

Exhibit E

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-03047-YGR

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

**REBUTTAL EXPERT REPORT OF DR.
NASIR MEMON**

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61. A layered strategy allows platforms to apply low-friction, low-cost methods to most users while escalating to more stringent checks only when needed, based on context or risk. This graduated model improves usability and resource efficiency while maintaining strong protections for vulnerable populations. It also supports long-term adaptability: as new threats, technologies, or compliance requirements emerge, new layers can be added or existing ones refined without redesigning the entire system. In this way, defense in depth is not only a principle of robust protection, but also one of operational flexibility and regulatory resilience.

62. Plaintiffs' experts claim that Meta's age verification practices are ineffective because of the presence of underage users on Meta's platforms.³⁹ This criticism is misguided: in the cybersecurity field, it is accepted that no system is foolproof. No system, however well-designed, operates without exceptions, and the existence of exceptions does not mean that the system is inherently inadequate or poorly conceived. (Schneier, 2000 ("Security does not have to be perfect, but the risks have to be manageable.")). One of Plaintiffs' experts, Dr. John Chandler, asserts that Meta's approach to excluding underage individuals, including looking at the individual's self-reported age, was "imperfect,"⁴⁰ which applies an impossible standard, rather than evaluating whether the system is designed with all component considerations in mind, is fit for purpose, and comports with industry practices.

63. Meta's multi-layered age verification processes, designed to enforce its platforms' age restrictions, are reasonable and met or exceeded prevailing industry practices throughout the relevant period. The first layer is age gating and age collection at

³⁹ See generally Estes; Gray; Expert Report of Minette Drumwright, Ph.D., Case No. 4:22-03047-YGR, Multi-District Litigation No. 3047, *In re: Social Media Adolescent Addiction* (N.D. Cal., May 16, 2025) [hereinafter "Drumwright"]; Expert Report of Dr. John Chandler, Ph.D., Case No. 4:22-03047-YGR, Multi-District Litigation No. 3047, *In re: Social Media Adolescent Addiction* (N.D. Cal., May 16, 2025) [hereinafter "Chandler"].

⁴⁰ Chandler ¶167.

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registration. The second layer is identifying potential underage users through a multi-channel detection framework including the following: (1) online reporting; (2) internal reviews; (3) user self-reporting; and (4) cross-platform checks. The third layer is the review and evaluation of potential underage users' accounts using automations and human reviewers. The fourth layer is implementing underage checkpoints and appeals to suspend accounts suspected of belonging to users under 13, notify such users, and allow users to appeal this decision by providing documentation that they are 13 or older.

C. Meta's Policies

64. Meta's Terms of Service and Instagram's Terms of Use prohibit individuals under the age of 13 from using either Facebook, or Instagram. (META3047MDL-091-00080707; META3047MDL-208-00003308). This age restriction has been in place on both platforms throughout the relevant period. (META3047MDL-037-00118789; META3047MDL-012-00000096; META3047MDL-190-00000001; META3047MDL-091-00080707; META3047MDL-208-00003308; META3047MDL-208-00003310; META3047MDL-146-00072800).⁴¹

D. Account Registration & Age Collection

65. Meta's age gating and age collection at registration aims to prevent children under 13 from creating accounts on Facebook or Instagram. Consistent with its "real name" policy, which has always required Facebook users to create an account reflecting their true identity, Facebook has enforced its age restriction using an age gate

⁴¹ Specifically, the 2013 Facebook Statement of Rights and Responsibilities requires users to make the following commitment: "You will not use Facebook if you are under 13." (META3047MDL-091-00080707). The 2013 Instagram Terms of Service likewise states that users must be 13 years or older to use the site. (META3047MDL-208-00003308). More recently, the Instagram Terms of Use require that users make the commitment that they must be at least 13 years old to be part of the Instagram community. (META3047MDL-146-00072800). Instagram's Help Center post for "Confirming your age on Instagram" also outlines that Meta "require[s] people to be at least 13 years old to sign up for Instagram." (META3047MDL-040-00000350). See also <https://www.facebook.com/terms/>.