

AMENDED Exhibit 1003

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

This Document Relates To: MDL No. 3047

ALL ACTIONS

VIDEOTAPED DEPOSITION OF
JOHN M. HARDING

Held At: MORGAN LEWIS
One Market
Spear Tower, 28th Floor
San Francisco, California

March 25th, 2025
9:04 a.m.

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

P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record. My name is Alejandro Zamora Ruiz, I am the videographer for Golkow.

Today's date is March 25, 2025, and the time is 9:04 a.m. Pacific Time.

This video deposition is being held at Morgan Lewis at One Market Plaza, Spear Tower, San Francisco, California 94105, in the matter of In Re: Social Media Adolescent Addiction/Personal Injury Products Litigation for the United States District Court, Northern District of California.

The deponent is John Harding.

Counsel will be noted on the stenographic record.

And the court reporter will now introduce themselves and swear in the witness.

THE STENOGRAPHER: My name is Maureen Pollard, California CSR Number 14449.

* * *

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1 Whereupon,

2 JOHN M. HARDING,

3 being first duly sworn to testify to the truth, the
4 whole truth, and nothing but the truth, was examined
5 and testified as follows:

6 EXAMINATION

7 BY MR. DRAPER:

8 Q. Good morning, Mr. Harding.

9 A. Good morning.

10 Q. My name is Glenn Draper, and I'm one of
11 the attorneys for the kids and families and school
12 districts and other local government agencies who
13 have brought claims against the social media
14 companies including YouTube. I had a chance to
15 introduce myself before the deposition started.

16 We're here in San Francisco today at
17 the offices of the Morgan Lewis law firm to take
18 your deposition. You are appearing pursuant to a
19 notice of deposition that we will go ahead and mark
20 as YouTube-Harding Exhibit 1.

21 (Whereupon, Google-YouTube-Harding-1
22 was marked for identification.)

23 BY MR. DRAPER:

24 Q. And I'll go ahead and hand it to you.
25 And we're going to look at it a little more in-depth

1 in a minute, but it's my habit just to mark those
2 always as the first exhibit.

3 So this deposition is being taken in
4 what's called an MDL, which stands for multidistrict
5 litigation, in federal court, and it will also be
6 used in what is called a JCCP, which stands for
7 Judicial Commission Coordinated Proceeding, in
8 California state court. So you might hear me use
9 both those terms today, MDL and JCCP. It's just the
10 way these cases are grouped together. Okay?

11 A. Okay.

12 Q. Have you ever had your deposition taken
13 before?

14 A. Yes.

15 Q. And when? When did you have it taken
16 before?

17 A. It was quite some time ago, maybe 10,
18 15 years ago.

19 Q. And was it a case that had to do with
20 your work at Google or YouTube?

21 A. Yes.

22 Q. And what was the context of the case?

23 A. It was a patent lawsuit.

24 Q. Patent lawsuit. Okay.

25 And is that the only deposition you've

1 given before today?

2 A. Yes.

3 Q. Ever testified in court before?

4 A. No.

5 Q. I'm sure your attorney has covered some
6 of these rules for a deposition, but I just want to
7 go over them again to make sure you have them in
8 mind. Okay?

9 A. Okay.

10 Q. You've been sworn by the court
11 reporter, which means you're under oath. You're
12 testifying just as though you were sitting in a
13 courtroom before a jury and a judge, right?

14 A. Okay.

15 Q. You understand that?

16 A. Yes.

17 Q. Okay. And, in fact, you might hear me
18 or your attorney refer to the jury today even though
19 they're not physically present. Okay?

20 A. Okay.

21 Q. And that's because the deposition is
22 being recorded -- you can see the video camera, I'm
23 sure -- and the video and the written transcript may
24 be presented later in court or used for any other
25 purposes authorized under state or Federal Rules of

1 procedure and evidence.

2 Do you understand?

3 A. I do.

4 Q. Any questions about that?

5 A. Not right now.

6 Q. Okay. It's important you answer my
7 questions today verbally because the court reporter
8 is taking down everything that we say, so if you nod
9 or answer with something like uh-huh or uh-uh, it
10 doesn't really come through on transcript.

11 Do you understand?

12 A. I do.

13 Q. Okay. And it's really important that
14 we not talk over each other because it's hard for
15 the court reporter to take down two people talking
16 at once. I'll do my best to let you complete your
17 answer before I ask the next question, and if you
18 could do your best to let me complete the question
19 before you begin your response, that will make sure
20 we have a clean transcript.

21 Do you understand?

22 A. I do.

23 Q. Okay. You're doing great so far.

24 I'll tell you that I sometimes struggle
25 with this, so you can expect that we're going to

1 have to stop and do it over again to make sure we
2 have a clean record where we're not talking over
3 each other. It doesn't mean we're doing anything
4 wrong, it's not really a natural way to talk. But,
5 you know, if I ask you to repeat an answer or to let
6 me make sure I finish an answer -- or finish a
7 question before you begin your response, I'm just
8 doing it to make sure we have a clean record. All
9 right?

10 A. Okay.

11 Q. Okay. If you don't understand my
12 question, just ask me to repeat it or rephrase it
13 and I will. Okay?

14 A. Okay.

15 Q. You're represented by an attorney
16 today?

17 A. Yes.

18 Q. Lauren White, right?

19 A. Yes.

20 Q. Your attorney might have some
21 objections to some of my questions today. Let her
22 complete the objection before you respond. Most of
23 the time I think your attorney is going to tell you
24 to go ahead and answer the question despite the
25 objection, and that's so we can take the transcript

1 to the Judge later, get a ruling on the objection.
2 If the objection is overruled, we don't have to come
3 back and ask the question, we already have the
4 answer. If the objection is sustained, the Judge
5 will toss out the question and the response to it.
6 But it's just so the whole process goes faster.
7 Okay?

8 A. Okay.

9 Q. So there will be a few times today --
10 there may be a few times today where your lawyer
11 tells you not to answer the question, so that's
12 another reason to let her finish the objection
13 before you answer. Okay?

14 A. Okay.

15 Q. There will be a few times today where
16 we're all talking at once and we'll have to stop and
17 do everything over sequentially, question,
18 objection, answer, happens most every deposition.

19 Do you understand?

20 A. I do.

21 Q. You can take a break today when you
22 want. I usually like to break about every
23 90 minutes. If you want one sooner, just ask. The
24 only rule is you have to answer the pending
25 question, right?

1 Do you understand?

2 A. I do.

3 Q. Anything that would affect your memory
4 or ability to tell the truth today?

5 A. No.

6 Q. You haven't taken any medications that
7 might make it difficult to you -- or difficult for
8 you to concentrate or remember?

9 A. No.

10 Q. All right. Got a good night sleep last
11 night?

12 A. Yes.

13 Q. Excellent.

14 Questions at all kind of before we
15 begin?

16 A. No, not right now.

17 Q. Okay. So you're represented today by
18 Lauren White from the Wilson Sansoni firm, correct?

19 A. Correct.

20 Q. She also represents Google and YouTube.
21 You understand that?

22 A. I do.

23 Q. When did you find out we had requested
24 your deposition in this case?

25 A. I believe it was five or six weeks ago.

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1 Q. Have you met with Ms. White who
2 represents Google and YouTube to prepare for the
3 deposition?

4 MS. WHITE: You can answer that yes or
5 no.

6 THE WITNESS: Yes.

7 BY MR. DRAPER:

8 Q. I don't want to ask about the content
9 of any of your meetings with the attorneys, but I
10 want to ask a little bit about the circumstances of
11 those meetings. Okay?

12 A. Okay.

13 Q. When was the first time you met with
14 the attorneys?

15 A. Soon after I found out about the
16 deposition, about five or six weeks ago, I think.

17 Q. Okay. How many times have you met with
18 them?

19 A. Four, I believe.

20 Q. And about how long total would you say
21 that you've spent with them preparing for this
22 deposition?

23 A. Approximately ten hours.

24 Q. Okay. All right. So now we're going
25 to get to what we have marked as YouTube-Harding

1 Exhibit 1. This is the Notice of In-Person
2 Videotaped Deposition of John Harding.

3 Have you seen this document before?

4 A. Let me take a look.

5 Q. Sure.

6 A. I don't believe I have.

7 Q. Okay. There is on page 2 a request
8 that you bring certain documents with you to the
9 deposition, and I'd like to go through those
10 document requests and see if you have any of those
11 documents with you even though you haven't seen the
12 notice. Okay?

13 A. Okay.

14 Q. Are you there? Do you see on the
15 bottom around line 21 at page 2 --

16 A. I see this.

17 Q. Right.

18 -- "Please Take Further Notice," and
19 then it has a list.

20 A. Okay.

21 Q. Okay. Number 1 is, "All documents and
22 communications used to refresh the witness's
23 recollection."

24 When you were meeting with Ms. White or
25 other attorneys for Google and YouTube, did you

1 review any documents or communications?

2 MS. WHITE: You can answer that yes or
3 no.

4 THE WITNESS: Yes.

5 BY MR. DRAPER:

6 Q. Okay. Did those documents or
7 communications refresh your recollection about the
8 events that were described in those documents or
9 communications?

10 A. No.

11 Q. No. Okay.

12 MR. DRAPER: Have all of the -- and
13 this is directed to your attorney actually,
14 not to you.

15 Have all of the documents that the
16 witness reviewed been produced and marked
17 with a Google Bates stamp in this
18 litigation?

19 MS. WHITE: They have.

20 MR. DRAPER: Okay.

21 BY MR. DRAPER:

22 Q. Okay. Number 2, sir, is a copy of your
23 curriculum vitae. And your attorneys forwarded us
24 yesterday a copy of your LinkedIn profile that has a
25 list of your professional history and

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1 accomplishments. So that will suffice for that one.

2 Number 3 is the employee custodial
3 file.

4 MR. DRAPER: An, was that produced in
5 this case.

6 MS. TRUONG: Yes.

7 MR. DRAPER: Great. We got it.

8 BY MR. DRAPER:

9 Q. Did you make any notes to help you for
10 this deposition, sir?

11 A. No.

12 Q. Okay. That takes care of number 5.

13 All right. I don't want to ask about
14 any of the rest of them.

15 Okay. Let me ask you a little bit
16 about your background, okay? So you're currently
17 the vice president of engineering for YouTube Music
18 and YouTube Premium?

19 A. That's correct.

20 Q. Okay. And who do you report to in that
21 role?

22 A. Scott Silver.

23 Q. Okay. And you have had that position
24 since 2017?

25 MS. WHITE: Objection.

1 Is there a question?

2 MR. DRAPER: Yes, that's a question.

3 BY MR. DRAPER:

4 Q. Have you had that position since 2017?

5 A. Yes.

6 Q. All right. Prior to that you were the
7 vice president of engineering for emerging
8 experiences at YouTube, right?

9 A. That's correct.

10 Q. Okay. You had that position from 2015
11 to 2017, correct?

12 A. That's correct.

13 Q. Okay. And emerging experiences means
14 that you worked on the engineering for non-core
15 YouTube experiences, things like YouTube Living
16 Room, right?

17 A. Correct.

18 Q. YouTube Living Room is a version of
19 YouTube designed to be seen on a television and
20 watched similar to Netflix?

21 A. That's correct.

22 Q. Okay. And you also worked on YouTube
23 Live which involves live broadcasts on YouTube?

24 MS. WHITE: Objection. Is there a
25 question?

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1 MR. DRAPER: Yes, that's the question.

2 BY MR. DRAPER:

3 Q. Did you work on YouTube Live which
4 involves live broadcasts on YouTube?

5 A. Yes.

6 Q. Okay. And you also worked on YouTube
7 Gaming, correct?

8 A. Correct.

9 Q. And YouTube Music, correct?

10 A. That's correct.

11 Q. All right. And you would agree with me
12 that music and gaming are two areas that are
13 critical for YouTube's efforts to attract young
14 users?

15 MS. WHITE: Object to form.

16 THE WITNESS: We view them as key
17 efforts for all of YouTube's users.

18 BY MR. DRAPER:

19 Q. Okay. And isn't it true that most of
20 the music and gaming users are on the younger side
21 at YouTube?

22 MS. WHITE: Object to form.

23 THE WITNESS: I don't actually have
24 that data in memory.

25 ///

1 BY MR. DRAPER:

2 Q. Okay. All right. Before you were vice
3 president of engineering for emerging experiences,
4 you were an engineering director at YouTube from
5 2010 to 2014, is that right?

6 A. That's correct.

7 Q. Okay. And in that role you were part
8 of the core engineering team, right?

9 A. That's correct.

10 Q. Okay. And you worked on things like
11 building out YouTube's infrastructure and
12 operations, video ingestion processing, streaming,
13 playback, data warehouse, that kind of thing, right?

14 A. That's correct.

15 Q. All right. And before you were an
16 engineering director you were an engineering manager
17 at YouTube from 2007 to 2010, right?

18 A. That's correct.

19 Q. Okay. The engineering manager position
20 at YouTube was your first job at YouTube, correct?

21 A. That's correct.

22 Q. All right. And prior to that you were
23 a software engineer at Google from 2005 to 2007?

24 A. That's correct.

25 Q. All right. And at Google, one of the

1 things you worked on was the Google video player, is
2 that right?

3 A. That's correct.

4 Q. All right. Okay. That's your
5 background out of the way. I want to ask you some
6 things about your day-to-day work at YouTube now.
7 All right?

8 A. Okay.

9 Q. What are the different ways you
10 communicate with your coworkers at YouTube?

11 A. We use Gmail, we use Google Chat, we
12 talk in person, we use Google Meet for
13 videoconferencing, occasionally phone calls. And
14 then we use documents like Google Docs, Google
15 Sheets, Google Slides.

16 Q. Okay. And I've seen in the documents
17 fairly often offsite meeting notes. Is that kind of
18 a regular thing that's done at YouTube?

19 MS. WHITE: Object to form.

20 THE WITNESS: Teams will have, like,
21 offsite strategy meetings or fun events,
22 yes.

23 BY MR. DRAPER:

24 Q. Okay. All right. Are you one of those
25 people who routinely cleans out their e-mail inbox?

1 A. What do you mean by "clean out"?

2 Q. Well, there are some people -- I'm not
3 one of them, but there are some people who will
4 delete e-mails when they've read them or when they
5 think they no longer need them, and then there's
6 other people, I am one, who like never delete
7 anything and just let it sit.

8 A. I don't delete my e-mails generally. I
9 use Gmail's archive feature which keeps them but
10 removes them from my inbox.

11 Q. Okay. Do you have any form of auto
12 delete that applies to your e-mails, sir?

13 A. I don't believe so.

14 Q. Okay. I've seen lots of Google slide
15 presentations in the YouTube documents. Seems like
16 a pretty common way to present information to fellow
17 YouTube employees, right?

18 A. Yes.

19 Q. Do you keep a file of the Google slide
20 presentations you've worked on?

21 MS. WHITE: Object to form.

22 THE WITNESS: I don't keep a file.

23 Google Slides just has them all.

24 BY MR. DRAPER:

25 Q. Okay. All right. Do you work on a

1 laptop or a desktop?

2 A. Primarily a laptop.

3 Q. Okay. And do you keep any work files,
4 e-mails, Google slide presentations stored locally
5 on your computer as opposed to stored in a larger
6 company-wide storage system?

7 A. No. I use the cloud storage.

8 Q. So you mentioned Google Chats. Is that
9 a common or uncommon feature that you use to
10 communicate with people at YouTube?

11 A. It's fairly common.

12 Q. All right. I understand that Google
13 Chats has a setting, I think it's called "history
14 off," so that chats aren't saved for more than a
15 short period.

16 Do you understand that?

17 A. I've heard of that feature.

18 Q. Okay. Do you know how it works?

19 A. I do not.

20 Q. Is it your habit to leave history on,
21 or do you usually have history off?

22 A. I don't do any changes to the history
23 settings.

24 Q. Okay. Have you ever been asked by
25 anyone at YouTube to turn history off in a specific

1 chat string?

2 A. I don't believe so.

3 Q. Do you have an official work phone
4 provided to you by YouTube for your business
5 purposes?

6 A. No.

7 Q. Do you have a personal phone?

8 A. I do.

9 Q. Do you ever use your personal phone to
10 communicate with other YouTube employees about work?

11 A. Yes.

12 Q. Do you text with other YouTube
13 employees about work from your personal phone?

14 A. No.

15 Q. So how do you communicate with them
16 from your personal phone?

17 A. Voice calls.

18 Q. Voice calls. Okay.

19 Mr. Harding, do you agree that a
20 corporation should not release an application
21 designed for teens and younger kids without knowing
22 that the application is safe for them?

23 MS. WHITE: Object to form.

24 THE WITNESS: I think when we release
25 applications we try to balance the needs of

1 a large number of users.

2 BY MR. DRAPER:

3 Q. Okay. Do you agree that a corporation
4 should not release an application designed for teens
5 and younger kids without knowing that the
6 application is safe for them?

7 MS. WHITE: Same objection. Asked and
8 answered.

9 THE WITNESS: I think, as I said, we
10 try to balance the needs of a wide variety
11 of users with the best knowledge we have
12 about how to optimize across that broad
13 user base.

14 BY MR. DRAPER:

15 Q. Okay. So does that mean as long as
16 you've optimized across that broad user base, if
17 it's not safe for a particular segment of that user
18 base like kids or younger, or teens, then that's
19 okay in your book?

20 MS. WHITE: Object to form.

21 THE WITNESS: I think, as I said, we're
22 trying to balance. There's not a perfect
23 solution for all users, and so we're always
24 trying to find the best trade-off we can
25 across the needs of users, creators,

1 everyone in our ecosystem.

2 BY MR. DRAPER:

3 Q. Okay. So you're willing to accept some
4 safety hazards for kids and teens as long as it
5 balances or optimizes for the larger intended group
6 of users for the product?

7 MS. WHITE: Object to form.

8 THE WITNESS: I don't think it's
9 possible to build a product that's perfect
10 for everyone, so we are always trying to
11 find a balance straight off.

12 BY MR. DRAPER:

13 Q. Do you agree that a corporation that
14 wants to release an application designed for teens
15 and younger kids should test the application for
16 safety before releasing it?

17 MS. WHITE: Object to form.

18 THE WITNESS: I think we test a large
19 number of aspects of our products before we
20 release them.

21 BY MR. DRAPER:

22 Q. So yes?

23 MS. WHITE: Object to form.

24 THE WITNESS: I believe we should and
25 we do test for a large number of aspects of

1 the product.

2 BY MR. DRAPER:

3 Q. Test it specifically for safety?

4 MS. WHITE: Object to form.

5 THE WITNESS: I'm not -- that's not my
6 area of the product so I'm not familiar
7 with what we do.

8 BY MR. DRAPER:

9 Q. So I'm not really asking you for your
10 knowledge of what YouTube has done in that regard,
11 I'm asking you how you, John Harding, feel as a
12 person who is sitting here in front of me.

13 Do you think a corporation should test
14 a product for safety before releasing it to teens
15 and young kids?

16 MS. WHITE: Object to form.

17 THE WITNESS: I think similar to what I
18 said that we do, I think companies should
19 test for a large number of aspects.
20 Appropriateness for their users is one of
21 those.

22 BY MR. DRAPER:

23 Q. Okay. Do you agree that a corporation
24 that wants to add features to an application that's
25 designed for teens and younger kids should test the

1 new features for safety before releasing them?

2 MS. WHITE: Object to form.

3 THE WITNESS: I think similarly to
4 launching, when updating products, testing
5 them out is a good idea, yes.

6 BY MR. DRAPER:

7 Q. Okay. Do you agree that a corporation
8 with an application designed for teens and younger
9 kids that learns the application can harm children
10 should make changes to the application to improve
11 its safety as soon as possible?

12 MS. WHITE: Object to form.

13 THE WITNESS: I think, yes, if
14 companies learn they have problems in their
15 products, improving them is a great idea.

16 BY MR. DRAPER:

17 Q. Do you agree with -- scratch that.

18 Do you agree that a corporation with an
19 application designed for teens and younger kids that
20 learns the application can harm children should warn
21 the children and their parents of the potential harm
22 as soon as the corporation learns of it?

23 MS. WHITE: Object to form.

24 THE WITNESS: I think there's a wide
25 way that companies can communicate with

1 users about products, and so I don't know
2 what the specific form of communication is
3 appropriate. Depends on the products, the
4 users, the context.

5 BY MR. DRAPER:

6 Q. Yeah, I'm not asking how the company
7 should warn children and their parents. I'm just
8 asking you if you think the company should warn the
9 children and their parents, however they decide to
10 do that, as soon as they learn of a potential harm
11 associated with the application.

12 MS. WHITE: Object to form.

13 THE WITNESS: I think it is good for
14 companies to communicate with users about
15 how to appropriately use their products,
16 yes.

17 BY MR. DRAPER:

18 Q. Okay. "How to appropriately use their
19 products." I guess I'm asking a slightly different
20 question than that.

21 If a corporation learns that an
22 application is potentially harmful to kids and teens
23 that use the application, should the corporation
24 warn the parents about that specific harm?

25 MS. WHITE: Objection to form.

1 THE WITNESS: I'm not sure how to
2 answer in the general because I think it
3 would depend on the specifics of that
4 situation.

5 BY MR. DRAPER:

6 Q. Let's say a corporation learns that
7 when kids or teens use its product it can cause
8 interference with sleep patterns. Should they warn
9 the parents and the children about that?

10 MS. WHITE: Objection to form.

11 THE WITNESS: Again, I think it would
12 depend on the details. This is -- I'm an
13 engineer, and so product design and
14 communications design is sort of out of my
15 area of expertise.

16 BY MR. DRAPER:

17 Q. You're an engineer, but I'm not asking
18 you how they do it, I'm just -- you're a person
19 too -- do you have kids?

20 A. I do.

21 Q. And you're a parent. Do you think that
22 a company that learns about a potential harm to kids
23 and teens from the use of an application should warn
24 the parents and the kids about that potential harm?

25 MS. WHITE: Objection to form.

1 THE WITNESS: I think, again, it
2 depends on the case. If it's a rare thing
3 and you're putting a, you know, popup in
4 front of everybody that uses a product,
5 that's probably not a great balance.

6 So that's why I say I think the right
7 answer depends on what the particular risk
8 is, what the particular communication needs
9 to be to put in front of them.

10 So I don't know what the right -- I
11 don't know whether a warning -- I'm not
12 sure even what you mean necessarily by a
13 warning, so I'm having trouble figuring out
14 how to answer.

15 BY MR. DRAPER:

16 Q. Okay. All right. I was looking
17 forward to talking to you today because I think your
18 early career is kind of interesting to me.

19 So you were at Google working on Google
20 video player in 2005 and 2006, right?

21 A. That's correct.

22 Q. All right. And then at that time Susan
23 Wojcicki, who would become the long-term CEO of
24 YouTube, she was also at Google Video, right?

25 A. That's correct.

1 founded, the founders knew they wanted to have a
2 video hosting site but they weren't sure exactly
3 what type of video hosting site it would be?

4 MS. WHITE: Objection. Lacks
5 foundation.

6 THE WITNESS: I don't know what their
7 plans were when they founded it.

8 BY MR. DRAPER:

9 Q. Did you know that they considered
10 having YouTube be a video dating site?

11 MS. WHITE: Objection. Lacks
12 foundation.

13 THE WITNESS: I heard lots of different
14 stories about founding lore of the company.

15 BY MR. DRAPER:

16 Q. Is that one of them?

17 A. That is one of the stories.

18 Q. Okay. All right. Would you agree with
19 me that in the time that you have been at YouTube
20 since 2007, growth, however it's been measured, has
21 been an important goal at YouTube.

22 MS. WHITE: Objection to form.

23 THE WITNESS: Growth of value is
24 probably the main thing we look at, are we
25 delivering value for the ecosystem.

1 BY MR. DRAPER:

2 Q. However it's measured, growth has been
3 an important goal at YouTube in the time you've been
4 there?

5 MS. WHITE: Objection to form.

6 BY MR. DRAPER:

7 Q. Correct?

8 MS. WHITE: Objection to form.

9 THE WITNESS: Growth of the value that
10 we're delivering through the product, yes.

11 BY MR. DRAPER:

12 Q. I see.

13 When you were the engineering director
14 at YouTube from 2010 to 2014, one of your jobs was
15 to make sure that the YouTube infrastructure, the
16 equipment and software that makes YouTube run, video
17 ingestion, processing streaming, one of your jobs
18 was to make sure that infrastructure was capable of
19 handling the growth that was planned, right?

20 MS. WHITE: Objection to form.

21 THE WITNESS: That's correct.

22 BY MR. DRAPER:

23 Q. All right. From early on YouTube set
24 very ambitious goals for itself in terms of growth,
25 right?

1 Q. Okay. And this document is an e-mail
2 from [REDACTED] on behalf of [REDACTED] at Google
3 to [REDACTED] at Google.

4 Do you recognize any of those names?

5 A. Yes.

6 Q. And who are they, please?

7 A. [REDACTED] was a product manager. I
8 don't -- I don't know what Kubrik is. [REDACTED],
9 the name is familiar, but I don't recall what he
10 did.

11 Q. Okay. All right. And this is an
12 e-mail string dated June of 2012, correct?

13 A. That's what it appears to be.

14 Q. All right. And if you look, sir, at
15 the bottom of the second page, [REDACTED] is
16 described as the engineering manager for Player at
17 YouTube.

18 Do you see that?

19 A. I do.

20 Q. Do you recall that position?

21 A. I recall that as a position.

22 Q. Okay. Do you agree that since this
23 document was found in your custodial file that it
24 was sent to you somehow?

25 MS. WHITE: Objection. Lacks

1 foundation.

2 THE WITNESS: I don't know how things
3 would end up in whatever custodial file it
4 is.

5 BY MR. DRAPER:

6 Q. All right. Any reason to think that
7 this document is not what it appears to be, an
8 e-mail between coworkers at YouTube?

9 MS. WHITE: Objection. Lacks
10 foundation.

11 THE WITNESS: That's what it seems to
12 be.

13 BY MR. DRAPER:

14 Q. All right. If you look at the part of
15 the e-mail on the first page that was sent on
16 June 7, 2012 from [REDACTED], it's designated as
17 "Notes from iOS Creator App review."

18 Do you see that?

19 A. I do.

20 Q. All right. And then down below that it
21 says "Value prop."

22 Do you see that?

23 A. I do.

24 Q. All right. And the last item for Value
25 prop is, "Goal is not viewership, it's viewer

1 addiction."

2 Do you see that?

3 A. I do.

4 Q. Okay. So you would agree with me that
5 at least [REDACTED] had in mind to make the YouTube
6 application addictive as of June of 2012?

7 MS. WHITE: Objection. Lacks
8 foundation, mischaracterizes the document.

9 THE WITNESS: I don't know what he had
10 in mind. The context of this document is
11 about a video creation app, so that last
12 sentence doesn't even make sense because
13 the video creation app -- that's what
14 Kubrik was, Kubrik was a code name for our
15 video creation app that we built at one
16 time. I don't know, that wasn't even built
17 for viewers, it was built for creators.

18 BY MR. DRAPER:

19 Q. And was it going to be integrated into
20 the YouTube application?

21 A. I don't think so.

22 Q. Was it released separately ever?

23 A. I'm not sure if it ever released. I
24 think it did, but I'm not sure.

25 Q. I'm sorry, you said you didn't know

1 whether it was integrated into the YouTube app at
2 any time?

3 A. It was not.

4 Q. It was not.

5 All right. YouTube achieved its
6 1 billion hours per day watch time goal on schedule
7 in 2016, correct?

8 MS. WHITE: Objection. Lacks
9 foundation.

10 THE WITNESS: I don't recall, but that
11 sounds correct.

12 BY MR. DRAPER:

13 Q. All right. And from there YouTube set
14 another extremely ambitious goal. Do you recall
15 what that was?

16 MS. WHITE: Objection. Lacks
17 foundation.

18 THE WITNESS: I do not.

19 BY MR. DRAPER:

20 Q. Do you recall YouTube setting a goal
21 for 4 billion hours of watch time by 2020?

22 A. I do not.

23 Q. Did YouTube ever warn children or
24 parents that it would exploit their psychological
25 vulnerabilities in order to achieve its watch time

1 goals?

2 MS. WHITE: Objection. Lacks
3 foundation.

4 THE WITNESS: I don't know. Can you
5 repeat the question?

6 BY MR. DRAPER:

7 Q. Sure.

8 Did YouTube ever warn children or
9 parents that it would exploit their psychological
10 vulnerabilities in order to achieve its watch time
11 goals?

12 MS. WHITE: Same objection.

13 THE WITNESS: I don't know what
14 warnings we may or may not have done.

15 BY MR. DRAPER:

16 Q. Did YouTube ever warn children or
17 parents that it would ignore their intent in coming
18 to the platform in order to keep them on longer?

19 MS. WHITE: Objection. Lacks
20 foundation.

21 THE WITNESS: These questions are
22 implying something I'm not sure I agree
23 with, but I don't know what warnings we did
24 or did not issue.

25 ///

1 BY MR. DRAPER:

2 Q. Did YouTube ever warn children or
3 parents that it would send them notifications in
4 order to bring them back to the YouTube application
5 daily?

6 MS. WHITE: Objection. Lacks
7 foundation.

8 THE WITNESS: Again, I don't know what
9 warnings were or weren't issued.

10 BY MR. DRAPER:

11 Q. Did YouTube warn parents and children
12 that YouTube would Autoplay the next video in hopes
13 that they would just continue watching rather than
14 consider whether they wanted to stay on the
15 platform?

16 MS. WHITE: Objection. Lacks
17 foundation.

18 THE WITNESS: Again, there's a lot of
19 implied behaviors I don't know that I agree
20 with, but I also still don't know what
21 warnings we do or don't issue.

22 BY MR. DRAPER:

23 Q. All right. Did YouTube ever warn
24 parents or children that they would try to create a
25 fear of missing out so that kids came back to the

1 application every day?

2 MS. WHITE: Objection. Lacks
3 foundation.

4 THE WITNESS: Again, I don't agree with
5 the framing of the question, but I still
6 don't know what warnings we do or don't
7 issue.

8 BY MR. DRAPER:

9 Q. And did YouTube ever warn parents or
10 children that it had set out to create an addictive
11 application?

12 MS. WHITE: Objection. Lacks
13 foundation.

14 THE WITNESS: Again, I don't agree with
15 the premise, and I don't know what warnings
16 we do or don't issue.

17 BY MR. DRAPER:

18 Q. All right. Do you agree with me, sir,
19 that by 2017 or 2018 addiction to social media was a
20 concern both inside and outside of YouTube?

21 MS. WHITE: Objection. Lacks
22 foundation.

23 THE WITNESS: It's out of my area of
24 responsibility and so I wasn't tracking
25 when things would have been on radar. We

1 don't typically think of YouTube as social
2 media, we're a video distribution platform,
3 so the framing wouldn't apply. But maybe I
4 misunderstood the question.

5 BY MR. DRAPER:

6 Q. Why don't you think of YouTube as a
7 social media platform?

8 A. We're primarily about creators
9 distributing video to an audience. It's not a
10 social interaction platform. Again, it's video
11 distribution/consumption for creators to build
12 businesses on.

13 Q. At one time YouTube had the ability to
14 send direct messages from user to user, correct?

15 MS. WHITE: Objection. Lacks
16 foundation.

17 THE WITNESS: That is correct.

18 BY MR. DRAPER:

19 Q. And that feature was created in hopes
20 of fostering communities and allowing people to
21 discuss privately videos that they were watching?

22 MS. WHITE: Objection. Lacks
23 foundation.

24 THE WITNESS: I believe the direct
25 messaging existed before we bought YouTube,

1 BY MR. DRAPER:

2 Q. This document has been marked as
3 YouTube-Harding Exhibit 18. There's a copy for you,
4 and a copy for you (handing).

5 Go ahead and take a look, please.

6 This document was produced by the
7 attorneys for Google and YouTube and is Bates
8 number 00632685.

9 (Witness reviewing document.)

10 A. Okay.

11 Q. All right. So if you look at the last
12 page, you will see that you are listed as one of the
13 custodians for this document.

14 Do you see that?

15 A. I see that.

16 Q. All right. And this document is
17 entitled "Digital Wellbeing, Problem Statement and
18 Background."

19 Do you see that?

20 A. I see that.

21 Q. Okay. This document is not dated, but
22 the metadata indicates it's from November of 2019.
23 That's on the last page.

24 Do you see that?

25 A. I see that.

1 Q. Okay. Great.

2 Back to the first page. We go back and
3 forth and back and forth. There are a number of
4 names that are listed after Digital Wellbeing, Brian
5 Marquardt, [REDACTED], [REDACTED],
6 Reid Watson.

7 Do you see those?

8 A. I do.

9 Q. I think we've already established that
10 you recognize Reid Watson as an employee of YouTube.

11 How about Brian Marquardt?

12 A. I do.

13 Q. What was his position?

14 A. He was a product manager.

15 Q. [REDACTED]?

16 A. Yes.

17 Q. What was his position?

18 A. He was in the UX organization, I
19 believe a UX researcher.

20 Q. All right. [REDACTED], or [REDACTED]?

21 A. I do not recognize that name.

22 Q. [REDACTED]?

23 A. I do recognize that name.

24 Q. And what was his position?

25 A. I don't know.

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1 Q. Okay. Any reason to believe this
2 document is not what it appears to be, a planning
3 document for YouTube discussing digital wellbeing?

4 MS. WHITE: Objection. Lacks
5 foundation.

6 THE WITNESS: I don't know if it's a
7 planning document. Appears to be a
8 document discussing digital wellbeing.

9 BY MR. DRAPER:

10 Q. From YouTube?

11 A. Those are YouTube employees, yes.

12 Q. Okay. All right. Let's look at the
13 first sentence. It says, "In 2017, excessive screen
14 time and 'tech addiction' became a major topic of
15 concern."

16 Do you see that?

17 A. I do.

18 Q. All right. And when it says "excessive
19 screen time became a concern," it's talking about it
20 being a concern outside of YouTube?

21 MS. WHITE: Objection. Lacks
22 foundation.

23 THE WITNESS: I'm not familiar with the
24 document, so I don't know what --

25 ///

1 BY MR. DRAPER:

2 Q. Sure.

3 A. -- the framing is there.

4 Q. If you look further in this paragraph,
5 it cites examples from media sources from France and
6 China, right?

7 Do you see that?

8 A. I do. It's a little confusing the way
9 the hyperlinks are included here.

10 Q. And it says, "These concerns have led
11 to growing expectations for major tech companies to
12 take more responsibility."

13 I read that correctly? Yes?

14 A. Yes.

15 Q. And then it says Google "looks to
16 YouTube for leadership in supporting wellbeing,"
17 right?

18 MS. WHITE: Objection.

19 Mischaracterizes the document, and lacks
20 foundation.

21 THE WITNESS: Skip over part of this,
22 but roughly, yes.

23 BY MR. DRAPER:

24 Q. Okay. I was paraphrasing a little bit,
25 but more or less that's what it says?

1 A. Yes. It says, "Google prioritized
2 wellbeing...and looks to YouTube for leadership."

3 Q. All right. So at the same time --
4 scratch that.

5 At this same time, 2017, excessive
6 usage was becoming a concern internally at YouTube,
7 correct?

8 MS. WHITE: Objection. Lacks
9 foundation.

10 THE WITNESS: Are you saying the
11 document says that?

12 BY MR. DRAPER:

13 Q. No. I'm asking you.

14 A. Oh. I don't know. I would not have
15 been in those conversations.

16 Q. Okay. So do you recall any
17 conversations around the 2017, 2018 time frame about
18 excessive use or heavy use of the product?

19 A. I don't recall being in those
20 conversations, no.

21 Q. Do you -- scratch that.

22 Some people inside YouTube believed
23 responsible growth was about limiting session
24 duration independent of content at least for kids.
25 Did you ever hear anything like that?

1 MS. WHITE: Objection. Lacks
2 foundation.

3 THE WITNESS: Not that I recall.

4 BY MR. DRAPER:

5 Q. Okay. Some YouTubers were questioning
6 whether creating an endless stream of videos was the
7 right thing to do for kids. Were you involved in
8 any of those questions, any of those discussions?

9 MS. WHITE: Objection. Lacks
10 foundation.

11 THE WITNESS: Not that I recall.

12 BY MR. DRAPER:

13 Q. Did you share any of those concerns
14 yourself?

15 MS. WHITE: Objection.

16 BY MR. DRAPER:

17 Q. Were you worried that watching a lot of
18 YouTube maybe isn't good for kids?

19 MS. WHITE: Objection. Lacks
20 foundation.

21 THE WITNESS: Not that I recall, no.

22 BY MR. DRAPER:

23 Q. Did you have rules for your own kids
24 about how much YouTube they were able to watch?

25 A. I have rules for my kids on how much

1 device time they get overall.

2 Q. Okay. And I don't want to inquire too
3 much, but about how old were they in this time
4 frame, 2017, 2018?

5 A. They were born in [REDACTED] and [REDACTED], so
6 they would have been [REDACTED] and [REDACTED].

7 Q. Pretty young.

8 All right. So if we look at the second
9 paragraph of this document, it gives some statistics
10 about teen use of tech generally, right?

11 Do you see those?

12 A. Let me take a look.

13 (Witness reviewing document.)

14 MS. WHITE: Objection.

15 Mischaracterizes the document.

16 THE WITNESS: Sorry, can you repeat
17 your question for me, please?

18 BY MR. DRAPER:

19 Q. Sure.

20 My question was, the second paragraph,
21 the first part of it talks about some statistics
22 relating to screen use kind of in general, right?

23 MS. WHITE: Same objection.

24 THE WITNESS: I see that.

25 ///

1 BY MR. DRAPER:

2 Q. Okay. And then the last sentence says,
3 "We developed a" -- and then it's got a hyperlink,
4 and then it continues, "for wellbeing, focused on 3
5 concern areas, impacting users 13-24
6 disproportionately."

7 Right?

8 A. I see that.

9 Q. Okay. And the hyperlink is for Double
10 Rainbow, right?

11 A. That's what it seems to say, yes.

12 Q. All right. And Double Rainbow, that
13 was the document we looked at at Exhibit 8. Do you
14 remember talking about Project Double Rainbow?

15 A. I don't remember the term "Double
16 Rainbow." That looks familiar from this morning,
17 though.

18 Q. Okay. Well, we're going to talk about
19 this in some detail in a little bit. But first
20 let's continue on with this one.

21 So after talking about screen use
22 generally, the document has some specific statistics
23 about use of YouTube by young people, right?

24 MS. WHITE: Objection.

25 Mischaracterizes the document.

1 THE WITNESS: It seems to have some
2 metrics in here, yes.

3 BY MR. DRAPER:

4 Q. All right. And so one of those metrics
5 is that 10 percent of 13 to 24 year olds on YouTube
6 habitually watch more than two hours a day,
7 excluding music, right?

8 MS. WHITE: Objection. Lacks
9 foundation.

10 THE WITNESS: That's what's written
11 here.

12 BY MR. DRAPER:

13 Q. All right. And, "13 percent of 18-24
14 year olds reported 'I regret how long I stayed on
15 YouTube' in the past week."

16 Right?

17 MS. WHITE: Same objection.

18 THE WITNESS: That's what's written
19 here.

20 BY MR. DRAPER:

21 Q. All right. And they're both under the
22 header of "Habitual heavy use." Yes?

23 A. That is what's written there, yes.

24 Q. All right. Have you heard that phrase
25 before, "habitual heavy use"?

1 A. I don't believe I have.

2 Q. The next bullet point is for "Late
3 night use."

4 Do you see that?

5 A. I do.

6 Q. And it says, "7 percent of teens on
7 YouTube watch past midnight on school nights."

8 Correct?

9 A. That is what's written here.

10 Q. And when it talks about 7 percent of
11 teens on YouTube, it's talking about declared teens,
12 right?

13 MS. WHITE: Objection. Lacks
14 foundation.

15 THE WITNESS: I'm not familiar with the
16 document, so I don't know how they're
17 determining that.

18 BY MR. DRAPER:

19 Q. All right. Are you familiar with the
20 distinction between declared teens and inferred
21 teens at YouTube?

22 A. I've heard of the distinction, but I
23 don't understand the details of how they're defined.

24 Q. You understand that a declared teen is
25 someone who would be a teenager according to the

1 birthday they enter when the account is created?

2 MS. WHITE: Objection. Lacks
3 foundation.

4 THE WITNESS: As I said, I'm not
5 familiar with the details of how they're
6 defined.

7 BY MR. DRAPER:

8 Q. Okay. Are you aware that many teens
9 and younger children create accounts with
10 misrepresented birthdays to make themselves appear
11 older than they are?

12 MS. WHITE: Objection. Lacks
13 foundation.

14 THE WITNESS: I'm aware that that
15 sometimes happens in the world.

16 BY MR. DRAPER:

17 Q. And specifically at YouTube?

18 MS. WHITE: Same objection.

19 THE WITNESS: I have heard that that
20 can happen at YouTube.

21 BY MR. DRAPER:

22 Q. All right. So the reason that I ask
23 is, assuming the 7 percent of teens is declared
24 teens, in actuality there might be more actual teens
25 using YouTube late at night than are represented

1 here because some of them might be accounts that
2 have misrepresented their age?

3 MS. WHITE: Objection. Lacks --

4 BY MR. DRAPER:

5 Q. Does that make sense?

6 MS. WHITE: Objection. Lacks
7 foundation.

8 THE WITNESS: Not entirely. Again, I
9 don't know what version they're using here,
10 but if you were to change the numerator,
11 you would also need to change the
12 denominator, and so it's unclear what
13 impact that would have on the percentage.

14 BY MR. DRAPER:

15 Q. Does YouTube -- scratch that.

16 In 2017, did YouTube use inferred age
17 to determine the age of teenagers in the United
18 States?

19 MS. WHITE: Objection. Lacks
20 foundation.

21 THE WITNESS: I do not know.

22 BY MR. DRAPER:

23 Q. The document goes on to say that
24 30 percent of users 18 to 24 say YouTube has cut
25 into their sleep.

1 Do you see that?

2 A. I do.

3 Q. All right. And then the next bullet
4 point is "Unintentional use," and it says, "Among
5 users 18-24 years old, 23 percent report 'losing
6 track of time on YouTube.'"

7 Do you see that?

8 A. I do.

9 Q. "20 percent report 'procrastinating on
10 YouTube.'"

11 Do you see that?

12 A. I do.

13 Q. "And 20 percent report YouTube
14 'interfered with work, school, or homework.'"

15 Correct?

16 MS. WHITE: Objection to form.

17 Mischaracterizes the document.

18 THE WITNESS: That's what's written
19 here.

20 BY MR. DRAPER:

21 Q. All right. And so at this time in
22 2017, 2018, YouTube's focus on digital wellbeing was
23 concentrated on these areas, habitual heavy use,
24 late night use, unintentional use.

25 Do you agree?

1 MS. WHITE: Objection. Lacks
2 foundation.

3 THE WITNESS: I don't know. I don't
4 know -- again, I don't know the context of
5 what the document was, what it was used
6 for, how representative the authors' views
7 were.

8 BY MR. DRAPER:

9 Q. All right. Could you turn the page,
10 please? Do you see a section entitled "Proposed
11 Solutions"?

12 A. I see that.

13 Q. All right. And the text immediately
14 under that, it says, "YouTube launched some
15 successful and needed quick wins at I/O."

16 Do you see that?

17 A. I see that.

18 Q. What is I/O?

19 A. I'm not familiar with the document, but
20 I would assume Google I/O, the developer conference
21 that Google holds annually.

22 Q. Okay. And it says that those efforts
23 garnered positive press. Yes?

24 A. That's what it says.

25 Q. All right. And then it says, "they are

1 mobile-phone-only MVPs."

2 What does that mean?

3 MS. WHITE: Objection. Lacks
4 foundation.

5 THE WITNESS: Again, not familiar with
6 the document. Typically MVPs in this
7 context would probably mean minimum viable
8 products.

9 BY MR. DRAPER:

10 Q. Minimum viable products.

11 A. That's a term we use for sort of the
12 first complete-enough version of an idea or a
13 feature or a product.

14 Q. Okay.

15 A. Coherent enough to be able to ship.

16 Q. Okay. That makes sense with the next
17 context. It says, "they haven't been iterated on,
18 and they're only a first step in addressing Habitual
19 Heavy Use, Late Night Use, and Unintentional Use."

20 In that context minimum viable products
21 makes perfect sense, right?

22 MS. WHITE: Objection.

23 Mischaracterizes testimony.

24 THE WITNESS: That still seems like a
25 reasonable interpretation of what MVP means

1 here.

2 BY MR. DRAPER:

3 Q. Okay. All right. So from the context
4 it appears that although these were released at I/O,
5 they haven't been refined or improved since then,
6 correct?

7 MS. WHITE: Objection. Lacks
8 foundation.

9 THE WITNESS: Again, I'm not familiar
10 with the document. All I have is the
11 context that's written here seems to be
12 saying whatever launched then had not been
13 iterated on yet.

14 BY MR. DRAPER:

15 Q. Okay. All right. There is a footnote
16 there in that first sentence.

17 Do you see that?

18 A. Yes.

19 Q. All right. And the footnote identifies
20 what these quick wins were. They were the "Take a
21 Break reminder, Time Watched Profile & notification
22 controls."

23 Right? Do you see that?

24 A. I see the footnote saying that.

25 Q. All right. And then towards the end of

1 that sentence it says, "6.7 million users enabled
2 Take a break reminders."

3 Do you see that?

4 A. I do.

5 Q. Do you agree that 6.7 million users is
6 a miniscule number when you consider YouTube had
7 over a billion active users at this time?

8 MS. WHITE: Objection. Lacks
9 foundation.

10 THE WITNESS: I don't. The scale of a
11 metric depends on what the target audience
12 for a feature would be.

13 BY MR. DRAPER:

14 Q. Certainly it's a very, very small
15 segment of YouTube users that had enabled the take a
16 break reminders at this time?

17 MS. WHITE: Objection. Lacks
18 foundation.

19 THE WITNESS: Yeah, I'm not familiar
20 with the feature or what we thought the
21 right number was for that or what YouTube's
22 metrics were at that time to contextualize.

23 BY MR. DRAPER:

24 Q. 6.7 million is a very small percentage
25 of 1 billion. That we can agree on, right?

1 A. Yes.

2 Q. Okay. You actually majored in math, as
3 I recall, right?

4 A. Yes.

5 Q. All right. So I'm glad you agree with
6 me on that one. I couldn't impeach you on it.

7 Okay. And then it says 37 million
8 users have viewed the time watched profile, right?

9 A. Yes.

10 Q. All right. So that's more than used
11 the take a break reminder, but it's still a pretty
12 small number compared to YouTube's total number of
13 active users at that time?

14 MS. WHITE: Objection. Lacks
15 foundation.

16 THE WITNESS: Again, these are all
17 relative metrics. I think at that time we
18 had probably fewer than 37 million users of
19 the YouTube Music app and thought of that
20 as successful. So, again, it's all
21 relative to what the intended size would
22 be.

23 BY MR. DRAPER:

24 Q. Okay. But going back to these math
25 questions, we agree that 37 million is a pretty

1 small percentage of a billion?

2 A. That is true.

3 Q. Okay. So still looking at the Proposed
4 Solutions section of this document.

5 A. Okay.

6 Q. For "Habitual Heavy Use," the proposed
7 solutions are better data on time watched profile,
8 right -- I'm sorry, "Build on Time Watched Profile."
9 Scratch that whole thing.

10 Okay. For "Habitual Heavy Use," the
11 proposed solutions are "Richer data to enable deeper
12 insight," correct?

13 MS. WHITE: Objection.

14 BY MR. DRAPER:

15 Q. Do you see that headline?

16 A. I see that headline.

17 Q. All right. "Contextual alerts to
18 encourage positive behaviors," you see that's the
19 next headline down?

20 A. I see that's the next headline.

21 Q. And on the next page, "Daily limits to
22 help users maintain control," right?

23 MS. WHITE: Objection.

24 Mischaracterizes the document.

25 THE WITNESS: I see that headline.

1 BY MR. DRAPER:

2 Q. Right.

3 And then the third bullet point down
4 from that one -- I'm sorry, the second bullet point
5 down from that one lists "Possible actions:"

6 Right?

7 A. I see that.

8 Q. Okay. And those possible actions
9 include "app gray-scaling," right?

10 A. I see that.

11 Q. All right. And that's changing the
12 appearance of the app to provide a visual reminder
13 that in this context the user has been using the
14 application for a certain amount of time. You agree
15 that's what they mean when they talk about app
16 gray-scaling?

17 MS. WHITE: Objection. Lacks
18 foundation.

19 THE WITNESS: I haven't heard that
20 term. I don't know what it means.

21 BY MR. DRAPER:

22 Q. Okay. Then it talks about "hidden
23 recs."

24 Do you see that?

25 A. I do.

1 Q. And that's talking about hiding the
2 recommended content after a user has been on for a
3 certain amount of time so that they no longer
4 receive recommendations during that session, is that
5 right?

6 MS. WHITE: Objection. Lacks
7 foundation.

8 THE WITNESS: Again, I'm not familiar
9 with the doc, I haven't heard that term
10 before. I don't know what that means.

11 BY MR. DRAPER:

12 Q. Was app gray-scaling ever implemented
13 as part of the effort to reduce habitual heavy use?

14 MS. WHITE: Objection. Lacks
15 foundation.

16 THE WITNESS: I don't know.

17 BY MR. DRAPER:

18 Q. Were hidden recommendations ever used
19 as part of the effort to reduce habitual heavy use?

20 MS. WHITE: Same objection.

21 THE WITNESS: I don't know.

22 BY MR. DRAPER:

23 Q. The last bullet point under this
24 section says, "In the future, limits could be set by
25 parents for teens via a managed account (YouTube or

1 Family Link)."

2 Do you see that?

3 A. I do.

4 Q. That was implemented, but not until
5 2024, correct?

6 MS. WHITE: Objection. Lacks
7 foundation.

8 THE WITNESS: I'm not familiar with the
9 feature.

10 BY MR. DRAPER:

11 Q. Do you know whether the teen has to
12 agree to be supervised before the managed account
13 function will work in Family Link?

14 MS. WHITE: Objection. Lacks
15 foundation.

16 THE WITNESS: I'm not familiar with how
17 that works.

18 BY MR. DRAPER:

19 Q. All right. Do you know that if the
20 teen wants, they can decline to have a supervised
21 account in Family Center?

22 MS. WHITE: Same objection.

23 THE WITNESS: I'm not familiar with how
24 it works.

25 ///

1 BY MR. DRAPER:

2 Q. All right. Below this it talks about
3 efforts to combat late night use, right? The first
4 one is having a dark theme that would reduce blue
5 light emitted. The dark theme would come on at
6 night.

7 Have you ever heard of that
8 implementation of a "dark theme"?

9 MS. WHITE: Objection.
10 Mischaracterizes the document.

11 THE WITNESS: I've heard of dark themes
12 for application UI and in general and at
13 YouTube.

14 BY MR. DRAPER:

15 Q. Okay. And do you understand that
16 they're intended to reduce the amount of blue light
17 that is emitted?

18 MS. WHITE: Objection. Lacks
19 foundation.

20 THE WITNESS: That, I'm not familiar
21 with.

22 BY MR. DRAPER:

23 Q. Was a night theme ever implemented at
24 YouTube?

25 MS. WHITE: Objection. Lacks

1 foundation.

2 THE WITNESS: I don't know.

3 BY MR. DRAPER:

4 Q. All right. Under the section entitled
5 "Bedtime settings," there's a group of things listed
6 under "Possible actions."

7 Right? Do you see that?

8 A. Yes.

9 Q. That includes "gray-scaling of the
10 app." You don't know whether that ever took place?

11 MS. WHITE: Objection. Asked and
12 answered.

13 THE WITNESS: Again, not familiar with
14 the doc, not familiar with the term, don't
15 know whether it launched.

16 BY MR. DRAPER:

17 Q. "Hidden recommendations," you don't
18 know whether that was implemented?

19 MS. WHITE: Same objection.

20 THE WITNESS: As I said before, don't
21 know what the feature is or whether it was
22 implemented.

23 BY MR. DRAPER:

24 Q. All right. Let's keep going in this
25 document.

1 There's a section called "Measuring
2 Success," and that is on page 2688.

3 Yes? Do you see that?

4 A. I see that.

5 Q. All right. Measuring Success has three
6 goals for 2019, correct?

7 MS. WHITE: Objection.

8 Mischaracterizes the document.

9 THE WITNESS: I see the document --
10 that written in the document.

11 BY MR. DRAPER:

12 Q. Right. "For 2019, we want to achieve 3
13 goals."

14 That's what it says?

15 A. That's what it says.

16 Q. Yes. I didn't misrepresent the
17 document in any way, did I?

18 A. That's what it says.

19 Q. All right. The first bullet point
20 says, "Increase awareness of wellbeing tools from
21 12 percent to 50 percent among core YouTube users."

22 Right?

23 A. That is what it says.

24 Q. All right. So in 2018 you would agree
25 with me that most core YouTube users didn't even

1 know these tools existed, right?

2 MS. WHITE: Objection to form. Lacks
3 foundation, mischaracterizes the document.

4 THE WITNESS: I'm not familiar with the
5 document or the data. All I have is what's
6 written there. I don't know how they're
7 measuring.

8 BY MR. DRAPER:

9 Q. Well, I mean, it says they're measuring
10 awareness of wellbeing tools among core YouTube
11 users, right?

12 A. That is what it says.

13 Q. And they want to increase that
14 awareness from 12 percent to 50 percent, right?

15 A. That is what it says.

16 Q. And 12 percent is not remotely close to
17 half, is it?

18 MS. WHITE: Objection. Argumentative.

19 THE WITNESS: 12 percent is 12 percent.

20 BY MR. DRAPER:

21 Q. Okay. So most core YouTube users were
22 not aware of these wellbeing tools in 2018?

23 MS. WHITE: Objection. Lacks
24 foundation.

25 THE WITNESS: Again, I'm not familiar

1 with the document or the data. All I can
2 see here is it suggests it was 12 percent
3 at the time.

4 BY MR. DRAPER:

5 Q. All right. And then it says, "Increase
6 usage of wellbeing tools from 7 million to 50
7 million users."

8 Right?

9 A. That is what it says.

10 Q. Even 50 million users is a small number
11 for a company that has over a billion users at this
12 time, like YouTube, right?

13 MS. WHITE: Objection. Lacks
14 foundation.

15 THE WITNESS: As I said before, large
16 or small is all relative to the target for
17 a given feature. YouTube is a very large
18 product. Very few things that we do are
19 ever intended to be used by even 50 percent
20 of users, let alone 100 percent.

21 As I mentioned, we're quite happy with
22 our Music app with tens of millions of
23 users even today. So small and large is a
24 relative judgment.

25 ///

1 BY MR. DRAPER:

2 Q. Then it says, "Establish baseline for
3 wellbeing tool effectiveness (based on user surveys)
4 and begin driving measurable improvement."

5 Correct?

6 A. That is what it says.

7 Q. So at this time YouTube was not
8 measuring the effectiveness of its wellbeing
9 reminders, was it?

10 MS. WHITE: Objection. Lacks
11 foundation.

12 THE WITNESS: Again, I'm not familiar
13 with the document. I don't know what we
14 were or were not measuring at the time.

15 BY MR. DRAPER:

16 Q. Well, if it says in 2019 they want to
17 establish a baseline for wellbeing tool
18 effectiveness, that suggests in 2018 they did not
19 have such a baseline, right?

20 MS. WHITE: Objection.

21 Mischaracterizes the document, lacks
22 foundation.

23 THE WITNESS: All I have to go on is
24 what's written here. It says they want to
25 establish a baseline.

1 BY MR. DRAPER:

2 Q. And you agree with me that implies they
3 didn't have such a baseline before they established
4 it, right?

5 MS. WHITE: Same objection.

6 THE WITNESS: It could be they didn't
7 have one, it could be they wanted a fresh
8 one, it could be they had some inaccuracy.
9 It's hard to say.

10 BY MR. DRAPER:

11 Q. At this time all that YouTube was doing
12 was measuring how often their reminders were
13 displayed, they were not measuring the effectiveness
14 of them at all, isn't that true?

15 MS. WHITE: Objection. Lacks
16 foundation.

17 THE WITNESS: This was all well outside
18 of my area of responsibility. I don't know
19 what they were or weren't doing.

20 BY MR. DRAPER:

21 Q. All right.

22 MS. WHITE: We've been going over an
23 hour. Is this an okay time to take a
24 break?

25 MR. DRAPER: Can I just do one more

1 short document that kind of goes with this
2 one? And then I think we'll be -- it won't
3 take probably more than five minutes.

4 MS. WHITE: Okay. Five minutes sounds
5 good.

6 (Whereupon, Google-YouTube-Harding-19
7 was marked for identification.)

8 BY MR. DRAPER:

9 Q. All right. Sir, I'm going to show you
10 what we've marked as YouTube Exhibit 19 -- I'm
11 sorry, YouTube-Harding Exhibit 19. Here is a copy
12 for you, here is a copy for your attorney. It's a
13 short one.

14 Sir, this is an e-mail from Reid Watson
15 to Erin Turner, correct?

16 A. Can I take a look?

17 That's what it appears to be.

18 Q. All right. And it's dated
19 February 1st, 2023, correct?

20 A. That is what it says.

21 Q. All right. We've already established
22 that Reid Watson you know to be someone who is an
23 employee at YouTube, correct?

24 A. That's correct.

25 Q. Do you know Erin Turner?

1 BY MR. DRAPER:

2 Q. Experiments showed that a large number
3 of people who came to YouTube just to watch a video
4 would simply leave the site without watching if they
5 were required to sign in?

6 MS. WHITE: Objection. Lacks
7 foundation.

8 THE WITNESS: Is that a question?

9 BY MR. DRAPER:

10 Q. Yes. Are you aware of that? Do you
11 agree with that?

12 MS. WHITE: Same objection.

13 THE WITNESS: Again, not familiar with
14 the experiments. I don't know what the
15 data would have said.

16 MR. DRAPER: Do we have that infinite
17 scroll document? Let's look at that one.

18 Okay. So the next one we're marking
19 as -- yeah, that one. I'm going to mark
20 that one as Exhibit 25.

21 (Whereupon, Google-YouTube-Harding-25
22 was marked for identification.)

23 BY MR. DRAPER:

24 Q. Here is a copy for you, sir (handing).

25 A. Thank you.

1 MR. DRAPER: Here is a copy for
2 Ms. White (handing).

3 Q. Okay. So we're going to go back to
4 this document about infinite scroll. This is a
5 document that was produced by the attorneys for
6 Google and YouTube and is designed -- or designated
7 as Bates number 00885643. The document is entitled
8 "Supporting & Accelerating Strategic Initiatives."

9 And, sir, if you look at the last page,
10 you will see that you are listed as one of the
11 custodians for this document.

12 Do you see that?

13 A. I see that.

14 Q. All right. Back to the first page,
15 please. Under the title "Supporting & Accelerating
16 Strategic Initiatives," there is a series of names.
17 One of those names is Cristos. Do you suppose
18 that's probably Cristos Goodrow?

19 A. Yes.

20 Q. One of these names is Andy Berkheimer.
21 We've already seen an e-mail from him today,
22 correct?

23 A. Yes.

24 Q. And one of these names is Woojin K.
25 That's Woojin Kim. You understand him to be a

1 senior executive at YouTube?

2 A. Yes.

3 Q. All right. Any reason to doubt that
4 this document is what it appears to be, a document
5 exchanged among senior YouTube managers discussing
6 supporting and accelerating strategic initiatives?

7 MS. WHITE: Objection. Lacks
8 foundation.

9 THE WITNESS: I'm not familiar with the
10 document or what's in it, but that is the
11 title of the document.

12 BY MR. DRAPER:

13 Q. And it appears to be -- to involve
14 numerous YouTube senior executives?

15 A. Yes, it does.

16 Q. Okay. So the first section is entitled
17 "Problem Statement and Background."

18 Do you see that?

19 A. Yes.

20 Q. All right. And the second sentence of
21 that section reads, "However, Facebook and Instagram
22 have been able to scale up monetization faster than
23 YouTube."

24 Do you see that?

25 A. I do.

1 Q. And then after a hyperlink it
2 continues, This "is due to the feed-based
3 consumption model of those platforms."

4 Did I read that correctly?

5 A. I think so. It's a little confusing
6 with the way the hyperlink is injected.

7 Q. Yeah.

8 Okay. So let's look at the next page.
9 And the second paragraph on the next page -- it's
10 5644 -- starts off, "In 2019, we'd like to focus on
11 this opportunity, investing in the following
12 changes:"

13 Right? Do you see that?

14 A. I see that.

15 Q. All right. And if you look down at the
16 third change that they want to focus on, it says,
17 "Infinite feed: Infinitely extend Watch Next so that
18 it becomes an endless discovery feed for new
19 content."

20 Right? Did I read that correctly?

21 A. I believe you did.

22 Q. And then below that it says, "More ads:
23 Interleaving and ranking ads throughout the endless
24 feed could generate 47 percent more ad slots on
25 watch, with minimal anticipated adverse impact on

1 the user experience."

2 Right?

3 A. That is what it says.

4 Q. All right. So my question at the
5 beginning of all this was that infinite feed was
6 added to Watch Next in order to improve YouTube's
7 monetization. Having seen this now, do you agree
8 that that's true, sir?

9 MS. WHITE: Objection.

10 Mischaracterizes the document, and lacks
11 foundation.

12 THE WITNESS: I'm not familiar with the
13 document, I haven't had a chance to read
14 the whole thing. This seems to say that is
15 one consequence of extending Watch Next. I
16 can't tell without reading the whole thing
17 what their motivation would have been.

18 BY MR. DRAPER:

19 Q. All right. You say, "extending Watch
20 Next." I think what you meant to say was adding
21 infinite scroll to Watch Next?

22 MS. WHITE: Objection.

23 Mischaracterizes the testimony.

24 THE WITNESS: Again, I'm not familiar
25 with the document. It says, "Infinitely

1 extend Watch Next."

2 BY MR. DRAPER:

3 Q. Right. I think we're talking about the
4 same thing. Right? Infinite scroll, it just never
5 stops?

6 MS. WHITE: Objection.
7 Mischaracterizes testimony.

8 THE WITNESS: It might be a nuance in
9 terms. The way I understand this is
10 there's content available, it doesn't
11 scroll on its own, it's just you can keep
12 looking for more.

13 BY MR. DRAPER:

14 Q. You just keep swiping, it's going to
15 keep showing up?

16 MS. WHITE: Objection.
17 Mischaracterizes testimony.

18 BY MR. DRAPER:

19 Q. Right?

20 A. Again, not familiar with the feature,
21 but that sounds correct.

22 Q. All right. Okay. I'm going to move on
23 to another document.

24 You would agree with me, sir, that
25 continued growth remains an important goal at

1 YouTube even today?

2 MS. WHITE: Objection. Lacks
3 foundation.

4 THE WITNESS: Continuing growth of user
5 value, creator value, business value, yes.

6 BY MR. DRAPER:

7 Q. Right.

8 And part of that goal is continuing to
9 refine the recommendation system for YouTube?

10 MS. WHITE: Objection. Lacks
11 foundation, vague.

12 THE WITNESS: Improving our
13 recommendations is one way we hope to
14 deliver more value for all of those users.

15 BY MR. DRAPER:

16 Q. And that includes pushing out the time
17 horizon that YouTube can predict with its algorithm?

18 MS. WHITE: Objection. Lacks
19 foundation, vague.

20 THE WITNESS: I'm not sure what you
21 mean.

22 BY MR. DRAPER:

23 Q. All right. Well, let's look at a
24 document, then. This would be 6768.

25 ///

1 drive watch time?

2 MS. WHITE: Objection.

3 Mischaracterizes the document, lacks
4 foundation.

5 THE WITNESS: I didn't write this, so
6 I'm not sure, but when we talk about
7 predicting, the model would not be
8 necessarily trying to affect future
9 actions, this would be trying to predict
10 what user actions they would take.

11 BY MR. DRAPER:

12 Q. Right. Well, that's how the
13 recommendations model works, right? It estimates if
14 I show -- "I" being YouTube, right -- if YouTube
15 shows the user this video, there is an estimate of
16 how long that user will remain on the platform, will
17 remain consuming YouTube videos, right? That's what
18 the recommendation does, it's a giant prediction
19 engine?

20 MS. WHITE: Objection. Lacks
21 foundation.

22 THE WITNESS: It is making predictions
23 of a number of different possible outcomes.
24 This talks about user actions and
25 satisfaction and valued watch time.

1 BY MR. DRAPER:

2 Q. Right.

3 A. So my read of this is that it is trying
4 to predict what will happen over a longer time
5 period.

6 Q. Exactly.

7 Doesn't that kind of scare you a bit --

8 MS. WHITE: Object --

9 BY MR. DRAPER:

10 Q. -- that the recommendation system is
11 going to get so good that it's going to be able to
12 not only predict what we're going to do in the
13 short-term, but now it's going to start predicting
14 what we're going to do in the longer term, even days
15 ahead?

16 MS. WHITE: Objection. Lacks
17 foundation.

18 THE WITNESS: We're always trying to
19 improve our machine learning models to
20 better understand what users will value,
21 and so being able to take a longer time
22 horizon for a user I think allows us to
23 better understand what they will value.

24 BY MR. DRAPER:

25 Q. Have you heard that the goal behind

1 every view at YouTube is to drive long-term watch
2 time, long-term engagement? Have you ever heard
3 that?

4 A. Not that. I've heard the goal to drive
5 long-term value.

6 Q. And the goal of the recommendation
7 system is not only to predict what will happen, but
8 to influence what will happen by showing you
9 particular videos that are going to cause you to do
10 certain things?

11 MS. WHITE: Objection. Lacks
12 foundation.

13 THE WITNESS: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 BY MR. DRAPER:

21 Q. I think I understand that.

22 Okay. Another topic.

23 YouTube Shorts is a feature that
24 YouTube released in 2020, correct?

25 A. I don't recall exactly when it

1 released, but that sounds right.

2 Q. All right. And unlike traditional
3 YouTube which is sometimes referred to as long-form
4 video, YouTube Shorts when it was released limited
5 the length of videos to 60 seconds so they come at a
6 faster pace, right?

7 MS. WHITE: Objection. Lacks
8 foundation.

9 THE WITNESS: I think it's correct that
10 they were limited to 60 seconds. That was
11 what was accepted for short-form video at
12 the time.

13 BY MR. DRAPER:

14 Q. All right. And are you aware that
15 there was some concern at YouTube that short-form
16 videos are more addictive than traditional long-form
17 videos?

18 MS. WHITE: Objection. Lacks
19 foundation.

20 THE WITNESS: I'm not aware of
21 discussions about addictiveness at the
22 time.

23 BY MR. DRAPER:

24 Q. Have you ever heard that at all at
25 YouTube, that short-term stuff is more addictive

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1 than the long -- sorry, the short-form videos are
2 more addictive than the long-form videos?

3 MS. WHITE: Same objection. Asked and
4 answered.

5 THE WITNESS: I have not heard short
6 form is more addictive than long form.

7 BY MR. DRAPER:

8 Q. All right. YouTube Shorts has its own
9 player that can be accessed from the YouTube home
10 page, is that right?

11 A. I believe so.

12 Q. And additionally YouTube has worked
13 Shorts into its home page and Watch Next
14 recommendations, correct?

15 MS. WHITE: Objection. Lacks
16 foundation.

17 THE WITNESS: I do know home will
18 recommend short-form content. I'm not sure
19 if it's there on Watch Next.

20 BY MR. DRAPER:

21 Q. Are you aware of any efforts at YouTube
22 to shorten the video length even more?

23 A. Yes.

24 Q. Okay. We're going to talk about one of
25 those.

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1 Let's go ahead and mark our next
2 exhibit.

3 MR. DRAPER: 6857.

4 (Whereupon, Google-YouTube-Harding-27
5 was marked for identification.)

6 MR. DRAPER: I'm sorry, what number is
7 this?

8 MS. TRUONG: 27.

9 BY MR. DRAPER:

10 Q. YouTube-Harding Exhibit 27 is a
11 document that's been produced by the attorneys for
12 Google and YouTube and is designated Bates
13 number 01846857.

14 We haven't seen one of this type of
15 document today, sir, but this is an e-mail from you
16 to you dated December 13, 2023. Right?

17 MS. WHITE: Objection.

18 Mischaracterizes the document, lacks
19 foundation.

20 THE WITNESS: There's an e-mail header
21 in here, but it doesn't look like a normal
22 e-mail.

23 BY MR. DRAPER:

24 Q. Right. Because what this really is is
25 a collection of Google Chat postings or texts,

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CERTIFICATE OF COURT REPORTER

I, MAUREEN O'CONNOR POLLARD,
Registered Diplomate Reporter, CSR No.
14449 for the State of California, the
officer before whom the foregoing
deposition was taken, do hereby certify
that the foregoing transcript is a true
and correct record of the testimony
given; that said testimony was taken by
me stenographically and thereafter
reduced to typewriting under my
direction; and that I am neither
counsel for, related to, nor employed
by any of the parties to this case and
have no interest, financial or
otherwise, in its outcome.

Dated this 4th day of April, 2025.

Maureen O. Pollard

MAUREEN O'CONNOR POLLARD

CSR No. 14449