of

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1 those users, looking at, for example, their direct
2 messages, how many can Meta detect as actually being
3 underage?

4 MR. CHAPUT: Object to form.

5 Incomplete hypothetical, scope.

6 THE WITNESS: To my knowledge, Meta has
7 not done a study with direct messages like
8 that, no.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Okay. Does Meta have any practices it
11 uses to identify inauthentic reports of child users?

12 A. The -- I would say the closest to maybe
13 what you're asking is the automations that we use.
14 You could characterize that as a practice to
15 identify an inauthentic report.

16 Q. How do the automations identify
17 inauthentic reports?

18 A. The automations are looking at features
19 of the accounts that signify to us that that account
20 is an adult or potentially a mistake.

21 So, for example, we use the adult
22 classifier as an automation, or if the user report
23 actually includes a birthday that's over 13, those
24 are automations that we use.

25 Q. Okay. Does Meta have any other

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1 practices to identify users as -- sorry.

2 Does Meta have any other practices to
3 identify whether reports of child users are
4 inauthentic aside from the automations in the review
5 process that you just talked about?

6 MR. CHAPUT: Object to the form.

7 THE WITNESS: I don't think so. I'm
8 not sure if I am completely following your
9 question, but -- yeah, could you just ask
10 the question one more time to make sure I'm
11 following?

12 BY MR. OLSZEWSKI-JUBELIRER:

13 Q. Sure.

14 So I asked if Meta had any practices
15 for identifying whether a report of a child user is
16 inauthentic, and you pointed me to the automated
17 review policies that Meta uses when filtering those
18 reports, and automatically ignoring them or sending
19 them on to human review, right?

20 A. Yes.

21 Q. And my question is, beyond those
22 automated review policies, does Meta have any other
23 practice to identify whether a report of a child
24 user on Facebook or Instagram is inauthentic?

25 MR. CHAPUT: Object to the form.

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1 THE WITNESS: The human review process
2 itself. Yeah.

3 BY MR. OLSZEWSKI-JUBELIRER:

4 Q. And by -- in reference to the human
5 review process, you're talking about what we've
6 talked about before, that Meta's understanding is
7 that if a report is ultimately not checkpointed,
8 it's because it's inauthentic, right?

9 A. Yeah, the -- just to be totally
10 precise, if an account is not checkpointed, what the
11 decision tree and the human review process is asking
12 is not -- we're not asking the user to determine
13 this is inauthentic. I am, like, making that
14 implicitly. It's either inaccurate or there's not
15 any information to go on.

16 Q. Okay.

17 A. But we're not asking the user to
18 determine is this authentic explicitly. We're
19 asking the user to determine do you believe this has
20 a chance of being an under 13 user.

21 Q. Based on the review flow that the human
22 reviewers are instructed to use, right?

23 A. Yes, that's right.

24 Q. Okay. So, okay, let me be a little bit
25 more specific maybe.

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1 Does Meta have any practices it uses to
2 identify whether reports of child users on Facebook
3 and Instagram are the result of scripting attacks?

4 A. So I'm going to -- this is speaking in
5 general terms. In order to understand if there --
6 where the account -- where the report came from,
7 Meta likely had some logging that would determine,
8 like, how did the reporter get to the contact form,
9 but I don't know any more detail beyond that.

10 The team has -- the team was able to
11 estimate and give me estimates of the scale of the
12 scripting attacks, so that means at some point they
13 must have determined which reports were from
14 scripting attacks, but I don't know precisely how
15 they did that.

16 Q. Okay. And the team you're talking
17 about is a team that [REDACTED] was on?

18 A. Yes. Yes.

19 Q. And this is, like, page 7 of your
20 notes?

21 A. Yes.

22 Q. Okay. So you don't know how Meta
23 determined whether any of those reports were the
24 result of scripting attacks, is that right?

25 MR. CHAPUT: Object to form. Scope.

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1 THE WITNESS: I do not know precisely.

2 BY MR. OLSZEWSKI-JUBELIRER:

3 Q. Okay. And one of the -- part of this
4 topic that you're prepared to testify on is Meta's
5 practices for identifying inauthentic reports of
6 child users, right?

7 MR. CHAPUT: Object to the form.
8 Scope.

9 THE WITNESS: Sorry, what is the
10 question for me?

11 BY MR. OLSZEWSKI-JUBELIRER:

12 Q. Topic 5 you're prepared to testify on,
13 right?

14 A. Can you read Topic 5 to me?

15 Q. Sure.

16 Topic 5 is "Inauthentic reports of
17 Child Users, including scripting attacks on
18 reporting forms, and Meta's practices for
19 identifying such inauthentic reports, during the
20 Relevant Time Period."

21 A. Yes, I am prepared to testify on that.

22 Q. Okay. And you're prepared to testify
23 as to Meta's practices for identifying inauthentic
24 reports of child users, right?

25 A. Yes.

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1 MR. CHAPUT: I'm just going to object
2 to the form, to the scope, additional
3 discussions about scope not defined in the
4 notice. If you have a substantive question
5 for the witness, why don't you go ahead and
6 ask.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. So you don't know how Meta identified
9 which reports are inauthentic, right?

10 MR. CHAPUT: Object to the form.
11 Mischaracterizes testimony, asked and
12 answered, scope.

13 THE WITNESS: So what I am saying is I
14 do not know the exact, like, logging data
15 that the team used to estimate the scale of
16 the scripting attacks, like I don't know
17 the exact fields that they used.

18 But speaking in general terms, what I
19 would imagine is that the team does log
20 potentially the IP address of where a
21 report comes from, and so then could tell
22 if it was a bot that submitted -- or the
23 team -- again, I'm going beyond the scope
24 of my technical knowledge.

25 The team has a way of detecting if a

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1 bot submitted the report. They then use
2 that to determine the scale of the
3 scripting attacks.

4 BY MR. OLSZEWSKI-JUBELIRER:

5 Q. Does the team have a way of detecting
6 whether a bot submitted a report?

7 A. I don't know.

8 Q. This is just what you speculate, right?

9 A. Yes. I'm speaking on, like, general
10 experience with other bot issues, but I do not know
11 precisely in this case exactly how they did this.

12 Q. Okay. And you don't know what logging
13 information the team looked at to determine whether
14 reports were the result of scripting attacks, right?

15 MR. CHAPUT: Object to form. Asked and
16 answered, scope.

17 THE WITNESS: I don't know.

18 MR. OLSZEWSKI-JUBELIRER: Okay. Can we
19 go off the record for a second?

20 THE VIDEOGRAPHER: The time is 4:52.
21 We're off the record.

22 (Discussion off the record.)

23 THE VIDEOGRAPHER: The time is 4:52.
24 We're back on the record.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Does Meta have data that shows which
3 reports it believes are inauthentic?

4 MR. CHAPUT: Objection. Counsel, this
5 is within the scope of Topic 7 which this
6 witness is not designated on. I would
7 suggest that you focus on the topics that
8 she's actually designated on.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. You can answer the question.

11 A. Can you repeat the question?

12 Q. Does Meta have data on which reports it
13 believes are inauthentic?

14 MR. CHAPUT: Same objections.

15 THE WITNESS: The data I'm aware of is
16 the data I've described, which is data
17 looking at accounts that were checkpointed,
18 like the results of checkpoint and the
19 results of appeal, and the results of the
20 automation as well with data on that
21 funnel.

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Okay. Meta's attorneys told us on
24 Friday that there is a dataset on which reports it
25 believes are the result of scripting attacks.

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1 A. Okay.

2 Q. Do you know anything about that
3 dataset?

4 MR. CHAPUT: Counsel, this is the
5 subject of a separate topic that this
6 witness was not designated on. We're going
7 to have a separate deposition on that
8 topic, assuming you have any time left
9 after today, and so I don't know why you're
10 wasting your time and the witness's time
11 questioning her on a topic she wasn't
12 designated on. It's out of the scope of
13 her testimony.

14 You can go ahead and answer in your
15 personal capacity.

16 THE WITNESS: I don't know. So my
17 knowledge about that dataset is my
18 conversation with [REDACTED]. I don't have any
19 more knowledge on that dataset.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. Okay. Did you talk about that dataset
22 with [REDACTED]?

23 A. I talked about -- so I talked about the
24 fact of the scripting attacks, and then he gave me
25 the estimates of the scale of the scripting attacks,

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1 but he didn't describe, like, the dataset or how he
2 gave -- or how he made that estimate.

3 Q. Okay. So you talked to [REDACTED]
4 about two or three large scripting attacks on the
5 underage reporting form, right?

6 A. Yes.

7 Q. And those occurred before Meta
8 introduced friction on that form, right? This is
9 page 8 of your notes that I'm looking at.

10 (Witness reviewing document.)

11 A. I see. I see where you're seeing the
12 word "friction."

13 Just to define, like, what friction
14 means in this case, what he means is two things. It
15 is either a CAPTCHA to, like, make sure that it's
16 not a bot that's submitting, or there's this complex
17 implementation change that they had to make where at
18 some point the Instagram appeals form -- the
19 checkpoint was happening outside of a login, and so
20 if you were -- you were able to -- like, malicious
21 attackers were able to take over an account because
22 they were able to bypass two-factor authentication.

23 So they fixed that. Those were the two
24 forms of friction that were introduced, just not
25 bots.

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1 Q. And when were those forms of friction
2 introduced?

3 (Witness reviewing document.)

4 A. They also introduced rate limiting,
5 IP-based rate limiting, which is a standard thing to
6 do on stopping scripting.

7 I know that the IG -- the login issue
8 was -- that was fixed in 2022, but I don't know when
9 the other two, the CAPTCHA and the IP-based rate
10 limiting, were introduced.

11 Q. After Meta introduced these forms of
12 friction, did Meta continue to experience scripting
13 attacks that generated inauthentic reports of child
14 users on Facebook and Instagram?

15 A. I don't know the precise date line
16 above, like, these changes and the end of the
17 scripting attacks, but [REDACTED] will.

18 Q. Okay. I guess another way to say that
19 is you don't know if -- it sounds like these --
20 anyway, these friction measures that Meta introduced
21 were successful in stopping scripting attacks,
22 right?

23 MR. CHAPUT: Object to the form.

24 THE WITNESS: Yes, that's my
25 understanding.

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. So after they were introduced
3 Meta has not experienced successful scripting
4 attacks that generated inauthentic reports of child
5 users on Facebook and Instagram?

6 MR. CHAPUT: Object to the form.

7 THE WITNESS: I don't have any
8 information that there's never been a
9 scripting attack since this time. We
10 should confirm that. But my understanding
11 from [REDACTED] is that they were fixed in large
12 part, fixed in -- yeah, fixed in large
13 part.

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. And "fixed in large part" in this
16 context means these measures were successful in
17 stopping scripting attacks from creating inauthentic
18 reports of child users, right?

19 A. That's my understanding.

20 Q. Okay. And just so the record is clear,
21 so the jury understands, CAPTCHA, that's the little
22 part of the form that says, Are you a robot?

23 A. Yes. It's typically, like, you have to
24 type in letters or you have to pick which are
25 motorcycles, yes.

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1 Q. Okay. And that prevents scripting
2 attacks because the code that attackers use to
3 create scripting attacks can't figure out how to do
4 those puzzles, is that right?

5 A. That's right.

6 Q. Okay. When Meta receives inauthentic
7 reports of child users that are the result of
8 scripting attacks, does Meta send those reports
9 through the same review flow as other reports?

10 A. So I can't comment precisely on, like,
11 exactly what happened to each report in these
12 scripting attacks, but, like, the scripting attack
13 is not discovered until after it occurs, so there's
14 no change to the way the flow would have been
15 handled when it was happening, like the -- yeah, the
16 accounts would have still been sent. The scripting
17 attack would have been discovered after, like, the
18 process already began.

19 Q. Meta didn't take any action to remove
20 those reports from the review queues, for example,
21 because they were the result of scripting attacks?

22 MR. CHAPUT: Object to form. Scope.

23 THE WITNESS: Not that I'm aware of,
24 no.

25 ///

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. Has Meta evaluated its practices
3 for identifying inauthentic reports of underage
4 users on Facebook and Instagram?

5 MR. CHAPUT: Objection to form. Asked
6 and answered.

7 THE WITNESS: Could you be more
8 specific? I'm not sure -- what do you
9 mean?

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. Well, you testified that there was some
12 way that [REDACTED] identified reports as being
13 underage -- as being inauthentic, is that right?

14 A. I testified that he must have been able
15 to identify, like, the scale of the scripting
16 attack, so he must have had some understanding of
17 which reports came from scripting, yeah.

18 Q. So my question is, has Meta evaluated
19 that way that he used to identify which reports are
20 from scripting attacks?

21 MR. CHAPUT: Object to the form.
22 Scope.

23 THE WITNESS: I don't know.

24 MR. OLSZEWSKI-JUBELIRER: All right.
25 Why don't we -- can we take a ten-minute

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1 break? We're going to review.

2 MR. CUTLER: Sure.

3 MR. OLSZEWSKI-JUBELIRER: Thank you.

4 THE VIDEOGRAPHER: The time is 5:03.

5 We're off the record.

6 (Whereupon, a recess was taken.)

7 THE VIDEOGRAPHER: The time is 5:27.

8 We're back on the record.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. Welcome back. We just want to do
11 one -- go over one document with you, and we
12 understand from your lawyer that you'd like to take
13 a break, go home, and we'll start fresh in the
14 morning on the remainder of the deposition.

15 A. Yes.

16 MR. OLSZEWSKI-JUBELIRER: Okay. So
17 let's do D1. This is
18 META3047MDL-146-00073008. Exhibit 28.
19 Thank you.

20 (Whereupon, Meta-Hartnett-28 was
21 marked for identification.)

22 BY MR. OLSZEWSKI-JUBELIRER:

23 Q. Do you recognize this document?

24 A. It's possible that I've seen it. I
25 think that I saw some document from [REDACTED] related

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1 to -- but this is a SEV document. I don't think
2 I've seen a SEV document. I thought I saw a post
3 about this. I'm not sure.

4 Q. Okay. This is a SEV document. What's
5 a "SEV"?

6 A. A SEV is an incident where something is
7 broken.

8 Q. An incident report is another way to
9 describe it?

10 A. It typically refers to -- yeah, I think
11 that's accurate. Yeah, it typically refers to
12 something is technically broken, but it doesn't
13 exclusively refer to it. Yeah.

14 Q. Okay. And the name of this SEV is
15 SEV 3, and there's a code number. Then it says,
16 "Large attack on U13 IG reporting form." Right?

17 A. Yes.

18 Q. Okay. And this SEV is about a
19 scripting attack on the Instagram underage reporting
20 form, right?

21 A. Yes, that's what it looks like.

22 Q. And the owner of this SEV is [REDACTED]
23 [REDACTED], right?

24 A. Yes.

25 Q. That's the subject matter expert who

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1 talked to you about scripting attacks on Meta's
2 underage reporting forms?

3 A. Yes.

4 Q. Okay. And this is about a scripting
5 attack that started on October 26, 2021 at
6 6:00 a.m., is that right? Do you see where it says
7 "Started"?

8 A. Yes. I'm just going -- yeah, I think
9 that's when they think the SEV -- sorry, the
10 scripting attack began. I was just trying to
11 confirm if that's when, like, the SEV started. But
12 it says "Detected," so, yeah, it probably is when
13 they think the scripting attack began.

14 Q. Okay. And then there's a time at which
15 the attack was detected, right?

16 A. Yes.

17 Q. And that was about three-and-a-half
18 hours after Meta believed it started?

19 A. Yeah, I believe so. I'm not sure,
20 yeah.

21 Q. Okay. Do you see down here it says,
22 Detection Methods -- "Detection Method?" Excuse me.

23 A. Yes.

24 Q. And then after that it says,
25 "dashboards." Right?

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1 A. Yes.

2 Q. And then under "Detection," it says,
3 [REDACTED] alerted me of a reporting spike,
4 we then visited our unidash 1-pager."

5 And there's a URL, right?

6 A. Yep.

7 Q. What is a "unidash 1-pager"?

8 MR. CHAPUT: Objection. Scope.

9 THE WITNESS: What that will refer to
10 is like a metrics reporting dashboard.
11 Unidash is a general term that -- where we
12 put metrics reporting dashboards.

13 BY MR. OLSZEWSKI-JUBELIRER:

14 Q. And so this describes using dashboards
15 to detect a scripting attack, right?

16 A. Yes. This is describing that they used
17 the dashboard to see that there was a spike in
18 reporting. So then they would have had to do more
19 investigation as to what caused the spike, but the
20 dashboard allows them to see there's a spike.

21 Q. Okay. Do you know what metrics are on
22 the dashboard?

23 MR. CHAPUT: Object to form. Scope.

24 THE WITNESS: No, I don't know what
25 dashboard that is.

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1 BY MR. OLSZEWSKI-JUBELIRER:

2 Q. Okay. You've not reviewed any
3 dashboards in preparation for your testimony?

4 A. No.

5 Q. Okay. Did you speak with [REDACTED]
6 about using dashboards to detect inauthentic
7 underage reports?

8 (Witness reviewing document.)

9 A. I don't think -- there's nowhere that
10 he mentioned dashboards to me. So, no, I think no.

11 Q. Okay. Do you know how Meta used
12 dashboards to detect inauthentic underage reports?

13 MR. CHAPUT: Object to form. Scope.

14 THE WITNESS: I don't know outside of
15 this document, which suggests that they
16 identified a reporting spike on the
17 dashboard.

18 BY MR. OLSZEWSKI-JUBELIRER:

19 Q. And you said you assume that they would
20 have done some other -- some additional
21 investigation to determine whether it was a
22 scripting attack, right?

23 A. Yes. From the dashboard they would
24 only know just a total number of reports, so that
25 couldn't have been the end of the investigation.

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1 Q. How do you know they would only know a
2 total number of reports from the dashboard?

3 MR. CHAPUT: Object to form. Scope.

4 THE WITNESS: I am speculating that --
5 I am speculating. I don't know the data
6 that's on the dashboard.

7 I'm reading that is reporting spike,
8 that suggests to me that the key number
9 they were looking at the dashboard was some
10 kind of number of reports where they saw a
11 spike. But I have not seen this dashboard.

12 BY MR. OLSZEWSKI-JUBELIRER:

13 Q. And you don't know what additional
14 investigation Meta did to determine that there was a
15 scripting attack beyond looking at a spike on the
16 dashboard?

17 MR. CHAPUT: Object to form.

18 Characterization, scope.

19 THE WITNESS: I do not know.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. Okay. Do you think [REDACTED]
22 would know?

23 A. Yes, I do.

24 Q. Okay. But -- okay. Let's go off the
25 record and come back tomorrow, okay?

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1 A. Okay.

2 THE VIDEOGRAPHER: The total time on
3 the record for California is five hours,
4 16 minutes.

5 The time is 5:35. We're off the
6 record.

7 (Whereupon, the deposition was
8 adjourned.)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No.
IN RE: SOCIAL MEDIA ADOLESCENT 4:22-MD-03047-YGR
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

This Document Relates To:

ALL ACTIONS

CONFIDENTIAL - ATTORNEYS' EYES ONLY
PURSUANT TO PROTECTIVE ORDER

CONTINUED VIDEOTAPED DEPOSITION OF
ALLISON L. HARTNETT

Held At: Covington & Burling LLP
Salesforce Tower
4415 Mission Street
San Francisco, California

June 17th, 2025
10:03 a.m.

Reported By:
MAUREEN O. POLLARD, CSR #14449, RDR

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Continued Videotaped Deposition of
ALLISON L. HARTNETT, held at Covington & Burling
LLP, Salesforce Tower, 415 Mission Street, San
Francisco, California, commencing at 10:03 a.m. on
the 17th of June, 2025, before Maureen O'Connor
Pollard, Registered Diplomat Reporter, Realtime
Systems Administrator, California CSR #14449.

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1 any difference in the decision tree,
2 depending on the heuristic or user reports
3 or -- I'm not sure.

4 But the -- yes, if the human reviewer
5 gets a heuristic output and then reviews
6 the account, I believe that it may be under
7 13, then, yes, they're checkpointed.

8 BY MR. OLSZEWSKI-JUBELIRER:

9 Q. You testified that the model outputs
10 from -- the outputs from the u13 heuristic are sent
11 to the same human review process as user reports,
12 right?

13 A. Yeah. But when -- like, a human review
14 queue can include multiple streams in. Like, for
15 example, the human review queue that the u13 reports
16 go to includes other account misrep enforcements.
17 The reviewers can be trained on multiple types of
18 enforcements.

19 So just being in the same review queue
20 doesn't mean that the decision tree is exactly the
21 same. The u13 review goes -- it goes to a mixed
22 pool, and it's the highest priority, and then
23 there's -- like, the reviewer has instructions that
24 are specific to that review.

25 So I'm just not 100 percent sure if the

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1 through negotiations with them?

2 A. No. No.

3 Q. If you turn to Topic 6, you see that
4 reads, "Age inference algorithms and models used,
5 developed, or considered for use by Meta and Meta's
6 use of inferred age data during the Relevant Time
7 Period, including, but not limited to, any
8 algorithms or models that may identify a User as
9 being a Child."

10 Do you see that?

11 A. Yes.

12 Q. And with respect to that topic, did you
13 educate yourself on Yoti, including the accuracy of
14 Yoti to the extent that's known by Meta?

15 A. Yes, I did.

16 Q. Have the state attorneys general asked
17 you any questions about Yoti's accuracy?

18 A. I don't think so. I don't remember all
19 the questions I received. I know the word "Yoti"
20 was said, but I don't remember the questions.

21 Q. Okay. You can set that aside. Thank
22 you.

23 Ms. Hartnett, I'd like to speak a
24 little bit about user reporting and some of the
25 questions the state attorneys general asked you on

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1 that topic.

2 A. Okay.

3 Q. Would you start by finding Exhibit 23,
4 please? It's the document with the -- it's the
5 slide deck with the title "Underage Flow - OS."

6 A. Yes.

7 Q. I'd like to direct your attention to a
8 page in this document that the state attorneys
9 general did not show you. That's the one ending
10 733, has the heading Actions.

11 A. Yes, I have that.

12 Q. Okay. What is your understanding of
13 what's being communicated to reviewers on this page?

14 A. So my understanding of what's being
15 communicated to reviewers is that this is the key
16 question, this is the overall instruction that they
17 are -- this is the overall instruction of what they
18 are to action on.

19 So what it is saying is if the person
20 is clearly over the age of 13, you ignore. However,
21 if the person is clearly underage or you are
22 uncertain, then you checkpoint.

23 My understanding is that the reviewer
24 uses this overall key question alongside the
25 decision tree to make their overall decision.

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1 Q. To what extent is the overall key
2 question described on this page consistent or
3 inconsistent with your understanding you learned
4 about in your preparation for the deposition of the
5 instructions that are provided to Meta's reviewers?

6 MR. OLSZEWSKI-JUBELIRER: Objection.
7 Form.

8 THE WITNESS: This is consistent with
9 my understanding of the instructions
10 provided. This is still the key question.
11 As you can see, like, the checkpoint
12 wording is still consistent.

13 BY MR. CHAPUT:

14 Q. You can set that aside. Thank you.

15 Counsel asked you a number of questions
16 about the automations that Meta uses in its review
17 flow for user reporting.

18 Do you recall those questions?

19 A. Generally, yes.

20 Q. What volume of reports are cleared
21 using those automations?

22 A. Half of accounts are cleared by
23 automations.

24 Q. What are the benefits that Meta obtains
25 by employing automation to clear 50 percent of the

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1 reports that are received?

2 A. The key benefit here is that we're able
3 to eliminate obvious mistakes and have human
4 reviewers focus on a pool of accounts where there
5 are more likely to be potential under 13 accounts,
6 and so it's to focus the human reviewers.

7 Q. Counsel also asked you a number of
8 questions about the user reporting flow.

9 Do you recall generally that testimony?

10 A. Yes.

11 Q. Some of counsel's questions implied
12 that the six to seven screens in the flow that ends
13 in the user being referred to the contact form meant
14 that that flow was not designed well. What is your
15 reaction to that implication?

16 A. My actual reaction as, like, a product
17 leader is that that's a relatively standard and
18 totally fine reporting flow. That's not a super
19 long number of screens for something that is a
20 complex action where we have to inform a user about
21 what they're doing.

22 The reactions in some of the documents
23 I saw were from just, frankly, folks that don't
24 build products, they were all policy leaders. And
25 so, yeah, I don't agree with their assessment of the

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1 form.

2 Q. Counsel referred to the in-app
3 reporting flow that you testified to as "improved."
4 What evidence does Meta have that would either
5 support or refute that characterization?

6 A. I mean, I think the key -- the key
7 evidence we have that would refute that definition
8 of "improved" is that the in-app reporting flow
9 leads to significantly more false reports, it
10 doubles the false reports. So what you're getting
11 there is the high volume, but false reports, and --
12 yeah, so it is not clearly improved, it's just
13 shorter.

14 Q. Counsel also asked you some questions
15 about whether Meta uses data from individuals who
16 are removed from the platform for being potentially
17 under 13 in order to prevent those individuals from
18 creating accounts in the future.

19 Do you recall at a general level those
20 questions?

21 A. Yes.

22 Q. What challenges would Meta have, if
23 any, to using data in the way that counsel suggested
24 in that question?

25 A. Yeah, the challenge is that we have to

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1 THE VIDEOGRAPHER: The time is 11:38.
2 We're off the record.

3 (Whereupon, a recess was taken.)

4 THE VIDEOGRAPHER: The time is 12:08.
5 We're back on the record.

6 FURTHER EXAMINATION

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. Ms. Hartnett, before our break your
9 counsel asked you some questions about how Meta's
10 human reviewers are instructed to review accounts
11 that have been reported as being underage, right?

12 A. Yes.

13 Q. And those human reviewers only review
14 the media that Meta presents to them for review,
15 right?

16 MR. CHAPUT: Object to form. Scope.

17 THE WITNESS: So the human reviewers
18 review media related to the account that's
19 in the tool, which I think there was a
20 picture of in one of the documents we
21 looked at. That's what human reviewers
22 review, yes.

23 BY MR. OLSZEWSKI-JUBELIRER:

24 Q. Right.

25 And the human reviewers in that case

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1 only review photos and information on the bio,
2 right?

3 MR. CHAPUT: Object to form. Scope.

4 THE WITNESS: I think we have covered
5 this. I don't -- I am not -- I know that
6 there is at least information from the bio
7 in the photos that go into that tool, but I
8 am not aware of, like, the exact current
9 state of what goes into that tool.

10 BY MR. OLSZEWSKI-JUBELIRER:

11 Q. If you turn -- your counsel showed you
12 Exhibit 23. That's that Underage Flow. And counsel
13 showed you the page ending in 68733.

14 A. Yep.

15 Q. Counsel didn't show you the next page,
16 right? Can we turn to the next page?

17 A. Yep.

18 Q. So this page is 68734. And this is a
19 page instructing Meta's human reviewers how to
20 decide whether to ignore an account, right?

21 MR. CHAPUT: Object to form.

22 THE WITNESS: I think so.

23 BY MR. OLSZEWSKI-JUBELIRER:

24 Q. And so Meta's human reviewers are
25 instructed if there's no evidence in photos or the

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1 photos are empty, they're to ignore the report,
2 right?

3 MR. CHAPUT: Object to form.

4 THE WITNESS: That's how I read this
5 page.

6 BY MR. OLSZEWSKI-JUBELIRER:

7 Q. Right. Because number 1 says, "No
8 evidence in photos or photos are empty." Right?

9 A. That is what it says.

10 Q. Right.

11 And on the top it says, "Ignore"?

12 A. Yes, it says that.

13 Q. Okay. And Meta's human reviewers were
14 also instructed to ignore reports of underage users
15 if there were no photos of people on the account,
16 correct?

17 MR. CHAPUT: Object to form.

18 THE WITNESS: That's what this document
19 looks like, yes.

20 BY MR. OLSZEWSKI-JUBELIRER:

21 Q. And that's how Meta's human reviewers
22 were actually instructed to review reports of
23 underage users, correct?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: You have to remind me

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1 what time period this document is -- are
2 you asking about the time period of this
3 document or -- yeah, can you clarify the
4 question?

5 BY MR. OLSZEWSKI-JUBELIRER:

6 Q. At the time this document was in use,
7 Meta's human reviewers were instructed to ignore
8 reports of underage users if there were no photos of
9 people in the account, correct?

10 MR. CHAPUT: Object to the form.

11 THE WITNESS: When was this document
12 used? Can you just remind me when this
13 document was from?

14 BY MR. OLSZEWSKI-JUBELIRER:

15 Q. The document has metadata indicating it
16 was from 2016, and we can show you an e-mail that
17 says it was in use in 2020.

18 A. Okay. I -- let me just read something.
19 (Witness reviewing document.)

20 A. Yeah, I just have -- so reading this
21 document, it looks like it is instructions to
22 reviewers from that time period. There is something
23 inconsistent in my notes with the document, which is
24 that there was no non-human question prior to
25 October 2024, so that's just like causing me to -- I

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1 don't know why there's that inconsistency. Yeah.

2 Q. Okay. Let's talk about the improved
3 flow that Meta has been testing for allowing users
4 of its Instagram app to report underage users within
5 the app.

6 MR. CHAPUT: Object to form.

7 Characterization.

8 BY MR. OLSZEWSKI-JUBELIRER:

9 Q. Your counsel asked you some questions
10 about the increase in the number of what you
11 characterized as false reports that come out of that
12 flow, right?

13 A. Yes.

14 Q. Using that flow also increases the
15 number of reports overall of underage users,
16 correct?

17 MR. CHAPUT: Object to the form.

18 THE WITNESS: Yes.

19 BY MR. OLSZEWSKI-JUBELIRER:

20 Q. And it also increases the number of
21 true reports, correct?

22 MR. CHAPUT: Object to form.

23 Characterization.

24 THE WITNESS: I don't know. The only
25 data point I have, like, on that -- the

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1 only data point that I have on that flow is
2 that it doubles the rate of false reports.
3 That's the number that's, like, from an
4 experiment when comparing that to the
5 existing reporting flow. That's the only
6 data I have, as well as the other data I
7 have is that it's available to 4 percent of
8 the worldwide population.

9 BY MR. OLSZEWSKI-JUBELIRER:

10 Q. And that's the only data you were
11 presented by your lawyers in preparation for
12 discussing this flow?

13 MR. CHAPUT: Object to the form, and to
14 the characterization.

15 THE WITNESS: I discussed this flow
16 with [REDACTED] as you can see in my notes.
17 And let me just read to see if there's
18 anything else in here.

19 (Witness reviewing document.)

20 THE WITNESS: Yeah, I mean, Ty was
21 explaining to me why that has not been
22 rolled out further, and he was citing the
23 experiment results that it doubles the rate
24 of false reporting. So that's why the team
25 has chosen not to roll it out further,

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1 because it's not an effective method for
2 reporting.

3 So, yeah, that's all the data that I
4 have. I don't -- apologies if I'm
5 forgetting somewhere else that there is in
6 the notes, but that's what I'm aware.

7 BY MR. OLSZEWSKI-JUBELIRER:

8 Q. So you as Meta's witness, as Meta's
9 corporate designee for this topic, do not know if it
10 increases the number of under 13 users that were
11 identified on the platform?

12 MR. CHAPUT: Object to form.
13 Characterization.

14 THE WITNESS: I do not know.

15 BY MR. OLSZEWSKI-JUBELIRER:

16 Q. Let's talk about deletion timelines.

17 A. Okay.

18 Q. Your lawyer asked you about a special
19 45-day deletion timeline for under 13 reports,
20 right?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: My lawyer asked me
23 about -- I don't think he used the word
24 "special" -- about the deletion timeline
25 for u13.