

AMENDED Exhibit 174

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

Message

From: Antigone Davis [/O=THEFACEBOOK/OU=EXTERNAL (FYDIBOHF25SPDLT)/CN=RECIPIENTS/CN=212B51BC6176494E94698067AE73F20D]
Sent: 1/27/2019 4:24:25 AM
To: Monika Bickert [REDACTED]; [REDACTED]
CC: Tucker Bounds [REDACTED]; [REDACTED]; Caryn Marooney [REDACTED]; Joel Kaplan [REDACTED]; Chris Cox [REDACTED]; Karina Newton [REDACTED]; Chris Norton [REDACTED]; Nick Clegg [REDACTED]; Adam Mosseri [REDACTED]; John DeVine [REDACTED]; [REDACTED]; Lena Pietsch [REDACTED]; [REDACTED]; [REDACTED]; Molly Cutler [REDACTED]
Subject: Re: Urgent - Sunday Times splash - action needed

Fixed missing word

From: Antigone Davis [REDACTED]
Date: Saturday, January 26, 2019 at 11:22 PM
To: Monika Bickert [REDACTED], [REDACTED] <[REDACTED]>
Cc: Tucker Bounds [REDACTED], Caryn Marooney [REDACTED], Joel Kaplan [REDACTED], Chris Cox [REDACTED], Karina Newton [REDACTED], Chris Norton [REDACTED], Nick Clegg [REDACTED], Adam Mosseri [REDACTED], John DeVine [REDACTED], Lena Pietsch [REDACTED], [REDACTED], [REDACTED], Molly Cutler [REDACTED]
Subject: Re: Urgent - Sunday Times splash - action needed

To clarify:

- The concept is to have a small group of our trusted experts who reviewed the current policies review some of what generated this story and our suggested updates to enforcement and product...(all of which I am confident they would think good) and when we make the updates they would issue some kind of validating statement/"report".

To Sheryl's questions:

- We have not committed to this publicly.
- We have not done this yet.

From: Monika Bickert [REDACTED]
Date: Saturday, January 26, 2019 at 10:49 PM
To: [REDACTED]
Cc: Tucker Bounds [REDACTED], Caryn Marooney [REDACTED], Joel Kaplan [REDACTED], Chris Cox [REDACTED], Karina Newton [REDACTED], Chris Norton [REDACTED], Nick Clegg [REDACTED], Adam Mosseri [REDACTED], John DeVine [REDACTED], Lena Pietsch [REDACTED], [REDACTED], [REDACTED], Antigone Davis [REDACTED], Molly Cutler [REDACTED]
Subject: Re: Urgent - Sunday Times splash - action needed

-Sheryl

I don't even know what that means that we are committing to sharing results of an expert review. Have we said this publicly? Would we really want to have public statements from our expert that Instagram needs to have age gating or that they search layout should be different?

Sent from my iPhone

On Jan 26, 2019, at 6:41 PM, Sheryl Sandberg [REDACTED] wrote:

Everyone - I just caught that we are committing to an expert review on this. Why and have we already done it?

Get [Outlook for iOS](#)

From: Tucker Bounds [REDACTED]
Sent: Saturday, January 26, 2019 6:30 PM
To: [REDACTED]; Caryn Marooney; Sheryl Sandberg; Joel Kaplan; Chris Cox
Cc: Karina Newton; Chris Norton; Monika Bickert; Nick Clegg; Adam Mosseri; John DeVine; [REDACTED] Lena Pietsch; [REDACTED]; [REDACTED] Antigone Davis; Molly Cutler
Subject: Re: Urgent - Sunday Times splash - action needed

Below is the approved statement, which we are using to respond to inquiries and update coverage. Notably, the statement reflects our commitment to review our enforcement policies and technologies around self-harm – and that we are taking new measures to prevent people from finding self-harm related content. **Sheryl, attached is a board note for you to use, if needed.** -TB

Statement:

“Our thoughts go out to Molly's family and anyone dealing with the issues raised in this report. Nothing is more important to us than the safety of the people in our community, and we work with experts every day to best understand the ways to keep them safe. We do not allow content that promotes or encourages eating disorders, self-harm or suicide and use technology to find and remove it. Mental health and self-harm are complex and nuanced issues, and we work with expert groups who advise us on our approach. They tell us that the sharing of a person's mental health struggle or connecting with others who have battled similar issues, can be an important part of recovery. This is why we don't remove certain content and instead offer people looking at, or posting it, support messaging that directs them to groups that can help.

We are undertaking a full review of our enforcement policies and technologies around self-harm, suicide and eating disorders. As part of this, we are consulting further with mental health bodies and academics to understand what more we can do to protect and support our community, and especially young people. While we undertake this review, we are taking measures aimed at preventing people from finding self-harm related content through search and hashtags.” –Instagram Spokesperson

From: [REDACTED]
Date: Saturday, January 26, 2019 at 5:33 PM
To: [REDACTED] Caryn Marooney [REDACTED] Sheryl Sandberg [REDACTED] Joel Kaplan [REDACTED] Chris Cox [REDACTED]
Cc: Karina Newton [REDACTED], Chris Norton [REDACTED], Monika Bickert [REDACTED] Nick Clegg [REDACTED] Adam Mosseri [REDACTED] John DeVine [REDACTED] Lena Pietsch [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Antigone Davis [REDACTED] Molly Cutler [REDACTED] Tucker Bounds [REDACTED]
Subject: Re: Urgent - Sunday Times splash - action needed

In addition to the statement Tucker will circulate, here's the summary of facts and recommendations from the working team – let us know your reactions/questions.

- Based on our current policy:
 - We remove content that promotes, encourages, supports, or provides instructions for suicide and self-injury
 - We allow content where someone is admitting to self-injury, suicide attempts, or ideation. We do this so that they can get support from their community and because experts have advised us that deleting the content and cutting them off from that support can increase their risks of injury
 - **We are committing to publicly sharing the results of our expert review**
- We have **on-going work** to improve our product, policies and enforcement around self-injury content:
 - **Reduce the gray-areas between admission and promotion:** short term through the use of emoji, long term - capturing more implicitly-promotional or “life-style” content
 - **Bring classifiers that detect SSI content** to IG globally
- In light of recent events, **we recommend to implement the following changes:**
 - **Adding a sensitivity screen to non-violating images of self-injury reported to and reviewed by CO.** These images will also not appear on Instagram's Explore page and on the top section of hashtag pages.
 - **To reduce the discoverability of SSI content via hashtags,** we will leverage content reported to us to determine what hashtags are predominantly about SSI. **At high confidence, we will block all content from appearing on the hashtag page. At lower confidence, we will continue to show a pop-up with help resources.**
- We are also **considering** the following:
 - **Sending support resources** to everyone who **followed accounts** that were removed for SSI promotion
 - **Improving the messaging** that we send back to people who have reported **admission content**

From: [REDACTED]
Date: Saturday, January 26, 2019 at 4:56 PM
To: Caryn Marooney [REDACTED] Sheryl Sandberg [REDACTED] Joel Kaplan [REDACTED] Chris Cox [REDACTED]
Cc: Karina Newton [REDACTED] Chris Norton [REDACTED] Monika Bickert [REDACTED] Nick Clegg [REDACTED] Adam Mosseri [REDACTED] John DeVine [REDACTED]

[REDACTED] Lena Pietsch [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] Antigone Davis [REDACTED] Molly Cutler
[REDACTED] Tucker Bounds [REDACTED]
[REDACTED]

Subject: Re: Urgent - Sunday Times splash - action needed

The story is up - and have pasted below as its behind paywall

<https://www.thetimes.co.uk/article/revealed-how-big-tech-pushes-teens-like-molly-russell-to-suicide-2nm78cgr7>

We have made progress on our response - and will communicate that we are conducting full review of our approach and that we are taking some immediate steps to prevent people finding self harm related content in search and hashtags. Tucker is leading on final language and will circulate.

Revealed: how Big Tech pushes teens like Molly Russell to suicide

Social media firm pumps self-harm images to Molly Russell weeks after her death

Sian Griffiths, Rosamund Urwin and Caroline Wheeler

January 27 2019, 12:01am, The Sunday Times

Molly Russell died in November 2017. Her father blames social media

Thirty families have accused technology giants of abetting their children's suicides in the wake of the death of 14-year-old Molly Russell, as the health secretary told social media sites to take responsibility for their effect on young lives.

In an [interview with The Sunday Times](#), Molly's father, Ian, criticised the online scrapbook site Pinterest, as well as Instagram, for hosting disturbing content that he believes played a part in his daughter's death.

"The more I looked [into Molly's online accounts], the more there was that chill horror that I was getting a glimpse into something that had such profound effects on my lovely

daughter,” he said. “Pinterest has a huge amount to answer for.”

Papyrus, a charity that works to prevent youth suicides, said it had been contacted by 30 families in the past week. Parents said they suspected social media had played a part in their children’s suicides.

A Sunday Times investigation found numerous graphic images of self-harm on [Pinterest](#) that could be viewed by children as young as 13. They included blood-spattered arms showing self-inflicted wounds, a picture of a teenage girl hanging and many “mottos” that normalised suicide.

The site, a virtual scrapbook driven by algorithms that is hugely popular with young women, even sent a personalised email to Molly’s email address a month after she died, with self-harm images including a slashed thigh. The email said: “I can’t tell you how many times I wish I was dead.”

The Sunday Times created a pseudonymous account for a child aged 14 to test how the Pinterest algorithm can target users with personalised content and tempt them to spend longer on the site. Pinterest immediately started to suggest pictures relating to suicide, including a fist holding white pills and images of blood and cuts. This newspaper also made more than 20 complaints about images on Instagram soon after the company had expressed sorrow to Molly’s family. The complaints were all rejected and the company decreed the images were fit to be viewed by children aged 13 and over.

This was despite Instagram claiming that “content that promotes self-harm or suicide violates our community

guidelines and is removed when we are made aware of it". Many of our selected images had hashtags such as "ihatemyselfandiwanttodie" and "killmeplease".

Matt Hancock, the health secretary, criticised the complacency of social media companies over their impact on children's health and happiness. He has written to technology companies including Instagram's owner — Facebook — Twitter, Snapchat, Pinterest, Apple and Google telling them to remove disturbing material or face legislation.

He said he felt "physically sick" reading about Molly's death. "I feel the fear of a parent that our children can be torn away from us, aided by new technology," he added. "So I am determined to do what is necessary to stop teenagers falling into a suicide trap.

"We must act now, so technology is seen to improve lives, and stop it causing harm. This is a critical moment — as a supporter of digital technology, I don't want the benefits of technology to be lost because of reasonable concerns about its risks. But most importantly, I don't want another family to have to go through the agony of losing a child this way."

[Ian Russell](#) is now calling for the establishment of an independent regulator to ensure that "distressing content can be removed from social media and online within 24 hours". He was dismayed by the refusal of tech companies to give him access to Molly's accounts so that he could see the content she was looking at in the hours before her death.

Six technology giants — including Apple, YouTube and Facebook — are expected to be asked this week by the coroner, Andrew Walker, who is presiding over Molly's

inquest, to hand over the information they hold about her accounts. If the companies refuse, they could be ordered to hand over the data, according to Russell's lawyer, Merry Varney, of Leigh Day.

Russell has met other grieving parents whose children killed themselves after viewing distressing content, similar to that he believes Molly saw.

Instagram said: "We work with expert groups who . . . tell us that the sharing of a person's mental health journey can be an important part of recovery. This is why we don't remove certain content and instead offer people looking at, or posting it, support messaging that directs people to groups that can help."

On Jan 26, 2019, at 2:43 PM, Caryn Marooney [REDACTED] wrote:

And we have [REDACTED] and [REDACTED] on internal.

From: Karina Newton [REDACTED]
Date: Saturday, January 26, 2019 at 2:41 PM
To: Chris Norton [REDACTED] Sheryl Sandberg [REDACTED]
 Monika Bickert [REDACTED]
Cc: Nick Clegg [REDACTED] Joel Kaplan [REDACTED] Chris Cox [REDACTED]
 [REDACTED] Adam Mosseri [REDACTED] John DeVine [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] Lena Pietsch [REDACTED]
 [REDACTED] Caryn Marooney [REDACTED]
 [REDACTED] [REDACTED]
 [REDACTED] Antigone Davis [REDACTED] Molly Cutler [REDACTED]
 [REDACTED], Tucker Bounds [REDACTED]
 [REDACTED]
Subject: Re: Urgent - Sunday Times splash - action needed

+ [REDACTED] who is managing for strategic response

From: Chris Norton [REDACTED]
Sent: Saturday, January 26, 2019 2:32 PM
To: Sheryl Sandberg; Monika Bickert

Cc: Nick Clegg; Joel Kaplan; Chris Cox; Adam Mosseri; John DeVine; [REDACTED]
[REDACTED]; Lena Pietsch; Karina Newton; [REDACTED] Caryn Marooney; [REDACTED]
[REDACTED] Antigone Davis; Molly Cutler; Tucker Bounds
Subject: Re: Urgent - Sunday Times splash - action needed

There are relevant teams meeting now to agree a better position. Molly is on that and Tucker on the comms.

From: Sheryl Sandberg [REDACTED]
Sent: Saturday, January 26, 2019 10:27 pm
To: Monika Bickert
Cc: Nick Clegg; Chris Norton; Joel Kaplan; Chris Cox; Adam Mosseri; John DeVine;
[REDACTED]; [REDACTED]; Lena Pietsch; Karina Newton; [REDACTED] Caryn
Marooney; [REDACTED] Antigone Davis
Subject: Re: Urgent - Sunday Times splash - action needed

Given the time change, who is pulling together what we need for tomorrow?

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From: Monika Bickert [REDACTED]
Sent: Saturday, January 26, 2019 1:29 PM
To: Sheryl Sandberg
Cc: Nick Clegg; Chris Norton; Joel Kaplan; Mark Zuckerberg; Chris Cox; Adam
Mosseri; John DeVine; [REDACTED]; [REDACTED]; Lena Pietsch; Karina Newton;
[REDACTED] Caryn Marooney; [REDACTED]; [REDACTED]; Antigone Davis
Subject: Re: Urgent - Sunday Times splash - action needed

Yes, the policies are that we allow cries for help (often called admission or ideation) but don't allow celebration or encouragement of self-harm. It's a tough but very important line to maintain so people can get help. As you likely know, we've seen lives saved when they've been able to post cries for help on our services, and experts say that removing such posts could be the final straw that could cause someone to harm herself or himself.

We have 3 experts lined up (Centre for Mental Health (UK), Samaritans (UK) and Dr Reidenberg (US)) to defend our approach, and our other safety partners would do so as well. (The BBC showed another UK safety group captionless self-injury footage on IG, and the group said we should have removed that footage — in fact, we WOULD remove captionless footage under our policies.)

For the Comms response tomorrow, we may want to have one of the 3 partner orgs point out that there are many factors that contribute to any suicide, and that the ability to get help from an online community is vital to safety. Then we can have Nick reference those comments rather than just making them himself.

In terms of improvements we can make, most are on the product side (see below), but those will take a while, especially because there is no IG PM for self

injury. In the meantime, a XFN group is meeting now to explore **blocking all hashtags** related to suicide or self injury. Our initial thought is that the benefit of blocking the hashtags is worth the cost of diminishing traffic to support groups who also use the hashtags, but the team is looking through examples to make sure we aren't missing any major risks.

Here are some improvements we should very quickly explore on the product side:

1. CLASSIFIER. Running a self-harm classifier to find this content on IG. We already do this on FB and it removes a lot of violating content.
2. LABELING. Having content reviewers label content that is ideation/admission so that it can remain on the site but does not appear in search results. (This would be MAJOR and would be something we could use in other areas like graphic content.)
3. BLOCK CAPTION-LESS SEARCH RESULTS FOR CERTAIN CATEGORIES. Right now, if someone types in an IG search, it returns a grid of photos with no captions. This does not make sense for hashtags pertaining to violence, self-injury, or other areas where our policies rely upon the caption to determine if an image is violating. Classic example: BBC is allowed to post an image of an ISIS flag with a news caption, but if someone were to post the same image with no caption, it violates our policies. IG's product is essentially violating our content policies by displaying self-injury images without captions. We should either block these searches entirely or change the way the results appear so that the users' non-violating posts can be seen with captions.

Age gating and warning screens would also enhance safety on IG but aren't the real fixes here.

Sent from my iPad

On Jan 26, 2019, at 10:46 AM, Sheryl Sandberg wrote:

We can definitely say that we need to improve our enforcement of our policies. John – anything concrete we can say here?

Monika – is there room to improve the policies themselves? Our policies are that we don't allow celebration or encouragement of self-harm but do allow help groups and people that try to help each other? Can we improve here too or is this really an enforcement issues?

From: Nick Clegg

Sent: Saturday, January 26, 2019 10:00 AM

To: Chris Norton; Joel Kaplan

; Monika Bickert; Mark

Zuckerberg [REDACTED] Sheryl Sandberg [REDACTED]; Chris
 Cox [REDACTED]; Adam Mosseri [REDACTED]
 Cc: [REDACTED]; [REDACTED]
 [REDACTED]; Lena Pietsch [REDACTED]; Karina
 Newton [REDACTED]; [REDACTED]
 [REDACTED] Caryn Marooney [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: Re: Urgent - Sunday Times splash - action needed

+ Mark, Sheryl, Chris and Adam

Chris is not prone to hyperbole – and I agree with him, not just in a UK context but more widely, that our present policies and public stance on teenage self harm and suicide are so difficult to explain publicly that our current response looks convoluted and evasive.

This may be unfair - our policies are carefully designed to point youngsters who are sharing images of self-harm towards help – but we cannot afford to lose the confidence of the wider community, and press, on something like this.

The fact that we have age limits which are unenforced (unenforceable?) and that there are, as I understand it, important differences in the stringency of our policies on IG vs Blue App makes it difficult to claim we are doing all we can.

Clearly there is not time this weekend to revise our policies in such a sensitive area, but I do think we will need to signal that we are going to open up our approach to a full review, and perhaps tighten up certain categories of published content on self harm in the interim. We need to buy time and space to look at this properly and thoughtfully.

Grateful for agreement to do this.

N

From: Chris Norton [REDACTED]
Date: Saturday, January 26, 2019 at 6:30 PM
To: Nick Clegg [REDACTED] Joel Kaplan [REDACTED]
 [REDACTED] Monika Bickert [REDACTED]
Cc: [REDACTED]
 [REDACTED], Lena Pietsch [REDACTED]
 Karina Newton [REDACTED]
 [REDACTED] Caryn Marooney [REDACTED]
 [REDACTED]
Subject: Urgent - Sunday Times splash - action needed

As you might know, the Sunday Times will tomorrow run a (likely) front-page story with 30 families of suicide victims accusing Instagram of

killing their children. The Government will write to us to tell us we need to do more and that this is a watershed moment. In my view it is.

This all stems from the [BBC story](#) earlier in the week which was very painful. The Instagram team have been handling and doing their best to communicate why we have the current set of policies. I understand that there is an XFN that is looking at those policies and trying to get experts to defend us.

That's all good, but this is getting to a critical level and the thing we lack at the moment is any action on our part. We are defending the status quo when the status quo is clearly unacceptable to media, many impacted families, and when revealed in press, will be unacceptable to the wider public.

At the least we need to say we are reviewing our specific policies in this area to make sure they are in the right place. I suspect Nick will get asked about this in his BBC interview on Monday as it is likely to continue to be significant news in the UK.

This is very likely Instagram's Lee Rigby moment, so I'm raising the flag. Being able to say we are reviewing won't help with coverage tomorrow, but it will when we get people coming to us for a response and it will for Nick's Monday media activity.

Chris