

AMENDED Exhibit 113

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

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.
This Document Relates to:) 22STCV21355
)
STATE OF TENNESSEE, ex rel.)
JONATHAN SKRMETTI,)
ATTORNEY GENERAL and REPORTER,)
v.)
META PLATFORMS, INC., and)
INSTAGRAM, LLC.)
)
_____)

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PURSUANT TO PROTECTIVE ORDER
VOLUME 1

VIDEO-RECORDED
DEPOSITION OF DIEGO CASTANEDA, DrPH MPH
(Pages 1 - 405)

Held at the Law Offices of Covington & Burling
415 Mission, San Francisco, California
Tuesday, October 22, 2024, 9:10 a.m.

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

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1 your LinkedIn profile?

2 A. Did I alter the contents of --

3 Q. Author.

4 A. Author.

5 Q. Let me -- let's get a clean record. Let
6 me ask the question again.

7 Did you author the contents of your
8 LinkedIn profile?

9 A. Yes, I definitely did that.

10 Q. Does the LinkedIn profile presented to you
11 at Exhibit 1 accurately reflect your educational
12 background?

13 A. Uh-huh. That looks accurate.

14 Q. Does it accurately reflect your work
15 experience?

16 A. For everything that's listed here, yeah.

17 Q. Does it accurately describe your skills?

18 A. Let's see about my skills.

19 Here they are. Yep.

20 Q. Does it accurately describe your
21 publication history?

22 A. There might be some other things that are
23 missing, but that's probably the highlights. I
24 don't have a lot of publications.

25 Q. Okay. So you said that the LinkedIn

1 profile accurately reflects your work experience for
2 everything that's listed.

3 Is there any work experience that's not
4 listed?

5 A. Let's see. I worked at the Labor Center
6 during my time at -- at UC Berkeley. That's not
7 here. But it was, like, kind of a student kind of
8 thing. So I think I -- you know, you got to keep
9 your resumé more or less tight. So I don't list
10 every single thing that I've ever done.

11 But yeah, I'd say it's accurate over the
12 last, like, how long ago. 13, 14, 15 years now,
13 longer. Yeah, that's about right.

14 Q. Okay. And you indicated there might be
15 some publications that aren't listed here.

16 What are those?

17 A. I worked in an immunology lab and there
18 was, like, seven -- six or seven articles on
19 immunology that I was, like, a fifth or sixth
20 author. Those aren't there.

21 And then -- yeah, in terms of peer -- peer
22 reviewed -- I mean, actually, this isn't even all
23 peer reviewed. This is just random -- these are all
24 different kinds of publications.

25 I feel like there may be another -- let's

1 see. The HIV-related -- there may be another mobile
2 research publication for some research that was done
3 in Papua New Guinea that's not here. I'd have to
4 look at my CV.

5 Q. Okay. Can you tell me briefly what that
6 research in Papua New Guinea was about?

7 A. Yeah, I was working with a -- a
8 co-investigator, another -- two, actually. And she
9 was interested in using mobile health text messaging
10 to make maternal child care more accessible. And
11 there was a randomized kind of clustering that was
12 done on this island. I could be wrong about
13 New Guinea. I don't know if that's the right
14 island. I think it might be wrong. It might be
15 Tahiti. But somewhere in the South Pacific.

16 Q. Somewhere fun?

17 A. Yeah.

18 Q. My questions today are going to focus
19 primarily on your work at Meta.

20 When you started working at Meta it was
21 called Facebook, right?

22 A. Yes, that is correct.

23 Q. And it changed its name to Meta in late
24 2021?

25 A. If that is -- that sounds accurate.

1 Q. Okay. So I don't want us to get confused
2 or turned around today so I'll be referring to the
3 company as Meta even when we're talking about the
4 time frame before its name change; is that fair?

5 A. Yes.

6 Q. And when I use the words Facebook, I'll be
7 referring to the social media app Facebook; is that
8 clear?

9 A. Social media -- Facebook social media app,
10 Meta the company, is what you're saying.

11 Q. Exactly. The app will be Facebook. The
12 company will be Meta.

13 A. Yes.

14 Q. Okay. And if that ever becomes unclear in
15 context will you just let me know?

16 A. Sure.

17 Q. Okay. And likewise, today we'll be
18 talking a fair deal about Instagram. In general,
19 I'm going to use that word to talk about the app as
20 opposed to any of Meta's subsidiary companies like
21 Instagram, LLC; is that clear?

22 A. Yes.

23 Q. Okay. So let's dive in and start talking
24 about your work at Meta.

25 Now, you started working for Meta in

1 June 2016, correct?

2 A. Yes.

3 Q. Your first job there was as a senior user
4 experience researcher and lead for the Facebook
5 Search team, correct?

6 A. I was a senior lead experience researcher.
7 I wasn't lead quite yet.

8 Q. Okay. But in that role, you spearheaded
9 international field research across three countries?

10 A. Yeah, that came out a little bit later in
11 my tenure there. But yes.

12 Q. Which countries?

13 A. I went to Mexico, Vietnam, and the Czech
14 Republic.

15 Q. And as part of your work, you applied eye
16 tracking methodology to study click-through
17 behaviors, correct?

18 A. Yes.

19 Q. What is eye tracking methodology?

20 A. It's a technique to basically track where
21 people are looking on a particular -- whatever
22 surface it is. So you could see where people are
23 looking in real time while they're doing some kind
24 of -- using some kind of experience.

25 Q. So you call it a methodology. But would

1 A. Yes.

2 Q. Okay. Do you have any reason to dispute
3 that this is a true and correct copy of the article
4 as it appeared in The Atlantic?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: I've never seen this article
7 before that I remember. I mean, I think I've seen
8 a -- I feel like I've seen the headline. But I -- I
9 think I read -- I think I did read this when we very
10 first started because it was part of -- it was
11 definitely part of our -- our understanding of the
12 kind of grounding and what our -- you know, what we
13 needed to work on. What we should be working on.

14 BY MR. WARREN:

15 Q. Okay. And there's an image at the
16 beginning of this article that appears to have the
17 Instagram logo inside of a Dumpster fire, correct?

18 A. It looks like that.

19 Q. What does that indicate to you?

20 MR. CHAPUT: Object to the form.

21 THE WITNESS: I'd have to read the article
22 to kind of get more context. But feels like the
23 Instagram brand was in a Dumpster fire, I guess.

24 BY MR. WARREN:

25 Q. Okay. Can you take a minute to read the

1 first page of the article and let me know when
2 you're done.

3 A. Talking about this page here?

4 MR. WARREN: This is Exhibit 3, for the
5 record.

6 The demonstrative that I presented earlier
7 will be marked as Exhibit 2.

8 (Whereupon, Exhibit Meta-Castaneda-2 and
9 Exhibit Meta-Castaneda-3 were marked for
10 identification.)

11 THE WITNESS: I'm finished.

12 BY MR. WARREN:

13 Q. Okay. The article begins by discussing
14 the experience of someone named Brandon Farbstein,
15 correct?

16 A. Yes.

17 Q. And according to the article, he was
18 14 years old when he first joined Instagram?

19 A. Looks like the article says that, yeah.

20 Q. And according to the article, he received
21 death threats, expletive-laden comments about his
22 appearance, and worse, right?

23 A. Yeah.

24 Q. And it has a quote from Brandon in the
25 third paragraph. Could you please read that to the

1 jury.

2 A. Sure.

3 "My entire experience of high school was
4 completely ruined by Instagram harassment. It's
5 draining, it's anxiety producing. I'm used to
6 people calling me names, but it's when people say
7 that they're going to kill me or come find my family
8 that really gets me in a sense of pure terror.
9 Really nothing can prevent or get in the way of that
10 taking over your thoughts and emotions."

11 Q. Doctor, is that a problem or a serious
12 problem?

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: For this individual, that's
15 a serious problem.

16 BY MR. WARREN:

17 Q. Is it fair to say this is an example of a
18 kid receiving an unwanted contact on Instagram?

19 MR. CHAPUT: Object to the form.

20 THE WITNESS: When you say "unwanted
21 contact," yeah, I think that -- I think that makes
22 sense.

23 BY MR. WARREN:

24 Q. Okay. I'd like to direct your attention
25 to page 5 of the document.

1 the previous one.

2 BY MR. WARREN:

3 Q. Well, it says here that Instagram would
4 start asking users for their birthday when you open
5 Instagram, right?

6 A. Uh-huh.

7 Q. Correct?

8 A. That looks right, yeah.

9 Q. And it says that you'll need to share your
10 birthday to continue using Instagram, correct?

11 A. That looks correct.

12 Q. Okay. So in December 2019, Instagram
13 began asking users to voluntarily enter their date
14 of birth, correct?

15 MR. CHAPUT: Object to the form.

16 THE WITNESS: I don't know. Like -- yeah,
17 according to this document, it looks like starting
18 today, that's what it -- it's asking. I don't know
19 if that was -- I got to read through this a little
20 bit more carefully but it sounds like that's
21 correct.

22 BY MR. WARREN:

23 Q. Okay. And starting in March 2021, Meta
24 began requiring users of Instagram to share their
25 date of birth, correct?

1 1 MR. CHAPUT: Object to the form.

2 2 THE WITNESS: That seems correct.

3 3 MR. WARREN: Okay. We can take a break
4 4 now.

5 5 THE WITNESS: Okay.

6 6 THE VIDEOGRAPHER: Going off the record at
7 7 10:22 a.m.

8 8 (Whereupon, a brief recess was taken.)

9 9 THE VIDEOGRAPHER: And we're back on the
10 10 record at a.m.

11 11 BY MR. WARREN:

12 12 Q. Hello, again.

13 13 A. Hello.

14 14 Q. So there's one logistical matter that I
15 15 meant to take care of earlier that we'll do. So I'm
16 16 going to hand you now the notices of deposition in
17 17 this case.

18 18 And that will be Exhibit...

19 19 MS. VELDMAN: 6.

20 20 MR. WARREN: It's Exhibit 6.

21 21 (Whereupon, Exhibit Meta-Castaneda-6 was
22 22 marked for identification.)

23 23 BY MR. WARREN:

24 24 Q. And I'm just going to ask if you've seen
25 25 these before?

1 MR. CHAPUT: Object to form.

2 BY MR. WARREN:

3 Q. Even though it has a checkmark next to it?

4 A. Yeah, I mean, it looks like this is --
5 what you're saying is accurate.

6 Q. Okay.

7 A. But I -- you know, I'm just stipulating
8 that I've never -- I've never seen this before and I
9 don't know what was going on with the app at the
10 time.

11 Q. Well, you had access to the document,
12 right, we looked at that already?

13 A. It might have been way later that I was
14 given access. I'm not sure when that happened.

15 Q. Well, that's not right, is it?

16 Let's look at page 577.

17 And this is the page that has your name on
18 it, right, up at the top?

19 A. Yep.

20 Q. Okay. And what's the date at the end of
21 that paragraph?

22 A. August 6, 2019.

23 Q. August 6, 2019. All right.

24 And look at the second page of the
25 document.

1 planned to be interviewed?

2 A. That seems like the --

3 MR. CHAPUT: Object to form.

4 THE WITNESS: I'm sorry.

5 That seems like the -- the -- the plan.

6 BY MR. WARREN:

7 Q. Okay. And the gaps in the existing tools
8 are then articulated at the bottom of that same
9 page, correct, in the table we were looking at?

10 MR. CHAPUT: Object to form.

11 THE WITNESS: There's three of them here.
12 Yeah, it's -- I don't know what -- yeah, mentions is
13 there. Tags is there. Reachability isn't there --
14 or DM reachability is there. And then, I don't
15 know, yeah, what private refers to.

16 BY MR. WARREN:

17 Q. Okay. And the gap identified here is that
18 even though private prevents unconnected users from
19 seeing users content, those accounts can still
20 heavily interact via DMs, tags, and mentions, right?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: According to this table, at
23 this time, it seems that's the case. But I don't --
24 I don't know exactly what was going on with the app.

25

1 BY MR. WARREN:

2 Q. Okay. And so the issue is that even if
3 you set your account to private, a stranger could
4 still mention a kid's account in their comment?

5 MR. CHAPUT: Object to form.

6 THE WITNESS: Can you repeat that question
7 for me, please?

8 BY MR. WARREN:

9 Q. The gap -- there was some gaps involved.
10 One of them is that even if you set your account to
11 private, a stranger can still mention your account
12 in their comment, right?

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: If we're talking about
15 unconnected people, yeah, I would agree with that.

16 BY MR. WARREN:

17 Q. And a stranger could also tag a kid in
18 their post, right?

19 MR. CHAPUT: Object to form.

20 THE WITNESS: Theoretically it seems like
21 that's the case, according to the table.

22 BY MR. WARREN:

23 Q. And a stranger could send a kid direct
24 messages?

25 MR. CHAPUT: Object to the form.

1 THE WITNESS: According to this table,
2 that seems to be the case.

3 BY MR. WARREN:

4 Q. Okay. And examples of unwanted
5 interactions like that were reported by The Atlantic
6 in October of 2018, correct?

7 MR. CHAPUT: Object to form. Foundation.

8 THE WITNESS: According to this article?

9 BY MR. WARREN:

10 Q. Yes.

11 A. Yeah, it seems like there was a couple of
12 instances -- or maybe more, at least the two that
13 you had me read. That seems like the case.

14 Q. Okay. So I'm going to have you look at
15 another document ending in 901.

16 And this will be Exhibit 9.

17 (Whereupon, Exhibit Meta-Castaneda-9 was
18 marked for identification.)

19 BY MR. WARREN:

20 Q. Title of this document is Smart Defaults
21 Write-Up, correct?

22 And I'll represent to you that this came
23 from your files and was produced to us by your
24 attorneys.

25 Any reason to doubt that?

1 the document.

2 BY MR. WARREN:

3 Q. Okay. And do you see the section entitled
4 TLDR?

5 A. I do.

6 Q. And that's shorthand for too long didn't
7 read?

8 A. That is.

9 Q. And that's another way of identifying a
10 summary section, right?

11 A. Yes.

12 Q. So the research concluded in summary that
13 almost all participants thought that younger users
14 and new users should be defaulted to private,
15 correct?

16 MR. CHAPUT: Object to the form.

17 THE WITNESS: According to this research,
18 that is the -- that is what -- one of the findings,
19 insights, observations, whatever you want to call
20 it.

21 BY MR. WARREN:

22 Q. Another finding was that almost all
23 participants across ages believe that a young
24 person's account, e.g., anyone below 11 to 13, and
25 in some cases up to 15, should automatically be

1 MR. CHAPUT: Object to --

2 BY MR. WARREN:

3 Q. Correct?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: That's what it says.

6 BY MR. WARREN:

7 Q. Okay. And directing your attention to
8 further down that same page, "This research study
9 revealed that participants were most sensitive to
10 unwanted contact and interaction," correct?

11 MR. CHAPUT: Object to the form.

12 THE WITNESS: That is what that -- that
13 headline says.

14 BY MR. WARREN:

15 Q. "Unwanted contacts were seen as an issue
16 related to safety, security, and privacy."

17 MR. CHAPUT: Object to the form.

18 THE WITNESS: Yeah, we're just reading
19 through here, yeah.

20 BY MR. WARREN:

21 Q. Why don't you keep reading through.
22 What does the sub bullet say?

23 A. "Unwarranted contacts were seen as an
24 issue related to safety, security, and privacy."

25 Looks like it also refers to what the

1 that page.

2 Yes, I do see that.

3 MR. WARREN: And I would just move to
4 strike from the record your comment which was
5 nonresponsive to a question.

6 It's nothing personal but this exercise is
7 one in which I ask questions and you give answers,
8 okay. So unsolicited comments, I'll just be moving
9 to strike them.

10 Q. Can you read what the 14-year-old said in
11 the interview?

12 A. "Fake robot accounts DM you and say watch
13 my free sex videos and the person sends it to 50
14 different kinds of people. This is kind of like,
15 hey, get a \$500 Visa gift card. I did that one
16 time. It was the first time I ever saw it. I was
17 real young. I thought I am going to get some money.
18 It asked for my address. Plain 'ole little me, I
19 was kind of ditzy. What it said to me after that
20 was, we have your address now, we will stalk you. I
21 was 11. I freaked out. That's probably one of the
22 reasons I got a private account."

23 Q. Is that a problem or a serious problem?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: This is a serious problem

1 that seems to make sense from this -- this bullet
2 here.

3 BY MR. WARREN:

4 Q. Okay.

5 A. And this research.

6 Q. Okay. But that's not actually how the
7 private account mode worked, right?

8 MR. CHAPUT: Object to the form.

9 THE WITNESS: At the time of this
10 research, I don't know exactly. I don't know what
11 was going on. I mean, we could look at that table
12 again and discuss it. But that's -- it seems to be
13 the case, and that's what was investigated here.

14 BY MR. WARREN:

15 Q. Right. Okay.

16 Now, you joined the team, it seems like, a
17 couple months after this research was conducted,
18 right?

19 A. I think it was, like -- this was
20 October -- was this October -- was this September?

21 Q. I think we had looked at a date of
22 September 16th, right?

23 A. Yeah, so I think my first day was, like,
24 sometime in January.

25 Q. Okay. While you were working with the

1 Instagram Well-Being team, are you aware of Meta
2 warning kids that the private setting was less
3 protective than they expected it to be?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: I wasn't aware of that.

6 BY MR. WARREN:

7 Q. Were you aware of Meta warning kids that
8 as of 2020 they couldn't configure Instagram to
9 prevent strangers from direct messaging them?

10 MR. CHAPUT: Object to the form.

11 THE WITNESS: Not aware of that.

12 BY MR. WARREN:

13 Q. Were you aware of Meta warning kids that
14 there was no way to configure Instagram to prevent
15 strangers from tagging them as of 2020?

16 MR. CHAPUT: Object to the form.

17 THE WITNESS: I'm not -- I wasn't aware of
18 that.

19 BY MR. WARREN:

20 Q. Were you aware of Meta warning kids that
21 there was no way to configure Instagram to prevent
22 strangers from mentioning them in comments as of
23 2020?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: I wasn't aware of that.

1 BY MR. WARREN:

2 Q. Okay. Turn to the bottom of page 7,
3 please. Specifically, the heading titled
4 Recommendations.

5 What was the first recommendation coming
6 out of this 2019 research?

7 MR. CHAPUT: Object to the form.

8 THE WITNESS: Recommendations.

9 "Defaulting all teen accounts to private
10 mode and explore defaulting all accounts to private
11 mode."

12 BY MR. WARREN:

13 Q. Okay. Defaulting kids to private mode
14 would have increased the numbers of kids with
15 private accounts, right?

16 MR. CHAPUT: Object to form.

17 THE WITNESS: Yeah, that's -- that seems
18 to make sense.

19 BY MR. WARREN:

20 Q. What was the second recommendation coming
21 out of this 2019 research?

22 MR. CHAPUT: Object to form.

23 THE WITNESS: "For private mode defaults,
24 limit tagging, mentioning, and group DMs to
25 connected accounts. This is more in line with

1 users' expectations and desires. Suggested options.
2 Off, mutual followers, followers."

3 BY MR. WARREN:

4 Q. Okay. In other words, the recommendation
5 was that a private account for a kid should, as a
6 default matter, prevent strangers from tagging,
7 mentioning, or direct messaging the kid, correct?

8 MR. CHAPUT: Object to the form.

9 THE WITNESS: It says, "limit tagging,
10 mentioning, and group DMs to connected accounts."
11 Yeah.

12 BY MR. WARREN:

13 Q. Okay. So the answer to my question was
14 yes?

15 MR. CHAPUT: Object to the form.

16 THE WITNESS: Just say your question one
17 more time. There's a lot going on here.

18 BY MR. WARREN:

19 Q. No problem.

20 The second recommendation identified by
21 this 2019 research is that for private -- you know
22 what -- let me ask it this way.

23 Let's redo it because I got a muddy record
24 and I wasn't sure what you said either, to be
25 honest.

1 What was the second recommendation coming
2 out of this 2019 research?

3 MR. CHAPUT: Object to the form.

4 THE WITNESS: What this says here is that,
5 "For private mode defaults, limit tagging,
6 mentioning, and group DMs to connected accounts.
7 This is more in line with users' expectations and
8 desires. Suggested options. Off, mutual followers,
9 followers."

10 BY MR. WARREN:

11 Q. Okay. In other words, the recommendation
12 was that a private account for a kid should, as a
13 default matter, prevent strangers from tagging,
14 mentioning, or direct messaging the kid, correct?

15 MR. CHAPUT: Object to the form.

16 THE WITNESS: That's -- in conjunction
17 with that first bullet, that seems to be the case.

18 BY MR. WARREN:

19 Q. And the reason that was a recommendation
20 is because that was more in line with users'
21 expectations and desires, correct?

22 MR. CHAPUT: Object to the form.

23 THE WITNESS: According to this research
24 with these groups of people, that is what came out
25 of this.

1 Q. And the bottom is called Recommendation?

2 A. Looks like.

3 Q. Okay. That's helpful. Thank you very
4 much.

5 So you can pull that down, Gina.

6 Now, Doctor, the phrase "smart defaults"
7 refers to the bundle of default settings that were
8 recommended by the 2019 research we looked at,
9 right?

10 A. I don't -- I don't know where the name
11 came from.

12 Q. Okay. Well, let's look at page 4 of this
13 presentation if we can.

14 So this is work that you were involved in
15 called Smart Defaults, right?

16 A. I was involved in work to understand smart
17 defaults, yeah.

18 Q. Okay. And the goal of smart defaults was
19 to ship a safer account model for teens, correct?

20 MR. CHAPUT: Object to form.

21 THE WITNESS: According to this
22 presentation, which I'm not sure how official it is
23 or whatever it was -- not even sure when it -- what
24 format it was in, who it was delivered to. That's
25 what this -- that's -- it says, "Ship a safer

1 account model for teens."

2 BY MR. WARREN:

3 Q. Okay. And the first reason identified is
4 to protect teens from unwanted direct messages ASAP
5 to keep them safer where bullying happens most,
6 right?

7 A. Yeah, again, I --

8 MR. CHAPUT: Object to form.

9 THE WITNESS: -- didn't work on that --
10 this piece of it. I don't remember working on this
11 document a lot, actually, but that's what it looks
12 like it says.

13 BY MR. WARREN:

14 Q. Yeah. What does ASAP mean?

15 A. ASAP. I'm going to assume it means as
16 soon as possible.

17 Q. Okay. And the sentence indicates that
18 bullying happens most on unwanted direct messages,
19 correct?

20 MR. CHAPUT: Object to form.

21 THE WITNESS: According to this sentence,
22 that's what it's indicating.

23 BY MR. WARREN:

24 Q. Okay. And take a look at the notes at the
25 bottom of this page.

1 THE WITNESS: I don't -- that I don't know
2 what that -- all that means, what that encompasses.

3 BY MR. WARREN:

4 Q. Well, we talked about interactions before,
5 right?

6 A. We did talk about interactions.

7 Q. Okay. And one type of interaction is a
8 direct message?

9 A. One type of interaction is a direct
10 message.

11 Q. And other types of interactions include
12 mentioning, correct?

13 A. Yes.

14 Q. Tagging?

15 A. Yes.

16 Q. Commenting?

17 A. Yes.

18 Q. Okay. So take a look again at the notes
19 at the bottom of the slide deck. Can you read the
20 last three bullet points to the jury, please.

21 A. The last three, you said?

22 Q. Yes, sir.

23 A. Okay.

24 "I know from research that mentions and
25 tags are expected. Matching user expectations

1 keeping the experience simple. We know bullying
2 happens, though, through mentions and tags and that
3 private teens are more likely to be bullied this
4 way. It's not a safe experience if we don't include
5 mentions and tags. We'll have a Frankenstein
6 privacy model if we only include DMs that will not
7 match users' expectations and therefore will not be
8 simple."

9 BY MR. WARREN:

10 Q. Okay. And can you turn to page 16 of this
11 document. Again, I know this a little bit difficult
12 to navigate. It's up on your screen.

13 Do you see that?

14 A. I do see this.

15 Q. Okay. This table identifies three options
16 for Meta regarding new default settings routines,
17 right?

18 MR. CHAPUT: Object to the form.

19 THE WITNESS: I think Instagram would --
20 or whatever, yeah, I'm not sure if it's all Meta.

21 BY MR. WARREN:

22 Q. Okay. This table identifies three options
23 for Instagram regarding new default settings for
24 teens?

25 MR. CHAPUT: Object to the form.

1 looks like we're working on a framework to show the
2 trade-offs from value and safety. We'll share next
3 week --

4 (Whereupon, a brief discussion off the
5 record.)

6 THE WITNESS: Yes, so the e-mail was about
7 [REDACTED] discussing not creating any new default
8 interaction settings for private accounts.

9 [REDACTED] Diego, [REDACTED] and I are working on a
10 framework to show the tradeoffs between value and
11 safety. We will share next week prior to a deep
12 dive.

13 BY MR. WARREN:

14 Q. Okay. And just so we have a clear record
15 here.

16 On March 11th, 2020, [REDACTED] sent an
17 e-mail to several people, including you, saying
18 that, "We will not create any new default
19 interaction settings for private accounts," right?

20 A. That appears to be the case.

21 Q. Okay. And she sent that e-mail nine days
22 after the presentation we looked at a few moments
23 ago, right?

24 MR. CHAPUT: Object to form. Foundation.

25 THE WITNESS: That seems -- the dates seem

1 to correspond with what you said.

2 BY MR. WARREN:

3 Q. Okay. And that presentation we had looked
4 at recommended defaulting teens to private accounts
5 as the safest of the three available options, right?

6 MR. CHAPUT: Object to form.

7 THE WITNESS: I just want to look at that
8 table again.

9 One of the pros was keep more people safe
10 from unwanted DMs, tags, and mentions. I think
11 that's what that's referring to along with the other
12 cons and risks and mitigations.

13 BY MR. WARREN:

14 Q. Okay. I just want to make sure we have a
15 clear record, Doctor, so if you can just answer my
16 question as I ask it.

17 So [REDACTED] sent an e-mail to you and
18 several others saying that Instagram was not going
19 to create any new default interaction settings for
20 private accounts nine days after the presentation
21 recommending defaulting teens to private accounts as
22 the safest of three options?

23 MR. CHAPUT: Object to form.

24 THE WITNESS: I don't know where we were
25 in the decision-making process here. So I -- you'd

1 Meta, did the company warn parents that most kids
2 didn't know how to use Meta's safety tools?

3 MR. CHAPUT: Object to form.

4 THE WITNESS: I don't know what warnings
5 or communications there were. I don't know that.

6 BY MR. WARREN:

7 Q. Okay. Let's go back to your Chat with
8 Mr. [REDACTED]

9 A. Sure.

10 Q. Now, you quote this aspect of her note in
11 your Chat with Mr. [REDACTED] You say, quote, Most
12 never actually went into the settings menu. End
13 quote. Right?

14 A. So -- "Users were more likely to control
15 content at the content level. In fact, most never
16 actually went to the settings menu."

17 I guess I -- yeah, maybe that's a quote
18 from this document. I don't know if I quoted her
19 correctly or not, but...

20 Q. Right, but it's what you put in your Chat
21 with Mr. [REDACTED] right?

22 A. Definitely what I put in the Chat.

23 Q. Okay. And then you go on to say, "Very
24 few could accurately or confidently so pretty much
25 worst-case scenario," right?

1 is right now. But I think that's a -- you know, an
2 ongoing challenge that was, you know, an issue with
3 the age kind of thing.

4 BY MR. WARREN:

5 Q. I'm sorry, I don't think you answered my
6 question.

7 Instagram is used by some kids under 13,
8 isn't it?

9 A. I don't know --

10 MR. CHAPUT: Object to the form.

11 THE WITNESS: -- what the -- maybe just
12 ask that one more time.

13 BY MR. WARREN:

14 Q. Instagram is used by some kids under the
15 age of 13, isn't it?

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

17 THE WITNESS: I think that that could be
18 correct.

19 BY MR. WARREN:

20 Q. And we looked at a quote from a teenager
21 who was interviewed in research conducted by
22 Instagram describing an experience when she was
23 11 years old, right, we looked at that earlier
24 today?

25 MR. CHAPUT: Object to form.

1 THE WITNESS: Yeah.

2 MR. CHAPUT: Foundation.

3 BY MR. WARREN:

4 Q. So that's at least one example of a user
5 describing their experience on Instagram when they
6 were under the age of 13, right?

7 A. Yes.

8 Q. So can you now answer my question.
9 Instagram is used by kids under the age of
10 13, right?

11 MR. CHAPUT: Object to the form.

12 THE WITNESS: I'd agree with -- that
13 that's the case sometimes. I don't think they're
14 supposed to be using it under the age of 13.

15 BY MR. WARREN:

16 Q. Okay. Instagram has been used by kids at
17 least since it was acquired by Meta in 2012; would
18 you agree?

19 MR. CHAPUT: Object to form.

20 THE WITNESS: Are you talking about the
21 kids over the age 13 or just kids in general?

22 BY MR. WARREN:

23 Q. Either.

24 A. Yeah. Sure.

25 Q. And you agree that if a company's products

1 assess.

2 BY MR. WARREN:

3 Q. Okay. Again, my question is specific to
4 whether or not Instagram changed default settings
5 that applied to teens on Instagram.

6 Do you understand the scope of my
7 question?

8 A. Just play it back for you.

9 You're asking me if a decision -- if
10 anything changed from the time before the decision
11 where the -- where the -- we were before.

12 Q. Correct.

13 And my question is this, in 2019, there
14 were no default restrictions on whether strangers
15 could direct message, mention, or tag teens,
16 correct?

17 MR. CHAPUT: Object to the form.

18 THE WITNESS: That seems correct, based on
19 that table we were looking at earlier.

20 BY MR. WARREN:

21 Q. And in 2020, in March, [REDACTED]
22 communicated the decision to you and others to keep
23 that as it was, to not change anything about that,
24 correct?

25 MR. CHAPUT: Object to the form.

1 from -- of -- of how people came onto the -- onto
2 the -- into the product. Yeah, I mean, we can talk
3 through it some more.

4 Q. Okay. Well, Doctor, under either the
5 best-case or the worst-case scenario, 5.4 million
6 unwanted direct messages would have been avoided
7 with the change in defaults, right?

8 MR. CHAPUT: Object to the form.

9 THE WITNESS: According to this graph,
10 that was the -- that was [REDACTED] prognostication.

11 BY MR. WARREN:

12 Q. Okay.

13 A. Based on those settings and all the other
14 parameters.

15 Q. Sure.

16 And [REDACTED] prognostication on direct
17 messages that users don't mind receiving is
18 indicated in the blue columns, right?

19 A. 100 percent wanted and hundred percent
20 keep. Yes. Yes.

21 Q. Okay. And so the dark blue column
22 indicates that if every one of those messages was
23 one that users actually wanted that 9.5 million of
24 those would be preempted every day, right?

25 MR. CHAPUT: Object to the form.

1 MR. CHAPUT: Objection to form.

2 THE WITNESS: The evidence definitely
3 suggested that people don't change their -- they
4 have a hard time understanding their settings. Or
5 changing them. Unlikely to change interaction
6 settings on their own.

7 BY MR. WARREN:

8 Q. Right. And, in fact, the data you
9 reviewed indicated that only about .6 to .8 percent
10 of users actually changed the settings on their own,
11 right?

12 A. Can you refer --

13 MR. CHAPUT: Object to the form.

14 THE WITNESS: Can you refer me to that?

15 BY MR. WARREN:

16 Q. I believe you're on the same page. But
17 it's slide 22 of Exhibit 16. This is about five
18 pages from the back.

19 A. I'm sorry. I'll get to it in a second
20 here.

21 That's what the better interactions test
22 says, but I don't remember what the better
23 interactions test was.

24 Q. Doctor, at any point when you were working
25 at Meta, did Meta warn parents that kids received

1 5.4 million unwanted direct messages from strangers
2 every day on Instagram?

3 MR. CHAPUT: Object to the form.

4 THE WITNESS: I don't know. I'm not aware
5 of that one way or another.

6 BY MR. WARREN:

7 Q. Would it have been possible for Meta to
8 warn parents?

9 MR. CHAPUT: Object to the form.

10 THE WITNESS: Sure, possibly. I don't --
11 you know.

12 BY MR. WARREN:

13 Q. You're aware of that the United States
14 Surgeon General has called on Instagram to implement
15 warning labels, right?

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

18 THE WITNESS: I've heard of some -- I
19 haven't read that report, but -- I think what you're
20 talking about is the Surgeon General's report.

21 BY MR. WARREN:

22 Q. Yeah. Do you think that's a good idea?

23 MR. CHAPUT: Object to form.

24 THE WITNESS: I think it's a -- I think it
25 could be a good step to, you know, help people,

1 THE WITNESS: I was involved in research
2 that tried to uncover what the value -- what the
3 tradeoffs were to make the product sustainable and
4 healthy.

5 BY MR. WARREN:

6 Q. And based on that research, on that
7 trade-off, you made a recommendation, right?

8 A. I did make -- I made several
9 recommendations.

10 Q. Right.

11 A. Yeah.

12 Q. And you didn't provide that information to
13 parents to let them make that trade-off, did you?

14 MR. CHAPUT: Object to the form.

15 THE WITNESS: We communicated this
16 research in our team, product teams. That's
17 generally how we communicated.

18 BY MR. WARREN:

19 Q. Did you communicate the research outside
20 of the product teams, for instance, to parents?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: I did not.

23 BY MR. WARREN:

24 Q. Are you aware of anyone at Instagram doing
25 that?

1 MR. CHAPUT: Object to the form.

2 THE WITNESS: This particular research,
3 I'm not aware of anybody doing that.

4 BY MR. WARREN:

5 Q. Now, you published this note in April of
6 2020, right?

7 A. That is correct.

8 Q. And in May, you became a manager, right?

9 A. Yes.

10 Q. How much money did you make as of
11 May 2020?

12 A. I don't remember. I don't know.

13 Q. You don't even have a remote ballpark on
14 what your compensation looked like?

15 A. Remote ballpark, as a senior IC5
16 researcher, I think I was in the 180 range for base
17 salary and then there was, like, options and equity.
18 You know, that kind of thing. I don't know exactly
19 how much that upped it. Maybe -- I think I can look
20 at my taxes -- in the two -- the twos, somewhere low
21 twos. It didn't go up when I became a manager, if
22 that's what you're asking.

23 Q. Did the options and equity add \$200,000 to
24 your base salary?

25 A. No.

1 that seems like that would be accurate.

2 BY MR. WARREN:

3 Q. And, again, this is the state of the world
4 five months after Meta decided not to implement new
5 default settings for kids?

6 MR. CHAPUT: Object to the form.

7 THE WITNESS: I don't know where we were
8 with smart default settings at that point. I know
9 we did research. I made some -- made some
10 recommendations with the 14-day stuff. You have
11 that reference. I thought -- I can't remember
12 exactly what came out of that. But I do remember --
13 I do think we did move with the smart default
14 settings.

15 BY MR. WARREN:

16 Q. Well, we will talk about what happened.

17 My question right now is, this is the
18 state of the world five months after you recommended
19 not to implement new default settings for kids in
20 the note that you co-authored in April of 2020?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: Looks like.

23 BY MR. WARREN:

24 Q. At any point when you were working at
25 Meta, did Meta notify parents and kids that kids

1 were 38 times more likely to receive inappropriate
2 sex-related outreach from adults in their Instagram
3 messages than they were on Facebook?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: I don't know.

6 MR. CHAPUT: Foundation.

7 BY MR. WARREN:

8 Q. Do you think parents would want that
9 information before deciding to let their kids use
10 Instagram?

11 MR. CHAPUT: Same objections.

12 THE WITNESS: I think, yeah, parents would
13 deserve to know -- have information that's going to
14 help to keep their kids safe.

15 BY MR. WARREN:

16 Q. Thank you.

17 I'd like to fast-forward a few months to
18 March of 2021.

19 MR. CHAPUT: Counsel, we've been going for
20 over an hour. Can we take a break?

21 MR. WARREN: Sure.

22 THE VIDEOGRAPHER: Going off the record at
23 3:00 p.m.

24 (Whereupon, a brief recess was taken.)

25 THE VIDEOGRAPHER: And we're back on the

1 THE WITNESS: I'm not familiar with this
2 blog post or what came out of it. I don't know what
3 changes happened exactly. I didn't work on this
4 stuff.

5 BY MR. WARREN:

6 Q. I'm just asking what it said.

7 A. Yes, I'm reading the part where it starts
8 with, "Restricting DMs between teens and adults they
9 don't follow."

10 And it says, "To protect teens from
11 unwanted contact from adults, we're introducing a
12 new feature that prevents adults from sending
13 messages to people under 18 who don't follow them."

14 Q. Okay. And that was March 2021, right?

15 A. Yes, but I don't -- I'm not familiar with
16 the feature.

17 Q. Okay. And the SEV report we're looking at
18 from the end of February 2022 indicates that teens
19 were receiving direct message requests from
20 unconnected adults, quote, Breaking public
21 commitment that we made. End quote.

22 Do you see that?

23 A. I do see that.

24 Q. Okay. And, in fact, a year after
25 Instagram's post, it still allowed several types of

1 happening here with this. This is not -- I'm not
2 familiar with this at all.

3 BY MR. WARREN:

4 Q. Okay. Well, let's look at the end of this
5 document. It says, "Summary of what we know now as
6 of March 3rd, 2022."

7 Do you see that?

8 A. Yes.

9 Q. And it says, "50 percent of message
10 requests to predicted teen DAU are from predicted
11 non-teens," right?

12 A. Yes.

13 Q. And DAU refers to daily active users?

14 A. I think so.

15 Q. Okay. So in other words, 50 percent of
16 message requests to daily active users that
17 Instagram predicted were teens were coming from
18 users that Instagram predicted were adults, right?

19 MR. CHAPUT: Object to the form.

20 Foundation.

21 THE WITNESS: Yeah, there's a bunch of,
22 like -- like, notes here that are difficult for me
23 to parse out. But it sounds like there's somebody,
24 the owner, I think it's [REDACTED] describing some of
25 what they are -- they are seeing happening.

1 BY MR. WARREN:

2 Q. Right. And what they are seeing happening
3 is that half of direct message requests to predicted
4 teens were coming from predicted adults?

5 MR. CHAPUT: Object to the form.

6 THE WITNESS: If predicted non-teens are
7 adults, yeah.

8 BY MR. WARREN:

9 Q. What else would a non-teen be?

10 A. I think it would be predicted of -- yeah,
11 predicted non-teens, yeah, that makes sense.

12 Q. It makes sense that those would be adults,
13 right?

14 A. Yeah.

15 MR. CHAPUT: Object to the form.

16 BY MR. WARREN:

17 Q. And some segment of those messages were
18 adults that Instagram actually predicted were teens
19 but were still allowed to direct message kids.

20 Let me strike that question. That was a
21 bad question.

22 There are some other categories of direct
23 messages described in this summary, correct?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: Can you point me to where

1 Q. Are there any revisions anywhere in this
2 blog post indicating that adults were still capable
3 of direct messaging minors on Instagram?

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

6 THE WITNESS: Do you want me to compare
7 the documents?

8 BY MR. WARREN:

9 Q. I just want you to read this document and
10 tell me, do you see any caveats or qualifications to
11 the statement we looked at before?

12 MR. CHAPUT: Same objections.

13 THE WITNESS: Same -- same thing. I think
14 it's the feature -- just reading from that
15 paragraph, "Restricting DMs between teens and adults
16 they don't follow. The feature relies on our work
17 to predict people's ages using machine learning
18 technology, and the age people give when they sign
19 up." So forth.

20 Yeah, that -- that'd be the only, I guess,
21 caveat if we want to call it.

22 BY MR. WARREN:

23 Q. Okay. So just to be clear, the text in
24 this blog post is not changed from when it first
25 appeared in March of 2021 as compared to March 2023?

1 MR. CHAPUT: Object to the form.

2 Foundation.

3 BY MR. WARREN:

4 Q. With respect to that -- well -- let me
5 re-ask the question. I apologize.

6 It might help to put both of these up side
7 by side.

8 A. Yeah, thanks.

9 Q. That one particular section.

10 And this is the section, Gina, called
11 Restricting DMs between teens and adults they don't
12 follow.

13 MS. VELDMAN: Exhibit 19?

14 MR. WARREN: It's Exhibits 19 and 21.

15 MS. VELDMAN: What page is it?

16 MR. WARREN: The next one. Yeah, it's the
17 Restricting DMs between teens and adults. Thanks,
18 Gina. Let's get that on the other one, too.

19 MS. VELDMAN: This goes to another page.

20 MR. WARREN: Can you clip it?

21 MS. VELDMAN: No, not side by side.

22 BY MR. WARREN:

23 Q. All right. So let's restart this. Sorry.

24 A. I can follow it. Yeah.

25 Q. Okay. So -- so, Doctor, I put before you

1 in Exhibit 19 Instagram's blog post from March 2021
2 and the same blog post from April 2023.

3 And my question is, is there any
4 difference between those blog posts and how
5 Instagram describes its feature preventing adults
6 from sending messages to kids?

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

9 THE WITNESS: Can you turn the page on the
10 one on the right? All by itself? Cool. Perfect.

11 Looks the same.

12 BY MR. WARREN:

13 Q. Okay. It looks the same.

14 You can pull those down.

15 It looks the same, but we looked at the
16 site-wide emergency event report indicating that,
17 actually, that public commitment was being broken.

18 MR. CHAPUT: Object to the form.
19 Foundation.

20 THE WITNESS: That's -- that is the
21 speculation by this [REDACTED] I suppose. I'm not
22 really sure who -- how this all follow -- flows
23 here. I said I don't -- I'm not familiar with the
24 mechanics or the way this data was understood or --
25 and then -- and then followed. But yes.

1 BY MR. WARREN:

2 Q. Okay. Do you think it would be common for
3 someone at Meta to submit a site-wide emergency
4 event report just based on speculation?

5 MR. CHAPUT: Object to the form.
6 Foundation.

7 THE WITNESS: I never filed a site-wide
8 emergency. I think if I would have it would have
9 been pretty -- need to be important.

10 BY MR. WARREN:

11 Q. Okay. You can put that away.

12 And I'm going to show you Exhibit 21 --
13 22, I'm sorry. Exhibit 22.

14 (Whereupon, Exhibit Meta-Castaneda-22 was
15 marked for identification.)

16 BY MR. WARREN:

17 Q. Okay. I want to fast-forward to
18 April 2024.

19 Do you know who [REDACTED] is?

20 MR. CHAPUT: Object to the form.

21 THE WITNESS: No.

22 BY MR. WARREN:

23 Q. She is a 17-year-old girl and she happens
24 to be my client. So I want to show you a series of
25 messages she received a few months ago from a

1 feedback.

2 Q. Okay. And I don't think we covered this
3 before, but just to make sure, your bachelor's
4 degree is in neuroscience and psychology?

5 A. It's actually physiology and there's bits
6 of neuroscience in there. But mostly physiology,
7 animal physiology is the name of it.

8 Q. Okay.

9 A. No psychology.

10 Q. Okay. And you've got a master's in public
11 health focused on health communication?

12 A. Yes.

13 Q. Okay. And you have a Ph.D. from
14 UC Berkeley also in health communication?

15 A. It's actually a doctorate in public
16 health.

17 Q. Okay.

18 A. And --

19 Q. I'm sorry, what's the difference? I don't
20 actually know.

21 A. It's a professional degree. It's a
22 doctorate still, still academically oriented, but
23 with a professional practical kind of aspect to it.

24 Q. Got it. So let me re-ask the question.
25 You have a doctorate in public health from

1 UC Berkeley, also in health communication?

2 A. That's the emphasis.

3 Q. Okay. So in any event, it's fair to say
4 you have experience studying the best ways to
5 communicate public health issues?

6 A. Yes.

7 Q. Okay. So let's take a look at the model
8 you worked on which was attached to this thread. If
9 you flip a page, you will see that.

10 Do you want to take a minute to review
11 this or have you already done so?

12 A. Let me take another -- give me another
13 30 seconds. We can speak to it.

14 Q. Okay. So could you read the text at the
15 top to the jury, please.

16 A. Sure.

17 "Specific populations who are more likely
18 have" -- "more likely have social media use like
19 social comparison and online bullying are also most
20 at risk for developing mental health challenges.
21 These behaviors and challenges can develop into a
22 feedback loop."

23 Q. Okay. So let's walk through that feedback
24 loop. So we start on the left with the list of
25 existing vulnerabilities, right?

1 BY MR. WARREN:

2 Q. Okay. And the existing vulnerabilities in
3 this feedback loop are independent of one another
4 but they can also occur together, right?

5 A. That is correct.

6 Q. Okay. So being an adolescent is a
7 vulnerability on its own?

8 MR. CHAPUT: Object to the form.

9 THE WITNESS: That would be the indication
10 here.

11 BY MR. WARREN:

12 Q. Okay. But being a female adolescent would
13 combine two vulnerabilities, right?

14 MR. CHAPUT: Object to the form.

15 THE WITNESS: It could.

16 BY MR. WARREN:

17 Q. Okay. And, again, we covered this, but
18 just so the record is clear, you have a bachelor's
19 in physiology?

20 A. Yes.

21 Q. A master's in public health communication?

22 A. Yes.

23 Q. And a doctorate -- doctoral degree in
24 public health from UC Berkeley, also in health
25 communication?

1 negative social comparison is.

2 A. The definition kind of evolved. I -- you
3 know, I'd have a hard time being really concrete
4 about it. I'd need to see somewhere where I wrote
5 it. And maybe I have -- if there's a document we
6 could talk about that and you can point me to it.

7 Q. You don't remember what negative social
8 comparison means?

9 A. Not specifically.

10 (Whereupon, a brief discussion off the
11 record.)

12 THE VIDEOGRAPHER: Going off the record at
13 5:41 p.m.

14 (Whereupon, a brief recess was taken.)

15 (Whereupon, a brief discussion off the
16 record.)

17 THE VIDEOGRAPHER: And we're back on the
18 record at 5:41 p.m.

19 BY MR. WARREN:

20 Q. Okay. And your -- and just moving through
21 the model, your model indicates that unhealthy
22 social media use can cause poor sleep?

23 MR. CHAPUT: Object to the form.
24 Foundation.

25 THE WITNESS: Cause, no. Association,

1 yes.

2 BY MR. WARREN:

3 Q. Okay. That's fine. I'm not attempting to
4 put words in your mouth here. I just want to
5 understand what you were trying to illustrate here.

6 So you're illustrating that unhealthy
7 social media use is associated with poor sleep,
8 correct?

9 MR. CHAPUT: Object to the form.

10 THE WITNESS: Can be. And it looks like
11 there's a relationship in the reverse direction as
12 well.

13 BY MR. WARREN:

14 Q. Right. And similarly, unhealthy social
15 media use can be associated with poor self-esteem
16 and vice versa?

17 MR. CHAPUT: Object to the form.

18 THE WITNESS: Yes.

19 BY MR. WARREN:

20 Q. Unhealthy social media use can be
21 associated with negative body image and vice versa?

22 MR. CHAPUT: Object to the form.

23 THE WITNESS: In this model, the way I've
24 written it here or the way I've kind of developed
25 it, yes.

1 BY MR. WARREN:

2 Q. Okay. And poor self-esteem and negative
3 body image are themselves associated, right?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: It looks like -- and I'd
6 really love to visit the other -- the modeling that
7 I -- you know, came from this. But yes, I -- you
8 know.

9 BY MR. WARREN:

10 Q. Okay. And your model further indicates
11 that once -- when unhealthy social media use is
12 associated with poor sleep, poor self-esteem, and
13 negative body image, those, in turn, can be
14 associated with mental health challenges, right?

15 MR. CHAPUT: Object to the form.
16 Foundation.

17 THE WITNESS: Yeah, and I don't know what
18 the gray means or the -- I know the bidirectional
19 stuff. It looks like there's a feedback loop with
20 mental health challenges. So I think that's what
21 we're kind of elucidating here.

22 BY MR. WARREN:

23 Q. Right. And what's the feedback loop?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: The way I've described this,

1 results?

2 MR. CHAPUT: Object to the form. Asked
3 and answered. Mischaracterizes the testimony and
4 the document.

5 THE WITNESS: It looks -- it looks like 09:33
6 also there's the eligible piece, which is 9 million,
7 so I don't know if -- it doesn't look like all those
8 people got -- those 35 million ever even saw the
9 tab, the take a break feature.

10 BY MR. WARREN: 09:33

11 Q. Okay. Can you answer my question, please.
12 I don't think I got an answer.

13 A. You were asking me -- just play it back
14 for you.

15 You're asking me if 99 percent of -- of 09:34
16 all teen users in Instagram were going to use take a
17 break?

18 Q. We're going to not use.

19 A. Yeah.

20 Q. Let me ask it again just so it's clear. 09:34

21 Instagram's test results, which you cited
22 in your evaluation to your supervisor, indicated
23 that over 99 percent of kid users of Instagram were
24 projected to not use take a break?

25 MR. CHAPUT: Object to the form. 09:34

1 THE WITNESS: If that's the -- that's what
2 the table says, yeah, then that makes sense.

3 BY MR. WARREN:

4 Q. And it is what the table says, right?

5 MR. CHAPUT: Object to the form. 09:34

6 THE WITNESS: Sure.

7 BY MR. WARREN:

8 Q. Okay. Now, I'd like to direct your
9 attention to page 54 of this document.

10 This indicates that the users who did turn 09:35
11 on take a break were given a choice of how often to
12 get a reminder to take a break, every 10 minutes,
13 every 20 minutes, or every 30 minutes, right?

14 MR. CHAPUT: Object to form.

15 THE WITNESS: Yeah, this is a -- this is a 09:35
16 table, looks like a chart showing what happens with
17 all the variants and time.

18 BY MR. WARREN:

19 Q. Okay. But I just wanted an answer to my
20 specific question. 09:35

21 Users who turned on take a break could set
22 a reminder to take a break every 10 minutes, every
23 20 minutes, or every 30 minutes, right?

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: I think that's how it 09:36

1 STATE OF CALIFORNIA)

2 COUNTY OF YOLO)

3 I, ELAINA BULDA-JONES, a Certified Shorthand
4 Reporter of the State of California, duly authorized
5 to administer oaths pursuant to Section 2025 of the
6 California Code of Civil Procedure, do hereby
7 certify that

8 DIEGO CASTANEDA, DrPH MPH,
9 the witness in the foregoing deposition, was by me
10 duly sworn to testify the truth, the whole truth and
11 nothing but the truth in the within-entitled cause;
12 that said testimony of said witness was reported by
13 me, a disinterested person, and was thereafter
14 transcribed under my direction into typewriting and
15 is a true and correct transcription of said
16 proceedings.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties in the
19 foregoing deposition and caption named, nor in any
20 way interested in the outcome of the cause named in
21 said deposition dated the _____ day of
22 _____, 2024.

23
24 

25 ELAINA BULDA-JONES, CSR 11720