AMENDED Exhibit 1031

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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P R O C E E D I N G S

April 9, 2025, 10:07 a.m. PDT

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

Today's date is April 9, 2025, and the time is 10:07 a.m. Pacific Time.

This video deposition is being held in Wilson Sonsini at 650 Page Mill Road, Palo Alto, California 94304.

In the matter of In Re: Social Media Adolescent Addiction/Personal Injury Products, for the United States District Court, Northern District of California.

The deponent is James Beser as a 30(b)(6) witness. Counsel will be noted on the stenographic record, and the court reporter will now introduce herself and swear in the witness.

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There's -- it was early in the process. The technology was not very good. But, of course, we are going to comply with the law and the markets where we operate. It makes a lot of mistakes, which can be very detrimental to users. For instance, if we make a mistake for a user and they have an android phone, it could disable the whole phone and is very disruptive.

And so we did not feel that the technology was ready to deploy to other markets at that time.

BY MR. DRAPER:

Q. Did YouTube tell its users, or others who read this blog post, that the change to the more private -- sorry, to the -- yeah, to the more private default settings was required by new legislation?

MS. WADHWANI: Objection, form and scope.

A. No.

BY MR. DRAPER:

Q. Do you agree that the blog post is misleading because it suggests that YouTube is implementing these changes to make

things safer when in fact it was just to comply with the law?

MS. WADHWANI: Objection, argumentative and scope.

A. That's not what this blog post says. This blog post is about a global change for declared teens.

BY MR. DRAPER:

Q. Do these privacy settings vary by device, sir?

A. Can you be more specific in the question?

Q. Sure. Were the privacy settings updated for declared teens on Android devices?

A. Yes.

Q. On declared teens on iOS, or Apple devices?

A. Yes.

Q. For declared teens on desktop?

A. Yes.

Q. The next section of the blog post covers digital well-being reminders. And according to this blog post, YouTube is turning on the take-a-break and bedtime

reminders by default for all users age 13 to 17, correct?

A. I see the line.

Q. You see the line. I'm sorry --

A. Yes.

Q. -- you dropped out. I didn't hear you.

A. Yes, I see the line to which you are referring.

Q. All right.

MS. WADHWANI: Hang on a second. Mr. Beser doesn't appear to be on camera. The document appears to be on camera.

(Discussion off the record.)

BY MR. DRAPER:

Q. Okay, sir. When were the take-a-break reminders first implemented on YouTube?

A. Let me look at my document, please.

[Document review.]

A. Take-a-break reminders were implemented on YouTube since 2018.

* * *

take-a-break and bedtime reminders?
MS. WADHWANI: Objection to form and scope.
A. I do not recall all the details of the parent guides.
BY MR. DRAPER:
Q. Fair enough.
Sir, the next change discussed in this August 10, 2021 blog post is the autoplay setting in the YouTube Kids, correct?
It's down in the paragraph below -- there it is right there. Great.
A. Okay.
Q. And then below that highlighted portion, sir, do you see where it says: We'll also be adding an autoplay option on YouTube Kids?
A. Okay.
Q. All right. So since it says: We will be adding an autoplay option on YouTube Kids, I can assume that that wasn't ready at the time that this blog post was made public, sir?
A. That's what it says.

Q. All right. And when was the autoplay option finally added to YouTube Kids?

A. Let me consult my documents.

[Document review.]

A. 2022.

BY MR. DRAPER:

Q. All right. Does it say when in 2022, sir?

A. It does not.

Q. Prior to the implementation of the autoplay option in YouTube Kids, YouTube autoplay was on by default in YouTube Kids, correct?

A. Correct.

MS. WADHWANI: Objection to form.

A. Correct.

BY MR. DRAPER:

Q. In fact, the autoplay setting could not be changed by the user or the parent, correct?

A. The tools we made available to parents were the timer, which was a better tool for managing screen time. So we did not

provide parents this tool to change autoplay until 2022.

Q. All right. How much of YouTube Kids watch time was from autoplay videos prior to this change being implemented?

MS. WADHWANI: Objection to scope.

A. We did not track that.

BY MR. DRAPER:

Q. The blog post also says: In the coming months additional family controls would be added so the parent could lock the autoplay setting.

Do you see that, sir?

A. I do.

Q. When was that change implemented?

A. 2022.

Q. Prior to that the parent might turn off autoplay and the child could turn it back on?

MS. WADHWANI: Objection to form, scope, calls for speculation.

A. The autoplay control is, across YouTube, made very available, easily

available directly in the UI, and we do not know who is toggling it.

BY MR. DRAPER:

Q. All right. The next segment of the blog post says that: We're making changes to how we treat commercial content for kids and families.

Do you see that, sir?

A. Yes.

Q. All right. Specifically it says that YouTube will: Begin to remove overly commercial content from YouTube Kids.

Do you see that?

A. I do.

Q. Did YouTube develop a machine learning classifier to identify overly commercial content?

MS. WADHWANI: Objection to form, scope.

A. We developed several signals of quality, such as low quality and high quality content, made those resources available to creators to understand what that meant, and overly commercial content was a low quality principle.

It is the second paragraph of page 2.

THE WITNESS: Okay.

BY MR. DRAPER:

Q. So when it says that these changes are intended to benefit users under the age of 18, it's talking about declared users, correct?

A. In the U.S., yes.

Q. All right.

Does YouTube track the effectiveness of these reminders, sir?

MS. WADHWANI: Objection to scope and form.

A. We track some information about its usage. Effectiveness is difficult to determine. Again, these are abundance-of-caution approaches for the potential risks. As we learn them, we try and address those potential risks. So effectiveness is very difficult to determine.

BY MR. DRAPER:

Q. Isn't it true, sir, that YouTube defines the success metric for the take-a-break and bedtime reminders as the

number of times they're displayed?
MS. WADHWANI: Objection to scope.
A. No, I don't think that's accurate.
BY MR. DRAPER:
Q. And, sir, YouTube does not track whether the take-a-break or bedtime reminders actually prompt users to take a break or go to bed?
MS. WADHWANI: Objection to scope.
A. That is unknowable.
BY MR. DRAPER:
Q. Well, sir, certainly YouTube knows if a user receives a bedtime or particularly a break reminder and then logs out in the next, two, three, four minutes, correct?
MS. WADHWANI: Objection to scope and form.
A. YouTube can be used for lots of things. They could be relaxing. Meditation. It could be music to go to bed. You know, we don't know what a user does.

We can't know that, so it's hard to answer your question.

BY MR. DRAPER:

Q. Well, YouTube notes whether a user is continuing to use the app or not, right?

MS. WADHWANI: Objection, form and scope.

A. A user can use the app to go to bed.

BY MR. DRAPER:

Q. Well, sir, I'm just asking you -- it's a really simple question. Does YouTube track the number of people who receive a take-a-break reminder and then, within any small amount of time turn off the YouTube app?

MS. WADHWANI: Object to the form, asked and answered and to scope.

A. We don't track that.

BY MR. DRAPER:

Q. There's no technical reason that YouTube couldn't track that, correct?

MS. WADHWANI: Objection to form, foundation, asked and answered, and

scope.

A. Your question was whether we know if a user takes a break or goes to bed. That -- what you referred to here as, you know, is a very simplified way of trying to proxy that, which we determined was ineffective.

BY MR. DRAPER:

Q. So did YouTube actually study whether it could measure the effectiveness of take-a-break or bedtime reminders by tracking how many users leave the app after receiving it?

MS. WADHWANI: Objection to scope.

A. We didn't track the amount of users that left the app.

BY MR. DRAPER:

Q. Isn't it true, sir, that these bedtime and take-a-break reminders were designed so as not to impact watch time, YouTube time, or any other metric that measures how long users spend on YouTube?

MS. WADHWANI: Objection to form and scope.

1 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
2
IN RE: SOCIAL MEDIA)
3 ADOLESCENT) Case No.
ADDICTION/PERSONAL) 4:22-md-03047-YGR
4 INJURY PRODUCTS)
LIABILITY LITIGATION) MDL No. 3047
5 _____)
)
6
7 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
PURSUANT TO PROTECTIVE ORDER
8
ORAL VIDEOTAPED 30(b)(6) DEPOSITION OF
9 Google/YouTube by and through its representative
JAMES BESER
10
Wednesday, April 9, 2025
11
12
13 Video-Recorded Oral 30(b)(6) Deposition
of Google/YouTube by and through its
14 representative JAMES BESER, held at the
offices of Wilson Sonsini Goodrich & Rosati,
15 650 Page Mill Road, Palo Alto, California,
commencing at 10:06 a.m. PDT on the above
16 date, before Debra A. Dibble, Fellow of the
Academy of Professional Reporters, Certified
17 Court Reporter, Registered Diplomate
Reporter, Certified Realtime Reporter and
18 California CSR #14345.
19 __ __ __
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24 GOLKOW - VERITEXT
877.370.DEPS | fax 917.591.5672
25 deps@golkow.com

controls exist.

Q. So whether the parent is on an Apple device, Android device, or desktop, these controls, time limit controls are available to them?

A. Yes.

Q. Does the parent have the ability to turn off recommendations for SUPEX users?

A. A parent can go in and pause watch history, and that will effectively remove recommendations from the home screen.

Q. Will that remove recommendations or just personalized recommendations? In other words, sir, with watch history off, will the SUPEX user still receive recommendations, they just might not be as personalized as they were before?

A. So recommendations is a broad term. It can mean different things per service, right?

So Home is, as you mentioned, that is correct, personalized recommend -- it's personalized, therefore they will not get recommendations on the home screen.

When they're watching a video, they will get recommended videos that are not personalized, if watch history is off. They are going to be based on the video.

So if you're watching an algebra video, the trail will be related to algebra videos.

Q. All right.

Are usage statistics available to parents for SUPEX accounts?

MS. WADHWANI: Objection to form.

A. Can you be more specific?

BY MR. DRAPER:

Q. Sure. Can a parent in a SUPEX account see how many hours per day the child is using?

A. Family Link provide several usage statistic reports, et cetera.

Q. All right. And that's available, since we're talking about unicorn accounts, to Apple phone users as well as Android users?

A. Yes.

Q. Do SUPEX accounts receive

notifications, sir?
A. They receive notifications that are -- they receive different notifications than nonSUPEX users, but they will receive some notifications.
Q. Does the parent have any controls available to control the timing of the notifications or disable them altogether?
A. Just let me check.
[Document review.]
A. I do not believe they can control the notifications.
BY MR. DRAPER:
Q. Are any of the answers you gave with regard to parental controls in SUPEX device dependent?
So are all of the parental controls we discussed available on all types of devices?
MS. WADHWANI: Object to the form.
A. So for SUPEX controls, like the corpus choice, right? Sorry, the library of content that the parent chooses when they onboard, that applies irrespective of device.

BY MR. DRAPER:
Q. What about the other controls that we talked about? For example, the ability to turn on or off personalization?
A. Irrespective of device.
Q. Autoplay. Is that controllable by the parents regardless of device?
A. Yes.
Q. All right. Digital well-being reminders, are those settings device dependent at all?
MS. WADHWANI: Objection to form.
A. No device dependency.
BY MR. DRAPER:
Q. All right. All right. Let's go ahead and talk about teen supervised accounts.
Can the parent in a teen supervised account set limits on what can be viewed by the teen?
A. Today, no. Teen supervision addresses what was flagged as the top potential areas for risk by experts, and from talking to parents, the areas they were most

concerned, which was about the public persona for their teens. So it is focused on uploading publicly or commenting publicly.

Q. Are teens supervised users defaulted out of autoplay?

A. All teens today are default off for autoplay.

Q. Can the parent change that setting in a teen supervised account?

A. No.

Q. So teen supervised users are going to be defaulted into the digital well-being reminders, because they're teens, right?

A. Yes.

Q. Does the parent have any control over the timing of the digital well-being reminder in a teen supervised account?

A. The parent does not have control in a teen supervised account over their digital well-being reminders.

Q. We talked about SUPEX accounts, the unicorn accounts, and therefore having some time of day and time limits available to

them, correct?
A. Correct.
Q. Are those same time of day and time limits available to a parent in a teen supervised account?
A. So teen supervision is focused on, you know, the potential for risk on public, the purpose persona for a teen, and that -- that is what it covers today.
So the answer --
Right, so no.
Q. So, for example, the parents in a teen supervised account cannot lock the teen out of YouTube from, say, 10:00 p.m. to 5:00 a.m. or during school hours?
A. So parent has a lot of options available to them outside of YouTube. To remove the device or to set device level, you know, using Apple or Android controls that exist on the device. But for -- just for YouTube, no, that is not available.
Q. Does the parent have the ability to turn off personalized recommendations for a teen supervised user?
A. No.

C E R T I F I C A T E

I, DEBRA A. DIBBLE, RDR, CRR, CRC, Notary Public, do hereby certify:

That JAMES BESER, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness;

That pursuant to FRCP Rule 30, signature of the witness was not requested by the witness or other party before the conclusion of the deposition;

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand on this 10th day of April, 2025.

_____
Debra A. Dibble
Fellow of the Academy of Professional Reporters
Registered Diplomate Reporter
Certified Realtime Reporter
Notary Public 11/17/2027
CA 14345