

## **AMENDED Exhibit 195**

# **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

**CONFIDENTIAL**

Ashley M. Simonsen (Bar No. 275203)  
COVINGTON & BURLING LLP  
1999 Avenue of the Stars  
Los Angeles, California 90067-4643  
Telephone: + 1 (424) 332-4800  
Facsimile: + 1 (424) 332-4749  
Email: asimonsen@cov.com

Attorneys for Defendants Meta Platforms, Inc. f/k/a  
Facebook, Inc.; Facebook Holdings, LLC; Facebook  
Operations, LLC; Facebook Payments, Inc.;  
Facebook Technologies, LLC; Instagram, LLC;  
Siculus, Inc.; and Mark Elliot Zuckerberg  
Additional counsel listed on  
signature pages

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY PRODUCTS  
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:  
  
ALL ACTIONS

MDL NO. 3047  
Civil Case No. 4:22-md-03047-YGR:  
Honorable Yvonne Gonzalez Rogers

**META DEFENDANTS' SECOND  
AMENDED RESPONSES AND  
OBJECTIONS TO PLAINTIFFS' FIRST  
SET OF REQUESTS FOR ADMISSION**

Defendants Meta Platforms, Inc., Facebook Payments, Inc., Siculus, Inc., Facebook Operations, LLC, and Instagram, LLC, (collectively, "Defendants" or "Meta"), by and through their attorneys, Covington & Burling, LLP, submit these amended responses and objections to Plaintiffs' First Set of Requests for Admission ("Requests") served on November 8, 2024.

Meta's responses to the Requests are made to the best of its current knowledge, information, and belief. Meta reserves the right to supplement or amend any of its responses should future investigation indicate that such supplementation or amendment is necessary.

**CONFIDENTIAL****RESPONSES AND OBJECTIONS TO ALL REQUESTS**

1  
2  
3 1. Meta objects to Requests that do not describe each category of information with reasonable  
4 particularity, and/or are otherwise duplicative, vague, ambiguous, overbroad, unduly burdensome, and/or  
5 disproportionate to the needs of the litigation. Where appropriate, Meta has provided definitions for  
6 ambiguous terms contained in these Requests and/or clarified the scope of its response as indicated in the  
7 specific objections below.

8 2. Meta objects to the Requests as premature, given the stage of these proceedings. Meta has  
9 not completed its investigation or discovery in this case. Accordingly, these responses are based upon the  
10 best knowledge, information, and belief of Meta at this time. Meta reserves the right to make further  
11 responses if it appears that any omission or error has been made in connection with these responses or that  
12 more accurate information has become available. These responses are made without prejudice to the right  
13 of Meta to use in later discovery or to present at trial such evidence that may be later discovered or  
14 evaluated.  
15

16 3. Meta objects to the Requests to the extent they seek a legal conclusion and/or would require  
17 Meta to reach a legal conclusion in order to prepare a response.  
18

19 4. Meta objects to the Requests to the extent that they call for information more appropriately  
20 sought through other types of discovery, such as requests for production of documents, special  
21 interrogatories, and/or depositions.

22 5. Meta objects to the Requests to the extent that they seek confidential or proprietary  
23 business information, trade secrets, commercially sensitive information, or confidential personal  
24 information of Meta or a non-party. Responsive information, if discoverable, will be provided subject to  
25 the terms of the Protective Order entered by the Court. Meta reserves the right to seek additional  
26 protections beyond those provided in the Protective Order to the extent appropriate for any particularly  
27 sensitive information and/or to object to providing such information altogether if, for example, their  
28

**CONFIDENTIAL**

1 relevance is substantially outweighed by the risk of harm posed by provision of the information in light  
2 of the protections available.

3         6. Meta objects generally to the Requests to the extent that they seek the disclosure of source  
4 code and/or information related to source code, outside the protections of an appropriate Protective Order  
5 addendum governing source code disclosure, as agreed by the Parties and reflected in the Protective Order  
6 entered in this matter. Any disclosure of source code and/or information related to source code will not  
7 be made until such an addendum is entered, and then will be made only subject to the terms of that  
8 addendum.

9  
10         7. Meta objects to the Requests and accompanying Definitions and Instructions insofar as  
11 they seek to impose obligations in excess of or otherwise different from those imposed by the Federal  
12 Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the United States District  
13 Court for the Northern District of California, or any other applicable federal or state law. Meta will  
14 comply with applicable rules, laws, and court orders.

15  
16         8. Meta objects to the Requests to the extent they purport to impose duties or requirements  
17 on Meta beyond those contained in the ESI Order and other orders, rules, or agreements applicable to this  
18 case.

19  
20         9. The following responses are made subject to all objections of competence, relevance,  
21 materiality, propriety, and admissibility and are subject to all objections that would require the exclusion  
22 of any statement, material, or information provided if such discovery request was asked of, or any  
23 statement, material, or information provided was made by a witness present and testifying in court. All  
24 such objections are reserved and may be interposed at the time of trial.

25         10. Meta's responses are made without waiving or intending to waive (a) the right to object on  
26 any ground to the use of these responses, or their subject matter, in any subsequent proceeding or the trial  
27 of this or any other action; (b) the right to object to a demand for further responses to this or any other  
28

**CONFIDENTIAL**

1 discovery involving or related to the subject matter of the Requests; and (c) the right at any time to revise,  
2 correct, add to, or clarify any or all of the objections.

3 11. Meta objects to the Requests to the extent that they seek information protected by the  
4 attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, immunity, or  
5 protection. To the extent Meta withholds information it has identified in response to any Request, based  
6 on such an assertion of privilege, Meta will produce a privilege log pursuant to the Privilege Log Protocol  
7 entered by the Court.  
8

9 12. Meta objects to the Requests to the extent they call for information that is outside of its  
10 possession, custody, or control and to the extent they seek information that is already in Plaintiffs'  
11 possession, custody, or control; information that is a matter of public record; or information that is  
12 available to Plaintiffs from public sources.  
13

14 13. Meta objects to the Requests to the extent they seek information that is not relevant to any  
15 party's claim or defense and/or are overbroad, unduly burdensome, and not proportional to the needs of  
16 the case. In responding to these Requests, Meta does not concede the relevance or admissibility of the  
17 information sought and reserves the right to seek to exclude such information.  
18

19 14. Meta objects to the Requests to the extent that they seek information relating to users  
20 located outside of the United States and/or features not available in the United States. Meta will provide  
21 information relating only to users in the United States.

22 15. Meta's interpretation of Plaintiffs' Requests are indicated in its specific responses and  
23 objections to each Request, including whether Meta objects on the grounds that the Request is vague,  
24 ambiguous, and/or overly broad.

25 16. Meta objects generally to Definition No. 3 ("Communication") as vague, ambiguous,  
26 overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it imposes  
27 obligations beyond those required under the applicable discovery rules or purports to impose conditions,  
28

**CONFIDENTIAL**

obligations, or duties that exceed or differ from those required by any applicable law, or to require Meta to undertake anything other than a reasonably diligent search of reasonably available information.

17. Meta objects generally to Definition No. 9 (“the Present”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it extends to the date of the submission of these Requests for Admission. Unless otherwise specified in response to a particular Request, Meta treats the Relevant Time Period as the period(s) ordered by Judge Kang in DMO No. 7 (i.e., January 1, 2012 – April 1, 2024 generally with other time periods for specific features).

18. Meta objects generally to Definition No. 11 (“You,” “Your,” “Defendant,” or “Defendants”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it includes entities and individuals over which Meta exercises no control or includes subsidiaries or affiliate services that are not at issue in this action. Meta construes this term as limited to Facebook and Instagram, the only platforms at issue in Plaintiffs’ operative complaint.

19. Meta objects to Definition No. 12 (“Youth”) to the extent it encompasses users that are under the age of 13 or over the age of 17. Meta will generally interpret this term to mean users that are at least 13 years of age and under the age of 18.

20. By responding to a Request with a defined term, Meta is not by implication agreeing with any such definition.

21. Meta is willing to meet and confer concerning the Requests and these responses.

**CONFIDENTIAL****RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS FOR ADMISSION****REQUEST FOR ADMISSION NO. 2:**

Admit that, prior to December 2019, individuals were not required to provide their age when creating a new Instagram account.

**ORIGINAL RESPONSE:**

Meta incorporates its Responses and Objections to All Requests by reference as though fully set forth herein. Meta further objects to this Request as premature, given the stage of these proceedings. Meta has not completed its investigation or discovery in this case. Meta further objects to this Request on the ground that its use of the undefined phrase “required to provide their age” renders this Request vague and ambiguous.

Based on, subject to, and without waiving the foregoing objections, Meta responds as follows: Except as expressly admitted below, Meta DENIES this Request for Admission.

Meta’s Terms of Use have prohibited individuals under the age of 13 from creating an Instagram account since 2012. See, e.g., <https://help.instagram.com/581066165581870/>; <https://www.instagram.com/about/legal/terms/before-january-19-2013/>; <https://about.instagram.com/blog/announcements/instagram-community-terms-of-use-faqs>. If Meta has reliable evidence indicating that a user is under the age of 13, then Meta will place the user in an age checkpoint. While Meta prohibited individuals under the age of 13 from creating an Instagram account since 2012, Meta did not require (until December 2019) that individuals registering for an account on Instagram provide their date of birth as part of the registration process. Meta reserves the right to supplement or modify its response based upon documents or information identified over the course of discovery.

**AMENDED RESPONSE:**

Meta incorporates its Responses and Objections to All Requests by reference as though

**CONFIDENTIAL**

1 fully set forth herein.

2 Based on, subject to, and without waiving the foregoing objections, Meta responds as follows:  
3 Except as expressly admitted below, Meta DENIES this Request for Admission.

4 Meta's Terms of Use have prohibited individuals under the age of 13 from creating an Instagram  
5 account since 2012. See, e.g., <https://help.instagram.com/581066165581870/>;  
6 <https://www.instagram.com/about/legal/terms/before-january-19-2013/>;  
7 <https://about.instagram.com/blog/announcements/instagram-community-terms-of-use-faqs>. If Meta has  
8 reliable evidence indicating that a user is under the age of 13, then Meta will place the user in an age  
9 checkpoint. While Meta prohibited individuals under the age of 13 from creating an Instagram account  
10 since 2012, Meta did not require (until December 2019) that individuals registering for an account on  
11 Instagram provide their date of birth as part of the registration process, nor require prior to December 2019  
12 that individuals provide a specific numeric age (e.g. 13, ... 21, ... 33, ... 45, ... 67, ... etc.). Meta reserves  
13 the right to supplement or modify its response based upon documents or information identified over the  
14 course of discovery.



**CONFIDENTIAL**

Dated: March 3, 2025

Respectfully submitted,

**COVINGTON & BURLING LLP**

/s/ Ashley M. Simonsen

Ashley M. Simonsen (State Bar No. 275203)

asimonsen@cov.com

COVINGTON & BURLING LLP

1999 Avenue of the Stars

Los Angeles, CA 90067

Telephone: (424) 332-4800

Facsimile: + 1 (424) 332-4749

Emily Johnson Henn (State Bar No. 269482)

ehenn@cov.com

COVINGTON & BURLING LLP

3000 El Camino Real

5 Palo Alto Square, 10th Floor

Palo Alto, CA 94306

Telephone: + 1 (650) 632-4700

Facsimile: +1 (650) 632-4800

Phyllis A. Jones, *pro hac vice*

pajones@cov.com

Paul W. Schmidt, *pro hac vice*

pschmidt@cov.com

Michael X. Imbroscio, *pro hac vice*

mimbroscio@cov.com

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

Telephone: + 1 (202) 662-6000

Facsimile: + 1 (202) 662-6291

*Attorneys for Defendants Meta Platforms, Inc. f/k/a Facebook, Inc.; Facebook Holdings, LLC; Facebook Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC; Instagram, LLC; Siculus, Inc.; and Mark Elliot Zuckerberg*

**CONFIDENTIAL**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via electronic mail on March 3, 2025 on the following:

PSCServiceMDL3047@motleyrice.com  
~SnapMDL3047JCCP5255@mto.com  
john.beisner@skadden.com  
YT-MDL3047JCCP5255@list.wsgr.com  
YT-ML-MDL3047JCCP5255@morganlewis.com  
W&C-YT-PL-Cases@wc.com  
TikTokMDL3047JCCP5255@faegredrinker.com  
TikTokMDL3047JCCP5255@kslaw.com  
SM.MDLAGLeads@coag.gov  
mdl3047coleadfirms@listserv.motleyrice.com  
Defendants-MDL3047JCCP5255@skaddenlists.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 3, 2025.

DATED: March 3, 2025

By: /s/ Ashley M. Simonsen  
Ashley M. Simonsen