

AMENDED Exhibit 12

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 ADDICTION/PERSONAL)
INJURY PRODUCTS LIABILITY) MDL No. 3047
LITIGATION)
-----)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

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

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

MONDAY, DECEMBER 16, 2024

CONFIDENTIAL - ATTORNEYS' EYES ONLY -
PURSUANT TO PROTECTIVE ORDER

- - -

Videotaped deposition of George
Volichenko, held at the offices of Lief
Cabrer Heimann & Bernstein, LLP, 275
Battery Street, 29th Floor, San Francisco,
California, commencing at 9:05 a.m. Pacific
Time, on the above date, before Carrie A.
Campbell, Registered Diplomat Reporter,
Certified Realtime Reporter, Illinois,
California & Texas Certified Shorthand
Reporter, Missouri, Kansas, Louisiana & New
Jersey Certified Court Reporter.

- - -

Job No. 7053449

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1 introduce yourself to the jury.

2 Where did you grow up?

3 A. Hi, everyone. My name is
4 Georgy Volichenko. I go by George, but my
5 legal first name is Georgy with a Y. I grew
6 up in Moscow, Russia. I came to the US for
7 college when I was 18, so about 16 years ago.
8 And, yeah.

9 Q. Okay. Can you tell us a little
10 bit about your education?

11 A. I went to school at Carnegie
12 Mellon University in Pennsylvania. I studied
13 statistics, did a bachelor's and master's,
14 and then went on to data science analytics
15 work. Yeah.

16 Q. Okay. What was your first job
17 after receiving your master's?

18 A. My first job was at a company
19 called Comscore, which is an advertising
20 analytics company, and it was in Reston,
21 Virginia.

22 Q. Okay. At some point did you
23 leave Comscore?

24 A. I did. I did. About three
25 years after I started working there.

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1 Q. Okay. And where did you work
2 next?

3 A. I worked at Facebook before it
4 was called Meta. So it was 2015 -- 2016
5 through 2018, for two years.

6 Q. Okay. And what sort of work
7 did you do during that stint?

8 A. At Facebook?

9 Q. Yes.

10 A. I worked for the marketing
11 department, consumer marketing, doing
12 analytics work, helping with measurement of
13 marketing campaigns.

14 Q. Okay. And how was your
15 experience at Facebook during that first
16 stint?

17 A. It was pretty great, actually.
18 I went there specifically. I was following
19 my manager from Comscore, who got a job there
20 and was, you know, kind of hiring for her
21 team. So it's one of the main reasons I kind
22 of made that jump, is because I wanted to
23 work with her.

24 We had, you know, a good team,
25 good kind of like office culture. It was,

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1 you know, before any of the remote work
2 transition, so it was -- it was a good time.

3 Q. Okay. Why did you leave?

4 A. I left because I wanted to
5 explore other career options, kind of spend
6 some time on introspection and doing some
7 traveling. Yeah.

8 Q. Okay. Did you have other work
9 before you subsequently returned to Facebook?

10 A. Oh, yes. Yes. I worked at
11 several startups, yeah, like larger startups,
12 like Strava and Calm, the meditation app.
13 And I even worked at Zillow briefly, the real
14 estate app I'm sure everyone knows.

15 And, yeah, I didn't -- I didn't
16 get back to working at Meta until much later.
17 Like 2022.

18 Q. Okay.

19 A. It was a year.

20 Q. And you referred to Meta. When
21 you returned to the company, had it been
22 rebranded as Meta from Facebook?

23 A. That's correct.

24 Q. Okay. Did you interview to
25 work at Meta or for a specific product within

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1 Meta?

2 A. Good question. So the -- for
3 data science, the interview process is
4 usually general. Sometimes you get a chance
5 to kind of talk to a specific team.

6 Q. Uh-huh.

7 A. But that happens pretty much at
8 the end of the interview process when there's
9 some sort of indication that you might be a
10 good candidate. So my interview process was
11 general.

12 Q. Okay. And where did you wind
13 up working within Meta when you rejoined?

14 A. Yeah. So I had a specific kind
15 of preference to work on an integrity-focused
16 team, which is, you know, a very general
17 term, but -- so my recruiter at the time
18 linked me with -- the team that I ended up
19 working at was teen mental health team within
20 Instagram.

21 Q. Okay. Is there any particular
22 reason you were interested in working on teen
23 mental health issues?

24 MR. CHAPUT: Object to the
25 form.

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1 You can go ahead and answer.

2 THE WITNESS: Yeah. So --

3 QUESTIONS BY MR. WARREN:

4 Q. Well, let me rephrase the
5 question then.

6 Were you interested in working
7 on teen mental health issues in particular?

8 A. Not in particular. I think it
9 was a matter of kind of vacancy.

10 But I had some kind of
11 surface-level experience in my first stint at
12 Facebook on a team called protect and care, I
13 believe it was called, and they were focused
14 on, you know, kind of protecting users from
15 malicious behavior. Specifically it was
16 something around some bad actors and, like,
17 ways that you could identify that and
18 basically create safeguards for users. And I
19 thought it was really interesting.

20 And so when I came back for my
21 second stint and did the interviews, I kind
22 of described that experience and said that
23 something along those lines would be really
24 cool.

25 And they linked me up with teen

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1 mental health. I think -- could you repeat
2 your question, just to make sure I'm not --

3 Q. I can just ask another one. I
4 think --

5 A. Okay.

6 Q. -- you answered that one.

7 Were you excited to work on
8 teen mental health issues?

9 A. Yes. Yes, I was. I was.

10 Q. And why was that?

11 A. Because I think, first of all,
12 I think it's a -- it's a nontrivial problem.
13 It involves some really novel challenges that
14 I hadn't previously encountered in my career,
15 so that was exciting. But also for reasons
16 of just, you know, making a positive
17 difference, I guess, is another reason.

18 Q. Do you have any personal
19 experience in your life with teen mental
20 health issues and social media?

21 MR. CHAPUT: Object to form.

22 THE WITNESS: No, not really.

23 QUESTIONS BY MR. WARREN:

24 Q. Okay. During your time at
25 Instagram -- and, sorry, let me withdraw the

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1 question.

2 Did you work specifically on
3 Instagram or on other Meta products?

4 A. Only Instagram.

5 Q. Okay. During your time at
6 Instagram, would you say you developed an
7 understanding of its business model?

8 MR. CHAPUT: Object to the
9 form.

10 THE WITNESS: I would say --

11 MR. WARREN: Hold on a second.

12 Counsel, what's the basis for
13 the objection so I can rephrase it if
14 necessary?

15 MR. CHAPUT: It's vague.

16 QUESTIONS BY MR. WARREN:

17 Q. Okay. Mr. Volichenko, let me
18 reask you the question. I just want to know
19 if you think it's vague.

20 During your time at Instagram,
21 would you say you developed an understanding
22 of its business model?

23 A. I would say in general terms,
24 yes. I probably developed a better
25 understanding in my first time at Facebook.

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1 Q. Okay. Could you explain the
2 business model of Instagram then?

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

5 THE WITNESS: I can continue?

6 QUESTIONS BY MR. WARREN:

7 Q. You can.

8 A. The business model is -- well,
9 it's based on advertising, right? So they
10 sell ads.

11 There's several things that I
12 think are unique about their business model.
13 Well, probably not unique anymore with other
14 kind of companies doing similar stuff, but I
15 think they were the first. And first
16 offering really good targeting, right?

17 So you can, as an -- as an
18 advertiser, you can kind of go after users
19 that have specific interests or live in a
20 specific geography and basically just have a
21 lot more -- a lot higher likelihood that
22 people who see your ads will be interested in
23 your product because of targeting.

24 But also I think that the
25 business model of Instagram and, you know,

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1 other social networks very much so is kind of
2 maximizing the amount of time and attention
3 that people kind of dedicate to the platform,
4 thus allowing for just, like, more space and
5 time to present the advertising.

6 So I think that's, like, a
7 really big part of the business model that
8 maybe we just don't -- I don't know. It's
9 not a top of mind for people, but it's very
10 important.

11 Q. Okay. Does Meta make more
12 money if its users use Instagram more
13 frequently?

14 MR. CHAPUT: Object to form.
15 Foundation.

16 THE WITNESS: Yes, absolutely.
17 QUESTIONS BY MR. WARREN:

18 Q. Does Meta make more money if
19 its users use Instagram for longer periods of
20 time?

21 MR. CHAPUT: Object to form.
22 Foundation.

23 THE WITNESS: Yes.
24 QUESTIONS BY MR. WARREN:

25 Q. And all things being equal,

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1 the data scientist that was before me was
2 also involved in that. Unfortunately, I
3 don't remember his name.

4 And then, you know, the rest of
5 the team is definitely there, so software
6 engineers, designer. There's a content --
7 was it content designer, which is like a
8 copywriter. There's a person who does kind
9 of qualitative research, like a UX
10 researcher.

11 For all those people, I can't
12 say for sure who was working on a project
13 because it was before my time.

14 Q. Are you familiar with the term
15 "p-NAC"?

16 A. Yes.

17 Q. What is p-NAC?

18 A. Yeah. p-NAC is -- so NAC
19 stands for negative appearance comparison.
20 p-NAC is basically probability. So P is
21 lowercase, which is often used in statistics
22 as, like, probability. You know, you've
23 heard of p-values also related to
24 probability.

25 So p-NAC was a model they

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1 developed on my team, and I think this guy
2 Justin, Justin Cheng, was, like, the main
3 kind of the -- the brain behind it. It was a
4 model that was scoring content, right, on how
5 likely it is to be associated with negative
6 appearance comparison.

7 So you could imagine, like, for
8 example, like, a picture of a Christmas tree,
9 low p-NAC. A picture of, like, some
10 beautiful girl in, like, a bikini, posing
11 would be potentially high p-NAC.

12 Q. Okay. And was the p-NAC
13 scoring model part of the solution that the
14 team proposed to address negative appearance
15 comparison?

16 A. Yes.

17 MR. CHAPUT: Object to form.
18 Foundation.

19 QUESTIONS BY MR. WARREN:

20 Q. Okay. Was that project subject
21 to a review process?

22 A. Yeah, absolutely, like every
23 other project.

24 Q. Okay. And what's your
25 understanding of that review process?

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1 MS. KRAMER: Object to form.
2 Foundation.

3 QUESTIONS BY MR. WARREN:

4 Q. Let me -- let me withdraw the
5 question.

6 Do you know if Adam Mosseri
7 approved the negative appearance comparison
8 project?

9 A. I know for a fact that he did
10 not approve it.

11 Q. What happened?

12 A. So the -- well, so the model is
13 only part of the -- part of the solution that
14 was proposed, right?

15 Kind of the key component is
16 that content gets essentially either
17 down-ranked or completely removed if it has
18 high p-NAC, right?

19 So -- but only for teens,
20 right? And all of the stuff that we did was
21 specifically for users who stated that their
22 age is, you know, within our definition of
23 teen, which is 13 to 17.

24 And so the solution that was
25 proposed is, like, hey, we have this model,

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1 can we test kind of down-ranking it for teen
2 users.

3 And Adam had, like, a very
4 clear -- very clearly kind of denied us that
5 opportunity because -- I believe the reason
6 was that we, as a platform, should not pass
7 judgment on the content because, like, when
8 we start doing that, it might, like, affect
9 content creators. They will be kind of
10 unsure why their content was potentially
11 down-ranked. And it's just, like, a can of
12 worms that we don't want to go there.

13 And -- yeah. So that was --
14 that was the reason that it was, like, shut
15 down at that point.

16 Q. Do you know how Adam Mosseri
17 communicated his decision concerning the
18 negative appearance comparison project?

19 A. I know that there were -- there
20 was an e-mail thread about it with a lot of
21 people weighing in, including -- well, mainly
22 it was [REDACTED], my PM. He was on it and, like,
23 everyone in between, which is a lot of
24 people.

25 And I'm sure there were other

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1 methods of communication that I'm not aware
2 of.

3 Q. Are you aware of whether
4 Mr. Mosseri expressed any view in that e-mail
5 chain about negative appearance comparison
6 content relative to other kinds of content on
7 Instagram, how prevalent it was?

8 MR. CHAPUT: Object to form.

9 QUESTIONS BY MR. WARREN:

10 Q. Let me reask the question.
11 Are you aware of whether
12 Mr. Mosseri expressed any view about how
13 prevalent negative appearance content is on
14 the Instagram platform relative to other
15 kinds of content?

16 MR. CHAPUT: Object to form.

17 THE WITNESS: I'm not. No, I'm
18 not aware of that.

19 QUESTIONS BY MR. WARREN:

20 Q. Did you come to understand
21 whether Mr. Mosseri's decision not to move
22 forward with the p-NAC project had any impact
23 on the morale of the Instagram mental
24 well-being team?

25 A. Well, my impression -- I can't

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1 know for sure, but my impression was that
2 they were pretty disappointed because they
3 spent a lot of time, and they thought -- they
4 thought very -- they believed very strongly
5 in the need for this, right? And I think
6 there was even, like, some surveys and
7 research that this is a big problem, and they
8 wanted to work on it.

9 They felt like they had a
10 potential solution, but without -- without
11 being able to, quote/unquote, pass judgment
12 on content, they felt like they had their
13 hands fully tied.

14 And in combination with the
15 lack of clarity in what's coming next, this
16 was all kind of compounding in a, you know, a
17 low morale. That was my impression.

18 Q. Okay. And you testified
19 earlier that you came to develop a view as to
20 why the data scientist before you and the
21 data engineer had left.

22 A. Yeah.

23 Q. What was that view?

24 MR. CHAPUT: Object to form.
25 Foundation.

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1 THE WITNESS: My view is that
2 they were likely just didn't see the
3 point in being there. I mean, there
4 could be other reasons. And they
5 wanted to -- kind of similar to me,
6 they wanted to make a difference, and
7 they felt like they just didn't have
8 an opportunity to do that.

9 QUESTIONS BY MR. WARREN:

10 Q. Okay. Now, you talked a bit
11 about the review process that the negative
12 appearance comparison project went through.

13 In your personal experience, is
14 that typical of the review processes that
15 proposed safety features had to undergo at
16 Instagram?

17 MR. CHAPUT: Object to form.

18 THE WITNESS: Yes, pretty
19 typical. I think there's -- depending
20 on the kind of level of how much of
21 the app experience the feature
22 involves, it can go higher up, like in
23 that case to Adam, or it can kind of
24 stop at, like, well-being leadership
25 if it's something that does not -- is

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1 QUESTIONS BY MR. WARREN:

2 Q. Did the well-being team want to
3 move forward with the intervention to reduce
4 negative appearance comparison?

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

7 THE WITNESS: Yes.

8 QUESTIONS BY MR. WARREN:

9 Q. Okay. But they were not
10 allowed to do so by Instagram leadership?

11 MR. CHAPUT: Object to form.
12 Foundation.

13 THE WITNESS: Yes.

14 QUESTIONS BY MR. WARREN:

15 Q. Okay. So I'd like to ask you
16 some questions about what your team pivoted
17 to after work on negative appearance
18 comparison came to an end.

19 Did the team begin work on
20 something called problematic use?

21 A. Not immediately after, but
22 shortly, shortly after, yes.

23 Q. Okay. And was problematic use
24 another way of referring to social media
25 addiction?

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1 the phrase "screenshot risk"?

2 A. Screenshot risk?

3 Q. Yeah.

4 A. No.

5 Q. Okay. George, were you
6 involved in evaluating to what extent the
7 Take a Break and alternative topics features
8 were actually used by Instagram users?

9 A. Yes.

10 (Volichenko Exhibit 3 marked
11 for identification.)

12 QUESTIONS BY MR. WARREN:

13 Q. Okay. So I'm going to direct
14 your attention to another document ending in
15 Bates number 399807. This will be Volichenko
16 Exhibit 3.

17 And go ahead and take a minute
18 to review this, and just let me know when
19 you're ready.

20 A. Okay.

21 Q. Okay. So why don't we start on
22 page 4 of this document.

23 A. Okay.

24 Q. Does this indicate that you
25 opened this conversation on June 9, 2022?

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1 A. Wait. Page 4. Is that -- oh,
2 this page. Okay.

3 Q. You can also look on your
4 screen.

5 A. Yes, it does indicate that.

6 Q. Okay. And would you have
7 opened and reviewed this document in the
8 ordinary course of your work at Meta?

9 A. Correct, yes.

10 Q. Okay. So flipping back to
11 page 1, just looking at the title, do you see
12 the words "IGWB e-mail review"?

13 A. Yes.

14 Q. What does IGWB stand for?

15 A. Instagram well-being.

16 Q. And then it says "mental
17 well-being."

18 Right?

19 A. Yes.

20 Q. Is that the name of the
21 specific team you worked for?

22 A. Yes.

23 Q. And the next part of the title
24 is "H1 2022."

25 What does H1 mean?

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1 A. First half of 2022.

2 Q. Okay. And then it says, "Goal
3 methodology update V2."

4 Right?

5 A. Yes.

6 Q. Okay. At some point while you
7 were working at the Instagram mental
8 well-being team, did the team reduce its goal
9 for the number of users that would adopt Take
10 a Break?

11 MR. CHAPUT: Object to form.

12 THE WITNESS: I think so. I
13 mean, I may be misremembering.

14 QUESTIONS BY MR. WARREN:

15 Q. Okay. Can you read the first
16 paragraph to the jury, please?

17 A. "Thanks for the feedback. Team
18 will keep meaningful adoption and leave as a
19 percentage but does not believe we have a
20 path to hitting that goal, so would like to
21 request we reduce .6 percent to .25 percent
22 given the tactics we have aligned and
23 prioritized for this half. I have reflected
24 these changes in V2 proposal below."

25 Q. Okay. Does that refresh your

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1 recollection as to whether the team reduced
2 its goal?

3 A. Yes. Just wanted to clarify
4 that it was done early on in my -- in my time
5 on the team, and potentially the -- some of
6 the decisions were -- you know, it was -- it
7 might have been initiated prior to my time as
8 well.

9 Q. Okay. So let's take a look at
10 the table on the first page.

11 A. Okay.

12 Q. Looking at the first row, what
13 was the team's revised goal in terms of the
14 percentage of weekly active teen Instagram
15 users that adopted Take a Break?

16 A. Sorry, are you asking about the
17 goal or the actual amount that --

18 Q. The goal. The goal.

19 A. It's unclear for Take a Break
20 specifically. So what they're saying here is
21 that the goal for adoption, the combined
22 adoption of all the features, was
23 .25 percent.

24 Q. Okay. And if you just look
25 three rows up, is there a row specific to

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1 Do you know what the author of
2 this statement is referring to when they
3 refer to a one-way door principle?

4 A. I believe I do, yes.

5 Q. And what is that?

6 A. So one-way door refers to
7 features that once we launch them, we
8 basically cannot disable them, right?

9 With some -- with some features
10 that I would say have, like -- that are less
11 sensitive, right, you can -- you can in
12 theory, like, enable it. You know, say it
13 doesn't work or it, like, affects something
14 negatively, you can shut it down.

15 With features -- with some
16 other features, especially features in this
17 kind of well-being space, once you put it out
18 there, you know, you can't turn it off
19 because -- well, I believe there are multiple
20 reasons, but the most obvious one I can think
21 of is that, like, it just looks really bad,
22 right? Like the company is, like, doing
23 something to protect the users, but then
24 they're, like, eh, we don't want to protect
25 users anymore. We're going to turn it off.

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1 So that is at least a component
2 of why these one-way door features exist.

3 And from what I remember, the
4 guidance that we received from [REDACTED], our
5 product manager, was that a vast majority of
6 things that we work on would fall into that
7 category, right?

8 So for Take a Break, for
9 example, if we make it opt-out, when we --
10 when we test it, right, we enable it for some
11 random sample of users. And let's say it
12 doesn't work. It tanks a bunch of metrics
13 that we can't -- we can't, you know, effect.
14 But for those users, we already have -- it's
15 out there. We can't -- we can't turn it off
16 for them. Which is not the end of the world,
17 but it creates a very fragmented user base,
18 right? It's, like, some people have it,
19 others don't. We, like, lost track of who
20 has it. It gets really messy.

21 And I don't know if that is
22 really the extent of the reasoning there,
23 but, yeah.

24 Q. Okay. Thank you.

25 So now that you've explained

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1 the time is that, look, TikTok is doing it,
2 opt-out. They're just kind of enabling it
3 for everyone. Should we consider doing that.

4 And, yeah, we just felt like we
5 weren't -- we weren't, again, like,
6 aggressive enough, and we weren't necessarily
7 taking a stance on this matter.

8 (Volichenko Exhibit 6 marked
9 for identification.)

10 QUESTIONS BY MR. WARREN:

11 Q. Uh-huh. Okay.

12 Let me show you another
13 document, and this will be a document ending
14 in Bates Stamp 5017, and we'll mark it as
15 Volichenko 6.

16 A. Thank you.

17 Q. Do you recall this
18 presentation?

19 A. Yes.

20 Q. At some point while you were
21 working at Meta, did you have access to this
22 presentation?

23 A. I did.

24 Q. Okay. So just starting on the
25 first page, what's the title of this

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1 presentation?

2 A. "Late Night Use, Instagram
3 Mental Well-Being, Problematic Use, Strategy
4 and Design."

5 Q. And do you see some text at the
6 bottom in gray?

7 A. Yes.

8 Q. Can you read that to the jury?

9 A. "A/C Priv, Communities Review,
10 August 4, 2022."

11 Q. What does A/C Priv mean?

12 A. Attorney-client privilege, I
13 believe.

14 Q. Do you recall receiving any
15 kind of instruction regarding when to place
16 the words "A/C Priv" on documents?

17 MR. CHAPUT: Object to the
18 form.

19 QUESTIONS BY MR. WARREN:

20 Q. You can answer.

21 A. Okay. I thought there was more
22 coming.

23 I do recall at some point in my
24 employment at Meta, or maybe Facebook --
25 prior to my first time that I was working at

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1 Facebook, we had some training on when and
2 where to use the A/C Priv label.

3 Q. And what was your understanding
4 as to when to use that label?

5 A. The gist of it was, like, if
6 you don't feel comfortable it being public,
7 your conversation kind of, like, leaking to
8 the public, and if you feel like it would be,
9 like, a sensitive topic or this conversation
10 might be misconstrued, you should label it
11 A/C Priv, and then it's, like, safe from --
12 from everyone's eyes.

13 Q. Do you know what the letters
14 A/C stand for?

15 A. I'm assuming it's
16 attorney-client.

17 Q. Okay.

18 A. I mean, I'm pretty sure it is.

19 Q. Okay. Let's --

20 A. Alternating current? I don't
21 know.

22 Q. Okay. Let's start on slide 10.

23 MR. CHAPUT: Counsel, sorry.

24 Before you proceed, I don't see the
25 confidentiality designation on the

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1 QUESTIONS BY MR. WARREN:

2 Q. And what does it indicate?

3 MR. CHAPUT: Objection.

4 Foundation.

5 THE WITNESS: Yeah, I think
6 this is based on kind of user
7 research. So this is kind of the more
8 qualitative research that [REDACTED]
9 would be doing.

10 And so some of the findings is
11 that teens feel pressure to be
12 available at all times, there's social
13 norms around kind of being available
14 and being online, and that Instagram
15 is used to kind of wind down before --
16 like, when you're in bed before going
17 to sleep, and that the existing tools
18 within the operating systems as well
19 as Instagram itself are not sufficient
20 currently.

21 QUESTIONS BY MR. WARREN:

22 Q. Okay. Let's go back to the
23 executive summary on slide 3, please.

24 A. Which slide?

25 Q. Slide 3.

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1 Could you read to the jury the
2 very last paragraph in dark gray that begins
3 with "Quiet Mode"?

4 A. "Quiet Mode: A controls-based
5 bundle that helps teens manage their
6 relationship with Instagram at night - fewer
7 engagement triggers to pull them into the
8 app, and a less stimulating experience when
9 browsing the app."

10 Q. What are engagement triggers?

11 MR. CHAPUT: Object to form.
12 Foundation.

13 THE WITNESS: Engagement
14 triggers would be anything that has
15 the goal of, like, bringing you into
16 the app, or if you're into the app,
17 bringing you into other surfaces,
18 right?

19 So most of the time we think
20 about badges, which is, like, the
21 little red dot over the app icon on
22 your home screen. Especially it has
23 some, like -- usually it has, like, a
24 number on it. That is massively
25 effective as an engagement trigger,

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1 especially for people who kind of have
2 this level of kind of OCD-like
3 behavior that they should be all
4 cleared. So you kind of -- I'm going
5 to see what -- what's going on there,
6 right?

7 And then when you're inside the
8 app, you have the same kind of badge
9 on your inbox icon in the top right
10 corner. Those kinds of things are the
11 engagement triggers.

12 And part of the functionality
13 of Quiet Mode that we definitely
14 considered -- I don't know if it was,
15 like, launched as part of the main
16 feature -- is suppressing those. So
17 basically we're not -- we're not
18 trying to bring you into the app
19 during Quiet Mode hours with the
20 feature on.

21 QUESTIONS BY MR. WARREN:

22 Q. Okay. So is it correct that
23 Meta has the ability to vary the amount of
24 engagement triggers that pull users into
25 Instagram?

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1 A. Yeah.

2 MR. CHAPUT: Object to form.
3 Foundation.

4 THE WITNESS: Yes.

5 QUESTIONS BY MR. WARREN:

6 Q. Okay. So it can increase those
7 engagement triggers to pull in more users?

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

10 THE WITNESS: Well, they have
11 the ability to, you know, kind of fire
12 them whenever, but usually they are
13 caused by some activity. You know,
14 you're getting a message or a "like"
15 or whatever, right? So I don't think
16 they can necessarily increase them
17 because they're tied to events, but
18 they can definitely suppress them.

19 QUESTIONS BY MR. WARREN:

20 Q. Okay.

21 A. Turn them off.

22 Q. So I guess let me reask the
23 question.

24 Can Meta vary when, to what
25 extent and to whom it deploys engagement

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1 triggers?

2 A. Yes.

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

5 QUESTIONS BY MR. WARREN:

6 Q. Okay. Going back to this
7 slide, it refers to a, quote, "Less
8 stimulating experience."

9 Do you see that?

10 A. Yes.

11 Q. Does Meta have the ability to
12 control whether a browsing experience on
13 Instagram is more or less stimulating?

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

16 THE WITNESS: Yes.

17 QUESTIONS BY MR. WARREN:

18 Q. How does it do that?

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

21 THE WITNESS: Well, there are
22 many possible ways to do that. I
23 think -- I guess it depends on what --
24 how you define "stimulating."

25 I think in this case I would

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1 say, like, you can -- you can, like,
2 limit the number of pieces of content
3 that you are -- you're, like,
4 presenting, putting in front of the
5 user, right?

6 So, like, I think currently it
7 is a -- it's like an infinite scroll
8 news feed, right? You just keep
9 scrolling and scrolling, and it just
10 keeps showing you more stuff, right,
11 generating content that algorithm
12 thinks you would like -- you are
13 likely to engage with or whatever it
14 is, right?

15 So even limiting that is a
16 hundred percent in power of Meta. You
17 could -- I think we even talked about,
18 like, making it black and white at
19 nighttime. It'd be, like, easier on
20 the eyes in the dark, but also just
21 less stimulating so you're more likely
22 to, you know, shut down the app and go
23 to sleep. That's one example.

24 All of these, like, you know,
25 message notifications and these badges

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1 and these engagement triggers, they
2 can be suppressed. Those are some
3 examples, but, you know, you can
4 imagine many solutions here.

5 QUESTIONS BY MR. WARREN:

6 Q. Okay. George, were you
7 responsible in whole or in part for
8 determining the metrics for success for the
9 Quiet Mode feature?

10 A. Definitely in part. I -- yes.
11 I don't recall who was all involved. It was
12 probably some combination of me and people
13 from the product -- product growth analytics
14 team. Yeah.

15 Q. Okay. And can you turn to
16 slide 7, please?

17 A. 7.

18 Q. I'm actually going to focus you
19 on the comments which are on the next page,
20 but why don't you take a second to review
21 this slide first.

22 A. Success Definition. Okay.
23 Okay.

24 Q. And the slide is entitled
25 "Success Definition."

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1 Q. Okay. So Ms. [REDACTED] indicates
2 here that "counter-metrics will be
3 IG-critical metrics and surface-specific
4 guardrails for notifs, IGD, active presence,
5 et cetera."

6 I think you've talked about
7 some of these things, but can you just decode
8 that for the jury, please?

9 A. Uh-huh, yeah. So --

10 MR. CHAPUT: Object to form.
11 Foundation.

12 THE WITNESS: Counter-metrics,
13 essentially, yes, as you said,
14 guardrails. So we want to drive some
15 outcome, but at the same time we don't
16 want to harm the ecosystem sort of
17 thing, right?

18 And the teams that are involved
19 specifically with Quiet Mode are --
20 and the notification teams, IGD is IG
21 Direct, which is the messaging within
22 Instagram. Active presence, don't
23 recall, but it's probably some other
24 team that it would be involved
25 somehow, right?

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1 Because when we're suppressing
2 notifications, we're suppressing
3 badges and other stuff. You'll
4 imagine that there will be a -- we'll
5 see kind of a hit on those metrics.

6 So that's why we would, like --
7 we need to -- when we -- if and when
8 we see that, we need to go to those
9 teams and be, like, hey, at least we
10 are improving the situation with late
11 night time spent. So maybe you can
12 work with us and give us an approval.

13 QUESTIONS BY MR. WARREN:

14 Q. Okay. How important did those
15 counter-metrics wind up being in shaping the
16 version of Quiet Mode that Meta ultimately
17 released on Instagram?

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

20 THE WITNESS: From what I
21 remember, not very important, because
22 we kind of saw a similar thing that we
23 saw previously with Take a Break, is
24 that there's just not -- there's not
25 enough impact across the board, you

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1 know.

2 Like, the late night time
3 spent, I don't remember if we saw,
4 like, a statistically significant
5 impact there or not in our testing.
6 And same thing for these critical
7 metrics and other teams' guardrails.
8 So it's just, like, kind of doing
9 nothing.

10 And as I was saying, the
11 optimal scenario is that it is
12 doing -- you know, it is reducing our
13 main problematic use metric, in this
14 case late night time spent, and also
15 doing some damage on the -- those
16 guardrails. That's how we know it's,
17 like, moving the needle.

18 QUESTIONS BY MR. WARREN:

19 Q. So if counter-metrics related
20 to growth and usage had not been considered,
21 do you think Instagram could have released a
22 version of Quiet Mode that was more
23 protective of teen health?

24 MR. CHAPUT: Object to form.
25 Foundation.

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1 THE WITNESS: I believe so,
2 yes.

3 (Volichenko Exhibit 7 marked
4 for identification.)

5 QUESTIONS BY MR. WARREN:

6 Q. Okay. Let me direct your
7 attention to another document. This ends in
8 the Bates stamp 504271, and it will be
9 Volichenko 7.

10 So as a very preliminary
11 matter, is this an e-mail from [REDACTED] [REDACTED]?

12 A. Yes.

13 Q. And are you on the "to" line of
14 this e-mail?

15 A. I am, though I -- was I even
16 working there at the time? I guess -- I
17 guess I was.

18 Q. Okay.

19 A. It was January. Yes. Yes.
20 Yes. Okay. Sorry. Yes.

21 Q. I mean, did you have access to
22 your meta.com e-mail after you left the
23 company?

24 A. No.

25 Q. Okay. So you would have been

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1 financially. My wife is mad at me to this
2 day. But that's her problem, right?

3 Q. All right. Thank you, George.

4 I just have a few more
5 questions about Quiet Mode, and I think we'll
6 be able to wrap at least my portion of the
7 examination relatively soon.

8 So you've spent a lot of time
9 talking about opt-in versus opt-out.

10 Was Quiet Mode launched as an
11 opt-in feature or an opt-out feature?

12 A. I'm pretty sure, if my memory
13 is accurate, it was launched as an opt-in
14 feature.

15 Q. Okay. Would it have been
16 better for teen safety, in your experience,
17 if it had been launched as an opt-out default
18 for teenagers?

19 MR. CHAPUT: Object to form.
20 Foundation.

21 THE WITNESS: Yes, I think much
22 like Take a Break, it would have
23 been -- it would have been a good
24 move.

25 There are some differences,

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1 however, because we -- in that case we
2 would need to set, like, a default
3 time window of what constitutes
4 nighttime and, you know, that might be
5 challenging just from a technical
6 perspective.

7 But also, like, what if you
8 have a teenager that, like, works --
9 you know, doesn't go to school but,
10 like, works at a -- works a night
11 shift at a toll booth, right? So
12 they're not, like, sleeping anyway.
13 Maybe that's how they kind of pass
14 time while there's no cars at night.

15 So there's -- there were, like,
16 circumstantial and kind of, like,
17 tactical things that can make it
18 challenging. But overall, I think
19 that would have been more effective
20 for sure.

21 QUESTIONS BY MR. WARREN:

22 Q. Okay. And speaking of default
23 hours, even for the opt-in version of Quiet
24 Mode, did Instagram have to set what the
25 default nighttime hours were going to be?

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CERTIFICATE

I, CARRIE A. CAMPBELL, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, George Volichenko, was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



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