

Exhibit H

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA)
ADOLESCENT ADDICTION/)
PERSONAL INJURY PRODUCTS) MDL No. 3047
LIABILITY LITIGATION)

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE

COORDINATION PROCEEDING)
SPECIAL TITLE [RULE 3.400])
SOCIAL MEDIA CASES) Lead Case No.
22STCV21355

-----)
This Document Relates To)
STATE OF TENNESSEE, ex rel.)
JONATHAN SKRMETTI,)
ATTORNEY GENERAL and)
REPORTER,)
v.)
META PLATFORMS, INC., and)
INSTAGRAM, LLC.)
-----)

CONFIDENTIAL - ATTORNEYS' EYES ONLY
PURSUANT TO PROTECTIVE ORDER
VOLUME 1

VIDEO-RECORDED
DEPOSITION OF ARTURO BEJAR
(Pages 1 - 351)

Held at Baker Botts
1001 Page Mill Road, Palo Alto, California
Monday, April 7, 2025, 9:20 a.m.

- - - -
REPORTED BY: ELAINA BULDA-JONES, CSR 11720

CONFIDENTIAL

Page 191

1 there?

2 A. Not as far as I'm aware.

3 MS. JONES: Excuse me.

4 I'm going to object to the last two
5 questions on foundation.

6 BY MR. CARTMELL:

7 Q. Go ahead.

8 A. Not as far as I'm aware.

9 Q. If Meta's executives say that they do not
10 allow kids under 13 on Instagram, how would you
11 respond to that?

12 A. I think that's lying.

13 Q. Do you think that's a truthful statement?

14 A. No, I don't think that's a truthful
15 statement.

16 Q. What if Meta's executives state that they
17 don't allow them -- they try to find them and they
18 try as quickly as possible to get kids under 13 off
19 of Instagram; do you agree with that?

20 MS. JONES: Objection to the foundation.

21 THE WITNESS: I profoundly disagree with
22 that.

23 (Whereupon, Meta-Bejar Exhibit 11 was
24 marked for identification.)

25 ///

CONFIDENTIAL

Page 192

1 BY MR. CARTMELL:

2 Q. I've handed you Exhibit 13 -- oh -- strike
3 that.

4 I've handed you Exhibit 11. And we're
5 going to play a clip of testimony from Adam Mosseri.

6 Adam Mosseri is who?

7 A. He's the head of Instagram.

8 Q. Is this Adam Mosseri on the screen?

9 A. Yes, it is.

10 (Video playing.)

11 MR. CARTMELL: Just start -- I think you
12 could get a little more of the first word, 13, I
13 don't know, Jim, but try one more time, please.

14 (Video playing.)

15 MS. JONES: I'm going to object to the
16 out-of-context play of the deposition clip for which
17 Mr. Bejar has no foundation to testify.

18 Go ahead.

19 BY MR. CARTMELL:

20 Q. You heard Mr. Mosseri talking about Meta's
21 policy related to having kids under 13 on the
22 platform?

23 A. Correct.

24 Q. Do you agree with Mr. Mosseri's testimony?

25 A. I do not.

CONFIDENTIAL

Page 193

1 Q. Why is that?

2 A. Because they do allow, like, practically
3 allow under-13 kids on the platform and they do not,
4 and I was not aware of at the time, have any decent
5 efforts at identifying them and removing them.

6 If you search -- so Instagram you have
7 these things called hashtags. And you can search
8 for the hashtag like eighth birthday, which is
9 something that -- labels people put on their posts.
10 And on the first page of results there are multiple
11 kids that on their profile page they say, I am
12 eight. And they are so easy to find and there are
13 many on there. And if we go back to sort of we were
14 talking about, trying to report them is nearly
15 impossible.

16 And one of my responsibilities on my first
17 stint was the infrastructure that detected fake
18 accounts. And I cannot tell you how sophisticated
19 people can be at creating fake accounts. That
20 infrastructure that was available in 2011 or '12
21 could be used to so effectively identify accounts
22 created by eight-year-olds in order to then require
23 further verification to establish whether they are
24 actually the kid, what age they are, if their
25 parents are aware.

CONFIDENTIAL

Page 194

1 And this is something we used to do at
2 Facebook and I was not aware of any substantive
3 efforts to do that at Instagram.

4 Q. Even after Meta started asking for kids'
5 ages on -- when kids would sign up for Instagram, in
6 December of 2019 were there still kids on Instagram
7 under the age of 13?

8 MS. JONES: Objection. Foundation.

9 THE WITNESS: Yes.

10 BY MR. CARTMELL:

11 Q. And at that point, even after they were
12 asking for age -- ages, I take it some kids would
13 lie?

14 A. Yes.

15 Q. Is that well-known in the industry, that
16 kids lie when they sign up for an Instagram or other
17 social media account?

18 MS. JONES: Foundation. Objection.
19 Foundation.

20 THE WITNESS: Yes.

21 BY MR. CARTMELL:

22 Q. Do you know that based on your 30 years in
23 the industry?

24 A. Yes. And managing this issue for Yahoo!
25 and managing this issue for Facebook.

CONFIDENTIAL

Page 195

1 Q. Even after Instagram started asking for
2 ages of kids and knowing that kids would lie, were
3 they diligent in trying to find those kids and make
4 sure that they were not on Instagram?

5 MS. JONES: Objection. Foundation.

6 THE WITNESS: I believe that they actually
7 were the opposite of that. That they made it almost
8 impossible to report underage accounts and -- that
9 there were features that were designed to appeal to
10 those kids and that you can find them today, like a
11 week ago, and they're still -- videos where kids --
12 there is, a little song it goes, like, "I am 16,
13 going on 17." And Instagram has a feature that
14 allows you to use that song in a video that you
15 make.

16 And, like, a week ago or two, I found
17 this -- some kids using that song, 22,000 of them,
18 and they say how old they are and the number goes on
19 the screen and so, "I am 16, going on 17." And they
20 go like this and the actual age pops up. And it
21 reads 11, 9, 8, 7, all of these numbers. And
22 there's 22,000 of them. I think if your technology
23 doesn't find those kids, I really don't know what
24 you're trying to find.

25 ///

CONFIDENTIAL

Page 196

1 BY MR. CARTMELL:

2 Q. You're talking about testing that you did
3 a week ago; is that right?

4 A. In the most recent weeks. So beginning --
5 like for the last month I've been doing some
6 testing.

7 Q. Okay. I'm going to hand you what has been
8 marked as Exhibit 12.

9 (Whereupon, Meta-Bejar Exhibit 12 was
10 marked for identification.)

11 BY MR. CARTMELL:

12 Q. And ask you what Exhibit 12 is.

13 This was something that you produced from
14 your files in this litigation; is that correct?

15 A. That is correct.

16 Q. So tell us, you mentioned that you had
17 done testing on accounts in the past, correct?

18 A. That is correct.

19 Q. And is this a -- an account of the testing
20 you've done over time?

21 A. That is correct.

22 Q. Why don't you go ahead and just explain
23 briefly what this document is that we just marked as
24 Exhibit 12.

25 A. Yeah. So in November of 2023, I really

CONFIDENTIAL

Page 197

1 wanted to see what the experience was of a teenager
2 on Instagram. And so I wanted to create a few test
3 accounts in order to understand that and I could
4 give concrete examples.

5 The testing protocol I use, sort of the
6 steps I followed, is kind of like what you would do
7 as a parent if you gave your kid a phone. So got
8 the phone out of the drawer, erased it, create an
9 account on Apple with the right age, so 13 or 14. I
10 tested both ages. I tested boy/girl. These list
11 the girls that I kind of focused on.

12 And then I created Instagram, downloaded
13 it, and just went in initially all defaults. I
14 didn't do any searches. I didn't do any of the
15 things that kind of prime algorithms just to see how
16 things work. And I have continued to test those
17 accounts.

18 Q. And this document outlines that testing.
19 And what are the pages attached to it with dates
20 starting as early as 2023?

21 A. So it outlines what I did to test. And
22 then these are videos that I took from the phone
23 while I was doing the testing that were -- that's
24 kind of what the phone recorded. And I labeled the
25 videos to describe what the videos captured.

CONFIDENTIAL

Page 198

1 Q. You mentioned that you did some testing to
2 look at whether or not there were underaged kids on
3 Instagram; is that correct?

4 A. That is correct.

5 (Whereupon, Meta-Bejar Exhibit 13 was
6 marked for identification.)

7 BY MR. CARTMELL:

8 Q. Mr. Bejar, I have provided you Exhibit 13
9 which is a slipsheet for a clip of a video that you
10 took during your testing that involves looking for
11 underage kids on Instagram. It's -- the source is
12 BEJAR0002542.

13 Do you see that?

14 A. I do.

15 Q. Okay. And can you tell us what, before we
16 start the video, what it was you did with this
17 phone?

18 A. Yeah. So -- so I had -- I tried different
19 things with different accounts. So my initial
20 testing for the very first account was -- was to see
21 sort of how some features were implemented. And
22 then I also searched for some gymnastics content and
23 then sort of got recommended videos of very young
24 girls in different kinds of outfits. That is the 32
25 ending account.

CONFIDENTIAL

Page 199

1 For the other accounts, the only thing I
2 did for a long period of time was to create the
3 account, go into Reels, no searches, no follows, and
4 watch videos and then if a particular video that met
5 that criteria came -- fed to me, I would watch it to
6 completion. And then I would swipe quickly videos
7 didn't meet that criteria.

8 So for example, if a video looked a little
9 racy, I would watch the video. If a video looked a
10 little violent, I would watch that video. If that
11 video was created by somebody who appeared to be
12 under 13, I would watch that video. And as a result
13 of that, what I found is within 8 to 12 minutes,
14 sometimes 18, the Reels algorithm adapted to give me
15 a stream of that content which I had watched.

16 Q. You said this was in -- or your first
17 testing was in November of 2023?

18 A. That is correct.

19 Q. Why were you doing it at that time?

20 A. I've always believed it's really important
21 to speak accurately about these things. And so I
22 really wanted to be able to be well informed, as I
23 was sort of entering public discourse around these
24 things, to be able to make accurate representation,
25 so what teens were getting delivered, and to be able

CONFIDENTIAL

Page 200

1 to understand how the features were working in terms
2 of preventing issues.

3 Q. Was November of 2023 when you went public?

4 A. It was, yes.

5 Q. Did you draw on your -- excuse me.

6 Did you draw on your 30-plus years of
7 experience in this industry when performing these
8 tests?

9 A. Yes, I did. I have 30-plus years of
10 experience of testing safety features and security
11 features and -- so that you can make accurate
12 representations about what they do or don't do. And
13 that was the protocol I tried to follow.

14 MR. CARTMELL: Okay. Let's show clip 77,
15 please.

16 (Video playing.)

17 BY MR. CARTMELL:

18 Q. So, Mr. Bejar --

19 A. Can I have just a moment?

20 Q. Yeah. Take your time.

21 A. Thank you.

22 Q. So first of all, I have some questions
23 about that.

24 How long did it take you to find all these
25 kids that are underage?

CONFIDENTIAL

Page 201

1 A. Less than a day of testing.

2 Q. How -- how is it that Meta doesn't make
3 sure that those kids aren't on there if they're
4 doing adequate age verification?

5 MS. JONES: Objection. Foundation.
6 Characterization.

7 You can answer.

8 THE WITNESS: I mean, if you can't find
9 these accounts, you're not even trying.

10 BY MR. CARTMELL:

11 Q. How many kids under the age of 13 did
12 you -- did you find in your testing?

13 A. I didn't keep count. And, again, one of
14 the principles that always guided this work is if
15 there's one, there's a million. I mean, it's --
16 when you're dealing with a billion people the math
17 gets really big, really fast.

18 Q. I don't totally understand where all those
19 kids were and why they were singing that song. What
20 was that? Is that an Instagram-provided song or
21 what are they doing?

22 MS. JONES: Objection to the form. And
23 foundation. Lacks foundation.

24 THE WITNESS: So one of the things that I
25 was testing Instagram for different features, the

CONFIDENTIAL

Page 202

1 first thing I tested was a feature where you go in
2 and you can add a little audio to your -- to the
3 video that you're making that you're sharing.

4 And I was able as a 13-year-old account to
5 create a video where the audio was called sexy girl
6 masturbating done by a porn star. And then when you
7 see a video with a song you can click on that and
8 say, oh, let me use that song for my video. And so
9 what you see is a feature provided by Instagram
10 where kids see other kids talking about their age
11 and they copy what they are doing and they copy the
12 song. And Instagram makes it very easy to do that
13 so that you can create your own video.

14 BY MR. CARTMELL:

15 Q. Does that video and the fact that you
16 found that many underage kids in a small, short
17 amount of time support your opinion that Meta does
18 not do an adequate job of age verification and
19 ensuring that kids under the age of 13 are on
20 Instagram?

21 A. Yes.

22 Q. Let me restate that.

23 Does that video support your opinions that
24 Meta does not do an adequate job of age
25 verification?

CONFIDENTIAL

Page 203

1 A. Yes.

2 Q. Can the fact that underage kids like that,
3 under the age of 13, are on the platform, can that
4 have an impact on safety?

5 MS. JONES: Objection to the form.

6 THE WITNESS: Absolutely. Because if you
7 think about every harm that we've talked about,
8 unwanted sexual advances, exposure to content that
9 is distressing or harmful, all these things, and
10 then you give those to, like, a 7- or 8-year old, I
11 mean, it's -- I can't imagine what it does to them.
12 And so I think that it's incredibly important at a
13 minimum to ensure that the kids are on the platform
14 are at least 13 years of age.

15 MR. CARTMELL: Okay. Let's go back to
16 Exhibit 10, please. Sorry. Okay. Let's go back
17 to -- you guys, do you mind if I -- I'm going to run
18 outside and clear my throat.

19 MS. JONES: Sure.

20 MR. CARTMELL: Sorry.

21 (Whereupon, a brief discussion off the
22 record.)

23 BY MR. CARTMELL:

24 Q. Okay. Mr. Bejar, let's go to number five
25 on your list of factors.