

AMENDED Exhibit 2

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

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: SOCIAL MEDIA ADOLESCENT :MDL NO.
4 ADDICTION/PERSONAL INJURY PRODUCTS :4:22-MD-
5 LIABILITY LITIGATION :3047-YGR

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES
8 SPRING STREET COURTHOUSE

9 COORDINATION PROCEEDING SPECIAL TITLE :
10 (RULE 3,400) :
11 :
12 SOCIAL MEDIA CASES :
13 :
14 :LEAD CASE
15 :NO. FOR
16 THIS DOCUMENT RELATES TO: :FILING
17 :PURPOSES
18 STATE OF TENNESSEE, ex rel, JONATHAN :22STCV21355
19 SKRMETTI, ATTORNEY GENERAL and :
20 REPORTER, :
21 :
22 V. :
23 :
24 META PLATFORMS, INC., and INSTAGRAM, :
25 LLC :
CASE NO. 23-1364-IV :

DEPOSITION UNDER VIDEO EXAMINATION OF
VAISHNAVI JAYAKUMAR
JANUARY 30, 2025
VOLUME I

Videotaped deposition of
VAISHNAVI JAYAKUMAR, taken pursuant to notice, was
held at the law offices of Baker Botts, LLP, 30
Rockefeller Plaza, New York, New York, beginning at
9:24 a.m., on the above date, before Michelle L.
Ridgway, a Registered Professional Reporter,
Certified Court Reporter (NJ-CCR # XI02126),
Certified Realtime Reporter, Certified Shorthand
Reporter (CA-CSR # 14592), and Notary Public.

1 that?

2 A. I opted to have independent
3 counsel.

4 Q. Okay. Do you know why they asked
5 you that question?

6 A. I think they --

7 MR. SNEED: Object to form. Sorry.

8 THE WITNESS: I think they
9 suggested it might be easier for us to prepare if
10 they co-represented me, but -- but eventually I
11 decided to have independent counsel.

12 BY MR. WARREN:

13 Q. I see.

14 All right. Could you please
15 introduce yourself to the jury, Ms. Jayakumar?

16 A. Sure. I'm Vaishnavi. I live in
17 New York. I currently run a product and policy
18 advisory known as Vyanams Strategies, VYS for
19 short. We advise companies, civil societies and
20 governments on how to build safe equitable products
21 for children and teens online. That ranges from
22 social media, to gaming, to marketplace products,
23 to AI products. I've been doing this for about a
24 year.

25 Prior to this, I spent the last

1 14 years of my career working on child safety and
2 tech policy in a variety of different roles.

3 My most recent role was the head of
4 youth policy at Meta, which I held until May of
5 2023. I started my time at Meta as the head of
6 safety and well-being for Instagram specifically,
7 and then over time my portfolio evolved.

8 Prior to Meta I had spent about
9 eight -- eight years -- oh no, I spent ten years
10 working on some of these issues. I led video
11 policies at Twitter. I was the first head of
12 safety for Twitter in the Asia-Pacific region. And
13 I worked on child safety and privacy for Google
14 within their central team covering Asia-Pacific,
15 Middle East, Africa, and Russia.

16 And then prior to that I started my
17 career right out of college as a Imagineer at the
18 Walt Disney Company.

19 Q. Excellent. Let's go one step even
20 before that. Where did you grow up?

21 A. I grew up in Singapore.

22 Q. In Singapore. And where were you
23 educated?

24 A. I was educated in Singapore until
25 I -- until it was college time. And then I did my

1 A. Safety first motto. I don't think
2 it is.

3 Q. Okay. I'd like to ask you about a
4 product feature on Instagram called Reels. Are you
5 familiar with that feature?

6 A. Yes.

7 Q. Can you explain for the jury what
8 that is?

9 A. Reels was Meta's answer to TikTok.
10 It was a series of chained short-form videos that
11 are recommended to users as they go through the
12 Reels tab.

13 Q. Was Reels launched while you were
14 at Meta?

15 A. Yes.

16 Q. Okay. And, again, that's an
17 Instagram feature?

18 A. It was originally on Instagram.
19 Facebook now has Reels as well.

20 Q. Okay. In your experience, was the
21 launch of Reels on Instagram handled in a way that
22 best protected the safety of Instagram's youngest
23 users?

24 A. No, I don't think so.

25 Q. And can you explain how?

1 late August/early September, did that include the
2 United States?

3 A. Yes. I believe so.

4 Q. Okay. So let's fast forward a
5 month.

6 I'm going to hand you what we'll
7 mark as Exhibit 4. And this is a document which
8 begins with the Bates number
9 META3047MDL-034-00329532.

10 (Document marked for identification
11 as Jayakumar Exhibit 4.)

12 BY MR. WARREN:

13 Q. Take a minute, please, just to
14 orient yourself with that document.

15 Again, I'll direct your attention
16 to some specific parts of this.

17 But, first, is this another
18 installment of your monthly safety update?

19 A. This is another installment of the
20 biweekly update.

21 Q. Thank you for that correction.

22 And, again, you have sent this to
23 several individuals at Meta who are identified on
24 the bcc line; is that correct?

25 A. Yes, correct.

1 Q. Okay. Please direct your attention
2 to the top of Page 3.

3 Do you see the bullet labeled,
4 "Instagram Reels launching globally on August 5th"?

5 A. Mm-hmm.

6 Q. Okay. Did you write that?

7 A. I did.

8 Q. All right. Let's start near the
9 bottom of this bullet.

10 You write:

11 One continued exposure for us is
12 that we still do not have a sense of how minors'
13 follow or DM graphs are changing after they go
14 viral and the way in which this risk will be
15 amplified when we launch globally.

16 Did I read that correctly?

17 A. Yes, you did.

18 Q. Those were your words?

19 A. Yes.

20 Q. Okay. Can you explain to the jury
21 what a "follow graph" is?

22 A. It refers to the kind of users that
23 are either following a minor, or that the minor is
24 following themselves.

25 Q. Okay. So maybe in layman's terms,

1 it's the connections that exist for someone on
2 Instagram?

3 A. Yeah.

4 Q. Okay. And what does the phrase "DM
5 graphs" mean?

6 A. It's similarly the messaging
7 connections that exist for someone on Instagram.

8 Q. Okay. And is DM short for direct
9 messaging?

10 A. Yes, direct messaging.

11 Q. And direct messaging is a
12 communication feature built into Instagram; is that
13 correct?

14 A. Yes.

15 Q. Okay. And can you explain to the
16 jury what your concern was as articulated in this
17 sentence?

18 A. So prior to Reels launching, I had
19 flagged that when minors, say teen users, or, you
20 know, when young people's Reels get recommended
21 within -- within the Reels platform, that's going
22 to suddenly expose them to a very wide range of
23 audiences.

24 Typically a user who posts a video
25 would have that video seen by the people they

1 follow, if they are public accounts. Again, it
2 might be seen by the people who -- sorry, the
3 people who follow them, rather. Even if it was a
4 public account, it would only be seen by the
5 accounts that already currently follow them.

6 But by introducing Reels, anyone,
7 including people who never followed them, never
8 knew that the account existed, would now know that
9 the user existed, minor existed, and that they had
10 these kind -- they had posted videos.

11 So that could incentivize, for
12 example, in the worst-case scenario, an adult
13 predator. It could incentivize them to reach out
14 to the minor, try to connect with them, befriend
15 them, try, you know, send them messages, when they
16 previously wouldn't have even known about the
17 minor's existence on the platform.

18 Q. Okay. And you go on in this
19 section to state:

20 We had asked for this mitigation to
21 be in place following the v2 launches but have hit
22 a wall with the Data Science team working on this
23 due to limited bandwidth.

24 Did I read that correctly?

25 A. Yes, you did.

1 Q. What was the mitigation you were
2 asking for?

3 A. So we wanted to understand whether
4 or not minors' follow or DM graphs were going to
5 change after they went viral. And by going viral,
6 I refer to getting a lot of views or a lot of
7 engagement on Reels.

8 And one of the recommendations I
9 had made early on is that, to make this the safest
10 experience possible, perhaps we can filter out
11 minor accounts from Reels altogether.

12 The mitigation specifically that we
13 had asked for was we want to measure and understand
14 this risk.

15 I think I may have been more
16 comfortable with us just filtering out the accounts
17 altogether. But as a prelude to that, at least I
18 wanted to understand well, what is the level of
19 risk we are talking about.

20 And we couldn't get -- we couldn't
21 get that analysis done before the v2 launches.

22 Q. And you couldn't get that analysis
23 done because Meta didn't allocate the technical
24 resources necessary to get that analysis done,
25 correct?

1 MR. SNEED: Object to form.

2 THE WITNESS: The data science team
3 just didn't have the bandwidth to handle it. They
4 had a lot of other projects they were working on,
5 and this isn't a project they could support.

6 BY MR. WARREN:

7 Q. Okay. And otherwise -- in other
8 words, this mitigation did not become a priority
9 for the data science team ahead of the launch of
10 Reels?

11 MR. SNEED: Object to form.

12 THE WITNESS: Yes. I would agree
13 with that.

14 BY MR. WARREN:

15 Q. Okay. Earlier in the paragraph,
16 you appear to identify another safety issue with
17 Reels, although I'd ask if you can confirm them for
18 me. But let's read the quote.

19 You say:

20 Our integrity classifiers are less
21 effective on video and not calibrated for
22 short-form video in particular (i.e., all Reels
23 content).

24 Did I read that correctly?

25 A. Yes, you did.

1 have the power to fix that.

2 Q. Okay. All you could do is flag it
3 for others which is what you did?

4 A. Yes. I think in part because
5 the -- I think I'd mentioned previously there were
6 a lot of limits on, you know, what I could do in my
7 role. So the most I could do in this particular
8 context was flag it for everyone.

9 (Document marked for identification
10 as Jayakumar Exhibit 5.)

11 BY MR. WARREN:

12 Q. Okay. I'm going to hand you what's
13 been marked as Exhibit 5.

14 This is a short one. Just let me
15 know when you've had a chance to review it. For
16 the record, this is META3047MDL-020-00271442.

17 Okay. This is a chat between you
18 and [REDACTED] from July 29, 2020; is that right?

19 A. Yes.

20 Q. And did you send and receive these
21 messages in the ordinary course of your work at
22 Meta?

23 A. Yes.

24 Q. Okay. And this would have been
25 right around the time of the biweekly update that

1 we just looked at, right?

2 A. Yes.

3 Q. Okay. Can you please read to the
4 jury your message to Ms. [REDACTED] starting with the
5 second sentence.

6 A. "There are a few areas around child
7 endangerment, it'd be great to discuss for H2" --
8 the second half of the year. "Our existing
9 classifiers do not work great on short-form video
10 content, which is effectively all of Reels content.
11 We also have identified known risks around virality
12 that there is no current mitigation for in the
13 Reels product roadmap - namely, predatory DMs from
14 adults sent to minors who are more easily
15 discovered via their Reels content. +1 to [REDACTED]'s
16 suggestion to get on a call to preliminarily
17 discuss this before looping in anyone specific from
18 child safety CI."

19 Which refers to the central
20 integrity team.

21 Q. Okay. So this was you, again,
22 expressing the same concern about the inefficacy of
23 the classifiers in catching harmful content on
24 Reels, correct?

25 A. Yes.

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1 Q. Okay. And I see at the top of this
2 chat there's actually several other e-mail
3 addresses; is that right?

4 A. Yes.

5 Q. So those people also would have
6 seen your chat message to Ms. [REDACTED]?

7 A. Yes.

8 Q. Okay. And what was Ms. [REDACTED]'s role
9 at the company?

10 A. I don't remember. I think she was
11 a technical program manager.

12 Q. Okay. Ms. Jayakumar, at the time
13 Reels launched, would you agree that Meta did not
14 have an effective way of enforcing its community
15 standards on Reels?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yes, I would agree
18 with that.

19 BY MR. WARREN:

20 Q. Okay. Did the -- to the best of
21 your knowledge, did Meta warn the public that it
22 didn't have an effective way to implement its
23 community standards on Reels?

24 MR. SNEED: Object to form.

25 THE WITNESS: To the best of my

1 knowledge, no.

2 BY MR. WARREN:

3 Q. Did Meta modify its community
4 standards to make clear that they were not being
5 enforced effectively on Reels?

6 MR. SNEED: Object to form and
7 foundation.

8 THE WITNESS: No, not -- not to the
9 best of my knowledge.

10 BY MR. WARREN:

11 Q. Okay. Do you think someone reading
12 Meta's community standards in the fall of 2020
13 would have any way of knowing those policies were
14 not being effectively enforced on Reels?

15 MR. SNEED: Objection to form and
16 foundation.

17 THE WITNESS: I don't think so.

18 BY MR. WARREN:

19 Q. Okay. I'm going to hand you
20 another exhibit. This will be Exhibit 7.

21 (Document marked for identification
22 as Jayakumar Exhibit 6.)

23 BY MR. WARREN:

24 Q. And for the record this is
25 META3047 --

1 MR. WARREN: I'm sorry. This will
2 be Meta 6. Withdrawn. I'll move to strike my own
3 comment.

4 This will be Exhibit 6.

5 And for the record, this is
6 META3047MDL-034-00037237.

7 BY MR. WARREN:

8 Q. All right. This is a really long
9 document. You can take as much time as you need to
10 browse it, although I will be focusing you in on
11 specific areas. Just let me know when you're
12 ready.

13 A. I think we can go.

14 Q. Okay. Do you recognize this
15 document?

16 A. Yes. I believe this is a document
17 that Antigone puts together -- put together for
18 Meta leadership on child safety across the
19 different products and services of Meta.

20 Q. Okay. And the document is
21 entitled, "Child Safety State of Play (9/24)"; is
22 that right?

23 A. Yes, correct.

24 Q. And I take it that's a reference to
25 September 24th?

1 A. Yes. Correct.

2 Q. Okay. I'd like your help in
3 identifying the year of this document. And if you
4 browse to the back, you'll see a comment history
5 that may provide some clues here.

6 A. I think this is from 2020.

7 Q. And I'll just direct you to the
8 page ending in 37255 in case that helps.

9 A. Yes. This is from 2020.

10 Q. Okay. And it appears that you
11 opened this conversation at some point in 2020; is
12 that right?

13 MR. SNEED: Object to form.

14 MR. WARREN: What's the basis of
15 that objection?

16 MR. SNEED: Where are you -- could
17 you point me in the document where you're referring
18 to?

19 MR. WARREN: I just did. 37255.

20 MR. SNEED: 37255?

21 MR. WARREN: 55.

22 MR. SNEED: Where on the document
23 does it indicate that?

24 MR. WARREN: It says at the top,
25 "Vaishnavi J opened your conversation."

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1 MR. SNEED: The basis of the
2 objection is the mischaracterization of the
3 document given that also [REDACTED]
4 [REDACTED]
5 [REDACTED], and several others opened this conversation.

6 MR. WARREN: How is that an
7 objection to my question? My question was it
8 appears that you opened this conversation at some
9 point in 2020.

10 MR. SNEED: That's the basis of the
11 objection.

12 MR. WARREN: Okay. Are you going
13 to stand on that?

14 MR. SNEED: Sure.

15 MR. WARREN: Okay.

16 BY MR. WARREN:

17 Q. Ms. Jayakumar, let me ask you
18 again.

19 Does it appear you opened this
20 conversation in 2020?

21 A. I -- I am not sure if I did. It
22 looks like we -- it looks like many of us had
23 conversations in here. I don't -- because multiple
24 people are seen as opening the conversation. I
25 don't think so.

1 Q. Okay. That's fine. But you've
2 seen the document before?

3 A. Yes, I have.

4 Q. All right. So let's look at the
5 substance. I'll direct you to 37245.

6 A. Mm-hmm.

7 Q. Do you see the heading, "Internal
8 Readiness/State of Play"?

9 A. Yes.

10 Q. Can you read the first two
11 sentences that follow?

12 A. "Overall we are quite vulnerable
13 when it comes to age management on our apps. To
14 some degree this is because leadership has decided
15 to live with certain risks at least in the near
16 term."

17 Q. Do you agree that was the child
18 safety/state of play as of September 24, 2020?

19 A. Yes, I agree.

20 Q. All right. And please flip to Page
21 37247, just one over.

22 Do you see the heading on this page
23 that says:

24 Not ready; work has not been
25 prioritized and more resources are needed?

1 A. Yes.

2 Q. Okay. And a couple rows underneath
3 that heading it says:

4 Addressing virality on Instagram.
5 Do you see that?

6 A. Yes.

7 Q. Can you read the description to the
8 jury?

9 A. "Minors who go viral on Instagram
10 will likely experience increased interactions with
11 unknown people. As their content and by extension
12 their account becomes surfaced to more unconnected
13 people, they would benefit from additional
14 protections that they can turn on, like limiting
15 who can send them private DMs or follow requests.
16 However, with a lack of age data, we cannot
17 effectively develop solutions at scale that address
18 virality of minors on Instagram without also
19 generating a large number of false positives/false
20 negatives."

21 Q. Okay. So this is the same issue
22 you'd flagged in your June and July biweekly safety
23 updates prior to the launch of Reels, correct?

24 A. Yes.

25 Q. Okay. So is it fair to say that

1 several weeks after the launch of Reels in the
2 United States, the issue still hadn't been
3 addressed?

4 A. Yes. That's fair.

5 Q. Okay. Now, please flip to the page
6 ending in 37249.

7 Do you see the section called,
8 "Immediate Product Vulnerabilities"?

9 A. Yeah.

10 Q. And there's a bullet that says IG,
11 meaning Instagram, correct?

12 A. Mm-hmm, yes.

13 Q. Okay. Can you read the first
14 sub-bullet.

15 A. "Lack classifiers to detect and
16 take action on problematic aggregated content on
17 surfaces like Explore, hashtag pages, Reels."

18 Q. Okay. Now we've talked about that
19 problem with respect to Reels already, correct?

20 A. Yes.

21 Q. Can you explain that problem with
22 respect to Explore and hashtag pages?

23 First of all, what is Explore?

24 A. The Explore -- Explore is a tab on
25 Instagram that you can tap into that shows you a

1 range of images and videos, some might be from
2 people you follow, many might be from people you
3 don't follow. It's tailored to your interests
4 based on a number of factors, including what you've
5 seen before on Instagram.

6 Q. Okay. And what are hashtag pages?

7 A. Hashtag pages are, if you type in a
8 hashtag, say #puppies, you'll get an Instagram page
9 that's full of content from people you may know or
10 may not know, that's -- that has all been tagged
11 with that hashtag, #puppies.

12 Q. Okay. So how do you understand the
13 phrase "lack classifiers to detect and take action
14 on problematic aggregated content on surfaces like
15 Explore and hashtag pages"?

16 A. I think when I wrote this, or when
17 I contributed this input to the team that wrote
18 this, I was referring to the fact that individual
19 pieces of content can be taken down or taken action
20 on, but when -- pieces of content that might be
21 borderline, appearing in aggregate, don't have any
22 solution for them.

23 So the best way I can think of
24 explaining that is through an example.

25 If someone were to post a picture

1 of a minor that was nude, that would be a violation
2 of our child sexual abuse materials policy and that
3 piece of content would be taken down.

4 If somebody had an account that was
5 entirely dedicated to teen gymnasts in skimpy
6 clothing, no individual piece of content, it's fine
7 to post team gymnasts on Instagram, there's many
8 reasons, gym clubs have their own accounts, but if
9 the whole account is dedicated to that, in
10 aggregate that looks like a lot of content that is
11 sexualizing minors.

12 The same applies if you, say, type
13 in the #teen, and then have a whole page of results
14 showing teens in, you know, very little clothing.

15 And so while individual pieces of
16 content may be okay on their own and not have been
17 posted with any bad intention, in aggregate, they
18 promote minor sexualization and we need a way to
19 deal with that. We need a way to either filter
20 them out of the hashtag pages, make sure that only
21 a certain percentage of those non-violating images
22 appear in Explore or hashtag pages. And we
23 certainly need to filter them out of services like
24 Reels.

25 Q. Okay. And so the classifiers that

1 Instagram had at that time actually were not able
2 to detect and take action with respect to that
3 issue on Explore and hashtag pages, correct?

4 A. Yes, correct.

5 Q. And they weren't able to take
6 action with respect to that issue on Reels for the
7 additional reason that they weren't just tuned to
8 dealing with short-form video at all, correct?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes, correct.

11 BY MR. WARREN:

12 Q. Okay. Did Meta leadership warn
13 parents or kids about any of these risks that you
14 just testified about?

15 MR. SNEED: Object to form and
16 foundation.

17 THE WITNESS: Meta did not warn
18 parents and kids about the specific types of risks
19 within the product. But they did have digital
20 literacy programs and media literacy programs where
21 they try to tell parents how to, you know, govern
22 their children's use of the platform.

23 BY MR. WARREN:

24 Q. Right. And helpful though that is,
25 those materials don't actually inform parents or

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1 kids that Instagram didn't have an automated way to
2 detect and take action on problematic aggregated
3 content on Explore, Reels, and hashtag pages,
4 right?

5 MR. SNEED: Object to form.

6 THE WITNESS: Yes, that's correct.

7 MR. WARREN: Okay. It's been about
8 an hour, maybe more. Why don't we take a break.
9 Okay, thanks.

10 THE VIDEOGRAPHER: The time right
11 now is 10:19 a.m. We are off the record.

12 (Short break.)

13 THE VIDEOGRAPHER: The time right
14 now is 10:35 a.m. We're back on the record.

15 BY MR. WARREN:

16 Q. Okay. Ms. Jayakumar, before the
17 break, you had testified about a problem with Reels
18 related to the visibility of young people to
19 adults; is that correct?

20 A. Yes.

21 Q. Okay. Now, it's correct that
22 around this time, Meta was considering a new safety
23 intervention called Private By Default, is that
24 true?

25 A. Yes.

1 Q. Okay. And that --

2 MR. SNEED: Object to form. Sorry.

3 Go ahead.

4 BY MR. WARREN:

5 Q. Okay. That intervention would have
6 limited the visibility of young people to adult
7 strangers?

8 A. Yes.

9 Q. Okay. So I'm going to hand you
10 another document. This will be Exhibit 7.

11 (Document marked for identification
12 as Jayakumar Exhibit 7.)

13 BY MR. WARREN:

14 Q. And for the record this is
15 META3047MDL-050-00285759.

16 Okay. Ms. Jayakumar, is this a
17 chat thread between you and [REDACTED] from
18 August 24, 2020?

19 A. Yes.

20 Q. And can you please tell the jury
21 who Ms. [REDACTED] is.

22 A. [REDACTED] was my counterpart
23 on the privacy team. So she looked after privacy
24 policy.

25 Q. Okay. And can you please read the

1 first two messages in this chat?

2 A. From [REDACTED]: "Hi! Hope you're
3 doing well. Do you happen to know the status of
4 the IG Smart Defaults launch?"

5 And then from me: "I do - we were
6 initially supposed to launch private by default on
7 September 2nd after approval from IG leads, but
8 that has now been scrapped due to growth concerns,
9 and the product team has been given some time to
10 come up with ways to mitigate the drop in growth."

11 Q. Okay. Now when you said the launch
12 of private by default was "scrapped due to growth
13 concerns," did those concerns include the safety
14 feature's potential impact on growing the overall
15 number of Instagram users?

16 A. Yes.

17 MR. SNEED: Object to form.

18 BY MR. WARREN:

19 Q. Did the concerns include the
20 feature's potential impact on the amount of time
21 that users spend on Instagram?

22 MR. SNEED: Object to form.

23 THE WITNESS: I don't think it was
24 about time spent. I think it was about how people
25 discover one another and how the number of total

1 users increases.

2 BY MR. WARREN:

3 Q. Fair enough.

4 So did the growth concerns then
5 include the potential safety feature's possible
6 impact on engagement between Instagram users?

7 A. Yes.

8 MR. SNEED: Object to form and
9 foundation.

10 BY MR. WARREN:

11 Q. Okay. And those growth impacts
12 would have meant a decrease in Instagram's revenue,
13 correct?

14 MR. SNEED: Same objections.

15 THE WITNESS: Yes. It would have.

16 BY MR. WARREN:

17 Q. Okay. And that was a concern that
18 resulted in pushing back the launch date of the
19 safety feature, right?

20 MR. SNEED: Object to form and
21 foundation.

22 THE WITNESS: Yes.

23 BY MR. WARREN:

24 Q. Okay. Is it fair to say this is an
25 example of Meta leadership prioritizing growth over

1 safety?

2 MR. SNEED: Object to form and
3 foundation.

4 THE WITNESS: Yes.

5 BY MR. WARREN:

6 Q. Okay. Now was a version of private
7 by default ultimately launched?

8 A. Yes.

9 Q. Okay. When it launched, did it
10 apply to all teen accounts?

11 A. No. It applied to new accounts
12 that were signing up to the platform that were
13 declaring themselves to be teenagers.

14 Q. Okay. Was it ever applied to all
15 teen accounts?

16 A. It was applied to all teen accounts
17 at the end of last year, as part of the teen
18 accounts launch.

19 Q. Okay. So that would be the end of
20 2024, correct?

21 A. Yes.

22 Q. Okay. So fully four years after
23 this chat with Ms. [REDACTED]?

24 A. Yes.

25 Q. Okay. So I'm going to ask you some

1 questions about how private by default worked. But
2 first a preliminary question:

3 What is a default setting?

4 A. A default setting is something that
5 your account comes with when you sign up for it.
6 It means that -- for example, a default setting
7 might look like, when you sign up for an account,
8 nobody can message you. You can go in and change
9 that setting if you want. But as default, nobody
10 can come -- nobody can message you.

11 Q. Okay. And you say that you can go
12 in and change the setting if you want. Do
13 Instagram users generally do that?

14 A. Generally speaking, most users, not
15 just within Instagram, don't change their default
16 settings until they are in a moment of crisis. And
17 then they look to perhaps adjust their settings.

18 Q. Okay. So the name "private by
19 default" suggests this was a default. Would you
20 agree?

21 A. Yes.

22 Q. Was it actually a default setting?

23 MR. SNEED: Object to form.

24 THE WITNESS: It was -- I don't
25 know if it would have been considered a default

1 setting in layman terms, but it was a default
2 preselected option on a screen.

3 BY MR. WARREN:

4 Q. What do you mean by "default
5 preselected option"?

6 A. Sorry for how confusing that
7 sounds.

8 So a typical -- if you said to
9 somebody, oh, this is an account that is private by
10 default, I think an assumption would be, I sign up,
11 I'm a teenager on the platform, my account is
12 private. I will go into settings and change that
13 to be a public account if I want to.

14 The way in which private by default
15 ultimately launched was, I sign up, I say I'm a
16 teenager, I get a screen asking me if I want to
17 have a public account or a private account, and the
18 private option is selected. So on that screen, I
19 make a choice to say, well, this is a public
20 account or a private account. Yeah.

21 Q. Okay. So it's not a baked-in
22 default that just operates from the jump. Rather,
23 it's a screen that gives you an option private or
24 public?

25 MR. SNEED: Object to form.

1 THE WITNESS: Correct.

2 BY MR. WARREN:

3 Q. Okay. If private by default had
4 been an actual default of the kind you were just
5 describing, with the option to disable it in
6 settings, do you think that would have resulted in
7 more teens with private accounts?

8 MR. SNEED: Object to form and
9 foundation.

10 THE WITNESS: Yes. I think so.

11 BY MR. WARREN:

12 Q. And why do you think that?

13 A. We have data to suggest that teens
14 generally don't change their settings.

15 Even with the screen option, which
16 is, you know, a pretty easy toggle between two
17 choices, six out of ten teens said that they
18 weren't changing their settings. They were just
19 going to go with whatever the app suggested.

20 So if it had been truly -- a true
21 default, that they had to go into their settings
22 later and change, it's highly unlikely that most of
23 them would have done that.

24 Q. Okay. So that ultimately would
25 have been more protective of teen safety, do you

1 think?

2 A. Yes. I think so.

3 Q. Okay. But it's not what Instagram
4 did, right?

5 A. It's not what Instagram did.

6 Q. Okay. And is it fair to say that
7 growth concerns are what motivated Instagram to
8 pick the less safety protected version of private
9 by default?

10 MR. SNEED: Object to form and
11 foundation.

12 THE WITNESS: This is the -- yes,
13 this was the conversation in 2020.

14 BY MR. WARREN:

15 Q. So that was a yes to my question?

16 A. Yes, yes.

17 Q. Okay. Let's change topics. I want
18 to ask you some general questions about Instagram's
19 business model and its user base. Are you familiar
20 with those topics?

21 A. Yes.

22 Q. Okay. Instagram is an ad-supported
23 platform, correct?

24 A. Yes.

25 Q. And that means it earns revenue by

1 THE WITNESS: Yes.

2 BY MR. WARREN:

3 Q. How is it able to do that?

4 MR. SNEED: Object to form and
5 foundation.

6 THE WITNESS: The -- Instagram
7 looks at a number of signals about the user to
8 understand what types of content might be most
9 appealing to them. Both organic content posted by
10 other users, as well as promoted content, so things
11 like ads.

12 That can range from signals such as
13 accounts that they follow, accounts that their
14 friends follow, content that they've liked or
15 engaged with in some way. There's a wide variety
16 of signals, but those collectively give the app a
17 good idea of what a user might be interested in
18 seeing.

19 BY MR. WARREN:

20 Q. Okay. And when you use the word
21 "signals," just so that the jury understands, does
22 that refer to data about users?

23 A. Yes.

24 Q. Okay. And you said there's a wide
25 variety of data about users that Instagram collects

1 in order to target ads, right?

2 A. Yes.

3 Q. Okay. And I'd like to understand
4 some types of that data.

5 Does that include data about users'
6 interests?

7 MR. SNEED: Object to form and
8 foundation.

9 THE WITNESS: Yes.

10 BY MR. WARREN:

11 Q. Does it include photos and videos
12 of the user?

13 MR. SNEED: Object to form and
14 foundation.

15 THE WITNESS: Yes.

16 BY MR. WARREN:

17 Q. Does it include geolocation
18 information about the user?

19 MR. SNEED: Object to form and
20 foundation.

21 THE WITNESS: Yes.

22 BY MR. WARREN:

23 Q. Does it include the usernames of
24 the user?

25 MR. SNEED: Object to form and

1 foundation.

2 THE WITNESS: Yes.

3 BY MR. WARREN:

4 Q. Does it include the gender of the
5 user?

6 MR. SNEED: Same objections.

7 THE WITNESS: Yes.

8 BY MR. WARREN:

9 Q. Okay. Are there any other kinds of
10 signals that you can describe sitting here today?

11 MR. SNEED: Objection.

12 THE WITNESS: They could look at a
13 signal such as interests that you and a friend have
14 in common, or interests that a large number of your
15 friends have in common, and for example, infer that
16 that might suggest something about your own
17 interests as somebody who is friends with all these
18 different accounts.

19 BY MR. WARREN:

20 Q. Is one of the signals that
21 Instagram analyzes, "hover time," meaning how long
22 a user hovers over a certain image?

23 MR. SNEED: Object to form and
24 foundation.

25 THE WITNESS: I don't know with

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1 THE WITNESS: Yes. That's right.

2 BY MR. WARREN:

3 Q. Okay. So I'm going to hand you
4 what has been marked as Exhibit 8.

5 (Document marked for identification
6 as Jayakumar Exhibit 8.)

7 BY MR. WARREN:

8 Q. And for the record, this is Meta --

9 A. Oh, I would like to change my
10 earlier answer.

11 Q. Sure.

12 A. Could you repeat the question, the
13 previous question.

14 Q. Up to 2021, is it correct that
15 Instagram was just taking users at their word with
16 respect to their age?

17 A. There were some measures Instagram
18 was taking to be more certain about age. So for
19 example, it did have a reporting flow where you
20 could report users for being underage and they
21 would review that.

22 If an account was reported for
23 anything -- for any other type of violation, the
24 reviewer would also review the account and make
25 sure that it, you know, wasn't actually an underage

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1 person on the platform. So there were a couple of
2 other things the company was doing.

3 MR. WARREN: Okay. Can we take a
4 quick break?

5 THE WITNESS: Mm-hmm.

6 THE VIDEOGRAPHER: The time right
7 now is 10:51 a.m. We are off the record.

8 (Short break.)

9 THE VIDEOGRAPHER: The time right
10 now is 10:54 a.m. We're back on the record.

11 BY MR. WARREN:

12 Q. Okay. So, Ms. Jayakumar, you said
13 there were some measures Instagram was taking to be
14 more certain about age, right?

15 A. Yes.

16 Q. Okay. And you said it had a
17 reporting flow where people could report users for
18 being underage, correct?

19 A. Yes.

20 Q. Now, that wouldn't actually address
21 the problem of an adult pretending to be underage
22 in order to engage in sexual exploitation, right?

23 MR. SNEED: Object to form.

24 THE WITNESS: Yes.

25 BY MR. WARREN:

1 Q. Okay. And you said that another
2 mitigation measure was that an account reported for
3 another type of violation would be reviewed and
4 analyzed for age, right?

5 A. Yes.

6 Q. So in the situation that you just
7 described of a 23-year-old man sexually grooming a
8 15-year-old, something bad would have to happen
9 first in order for the 20-year-old -- 23-year-old
10 account to get flagged in the first place, right?

11 MR. SNEED: Object to form.

12 THE WITNESS: Yes. That's right.

13 BY MR. WARREN:

14 Q. Okay. And then after that had
15 happened, the account would be analyzed for their
16 age and potentially action would be taken, right?

17 MR. SNEED: Object to form and
18 foundation.

19 THE WITNESS: Yes.

20 BY MR. WARREN:

21 Q. Okay. So were those mitigation
22 measures you just described sufficient to prevent
23 the grooming hypothetical that you gave moments
24 ago?

25 A. No. They are not sufficient for

1 that.

2 But I was answering the question
3 of, you know, did Meta have anything in place to
4 identify underage users.

5 Q. Fair enough.

6 So it had some things in place, but
7 not enough to prevent some very serious safety
8 issues for kids?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes.

11 BY MR. WARREN:

12 Q. Okay. Let me direct your
13 attention, actually, back to what was previously
14 marked as Exhibit 6.

15 And this would be the child
16 safety/state of play from September 24, 2020.

17 Just let me know when you're there.

18 A. Yep, I'm here.

19 Q. Can you please direct your
20 attention to the page ending in 37246.

21 Do you see the section labeled "U13
22 Enforcement"?

23 A. Yes.

24 Q. What does U13 enforcement mean?

25 A. It means removing users under the

1 age of 13 from the platform.

2 Q. Okay. Now, in the middle of this
3 description, it reads:

4 There's also a current U13 backlog.
5 Do you see that?

6 A. Yes.

7 Q. And what does it say in the
8 parentheses next to that?

9 A. "Approximately 450,000 job
10 backlog."

11 Q. Okay. And what do you understand
12 that to mean?

13 MR. SNEED: Object to foundation.

14 THE WITNESS: There are 450,000
15 reports or noted incidents of potential users under
16 the age of 13 that need to be reviewed and
17 addressed.

18 BY MR. WARREN:

19 Q. Okay. And a little bit further
20 down, it says:

21 This backlog is currently not
22 resourced and has been escalated to Ops Resources.
23 Do you see that?

24 A. Yes.

25 Q. Okay. What does that mean?

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1 MR. SNEED: Object to foundation.

2 THE WITNESS: It means that there
3 weren't -- there weren't staff allocated to
4 reviewing and addressing the backlog, like
5 reviewing those cases. And so we have escalated
6 the case to the ops resources team which might have
7 head count and ability to staff -- to review the
8 backlog.

9 BY MR. WARREN:

10 Q. Okay. Let me direct your attention
11 to what we'll mark as Exhibit 8.

12 (Document marked for identification
13 as Jayakumar Exhibit 9.)

14 MR. WARREN: For the record, this
15 is a document ending in -- I'm sorry. This is a
16 document bearing the Bates number
17 META3047MDL-020-00278850.

18 BY MR. WARREN:

19 Q. Let me know when you've had a
20 chance to review that. And take your time.

21 Are you ready?

22 A. Yes.

23 Q. Okay. This appears to be a chat
24 thread among you, [REDACTED], and
25 [REDACTED] from March 23, 2021.

1 Do you agree with that?

2 A. Yes.

3 Q. And was this chat thread conducted
4 in the ordinary course of your work in Meta?

5 A. Yes.

6 Q. Can you explain to the jury who the
7 other folks on this chat are?

8 A. [REDACTED] and [REDACTED] were our safety
9 policy representatives in the Asia-Pacific region.
10 And then [REDACTED] was my child safety counterpart who
11 worked on all the other products outside of
12 Instagram.

13 Q. And that would include Messenger
14 and Facebook?

15 A. Yes.

16 Q. Okay. So the chat starts with
17 Ms. [REDACTED]. She writes to you, Ms. [REDACTED], and
18 Ms. [REDACTED]. Seems to indicate that some of Meta's
19 partners had been asking for in-app reporting for
20 underage accounts.

21 Do you agree with that?

22 A. Yes.

23 Q. What does "in-app reporting" mean?

24 A. So at the time, if you wanted to
25 report a user for being under 13, you had to go to

1 a web form. And so, you know, go out of the app
2 essentially, go to a form and then report that
3 account for being under 13.

4 She was asking whether we could
5 just include it within the app itself. So within
6 the app, if you click on a piece of content now,
7 you can report it for a variety of violations. She
8 was asking if we could also include an option to
9 report the account within the app itself for being
10 underage.

11 Q. Would that have facilitated more
12 reports of under-13 Instagram users?

13 A. Yes. It's a much faster, much more
14 seamless way to report users.

15 Q. So is it fair to say that prior to
16 March 23, 2021, that in-app reporting option did
17 not exist on Instagram for the reporting of
18 underage users?

19 A. Yes. That's accurate.

20 Q. Okay. Now, you respond to
21 Ms. [REDACTED]. What was your response?

22 A. I said that I think we would
23 have -- do you want me to read it out or?

24 Q. Well, you can read it out, but I
25 also want to know what you were thinking.

1 A. I think I said yes, I think folks
2 would very much be interested in doing this. But
3 it would be a significant lift from the legal and
4 privacy perspective.

5 Q. Okay. Why did you think it would
6 be a significant lift from a legal perspective?

7 A. I think in-app reporting just
8 increases the volume of accounts that need to be --
9 that would -- that would come in our way. And we
10 already had that huge backlog of 450,000 accounts,
11 which I think you saw in a previous report.

12 And so it would increase the legal
13 risk if we're now getting all these additional
14 reports of potentially underage users.

15 Q. I see. So the concern was that the
16 in-app reporting option would actually work and
17 result in a large number of reports of potential
18 under-13 users, but then Instagram wouldn't have
19 the resources to actually go through all of those;
20 is that fair?

21 MR. SNEED: Object to form and the
22 characterization.

23 THE WITNESS: That was my -- that
24 was my perspective and that was my impression from
25 working with the different teams across the board.

1 BY MR. WARREN:

2 Q. Okay. And you're obviously not a
3 lawyer, correct?

4 A. Yes.

5 Q. So you were addressing this and
6 raising this concern more from a resource
7 standpoint; is that right?

8 MR. SNEED: Object to form.

9 THE WITNESS: Yes. My -- my point
10 was that -- and I -- you know, I fully support
11 including in-app reporting for under-13 accounts.
12 I was talking to [REDACTED] more about the likelihood of
13 us being able to get that passed, rather than the
14 inherent value of getting it passed.

15 BY MR. WARREN:

16 Q. I see.

17 So your concern then seems to be
18 twofold. One, if we do this, are we going to have
19 the bodies to actually go through the reports.
20 That's one you already talked about, right?

21 A. Mm-hmm, yes.

22 Q. And then it seems like you had a
23 second concern which was, I'm not sure we're going
24 to be able to convince people to do this; is that
25 correct?

1 MR. SNEED: Object to form.
2 Characterization.

3 THE WITNESS: I think my primary
4 concern is that I don't think we can convince
5 people to do this. And one of the reasons is
6 because it would introduce an enormous risk to have
7 all of these additional accounts that we know we're
8 not getting resourcing for. We already know that
9 we have 450,000 accounts that we haven't been able
10 to staff and review. Increasing that by some
11 incredibly large number, which is -- I think would
12 be off the table for our legal and privacy teams
13 from a risk perspective.

14 BY MR. WARREN:

15 Q. Understood.

16 Okay. Now I would like to just
17 direct you to Ms. [REDACTED]'s response. She says:

18 We're working on improving our
19 underage reporting flows and backlog. It is a
20 longer term project though (clearing the backlog is
21 the immediate concern right now).

22 Did I read that correctly?

23 A. Yes, you did.

24 Q. So she was agreeing with you there
25 still was a large backlog of reports of potential

1 under-13-age users, right?

2 A. Yes.

3 Q. Okay.

4 MR. SNEED: Object to form. Sorry.

5 BY MR. WARREN:

6 Q. Okay. And then she provides what
7 she calls a data point. I'm going to quote here.
8 She says:

9 For reporting, currently there's no
10 way for users to report under-13 users on Facebook
11 in-app and it takes over seven screens for users to
12 report under-13 users on Instagram.

13 Did I read that correctly?

14 A. Yes.

15 Q. Do you have any reason to doubt the
16 accuracy of what [REDACTED] said?

17 A. No. [REDACTED] was very well-plugged
18 into our child safety work.

19 Q. Okay. And then she goes on to say:
20 On enforcement, we currently have a
21 backlog of over 2.5 million cases age-related
22 reports to review.

23 Do you see that?

24 A. Yes.

25 Q. Do you have any reason to doubt the

1 accuracy of that?

2 A. No, I don't think that was -- I
3 think that was very accurate.

4 And it kind of backs up an earlier
5 point that I made that I don't think we would have
6 been able to get, you know, the legal and privacy
7 appetite to handle risk when we already had such a
8 huge backlog of cases to review.

9 Q. Okay. So the previous document we
10 looked at indicated there were about 450,000
11 reports. Here it says over 2 million reports.

12 Do you have an understanding of why
13 there was that growth, or are these just measuring
14 different things?

15 MR. SNEED: Object to form.
16 Characterization.

17 THE WITNESS: I don't have a
18 reference as to why there was that growth, but it
19 also wouldn't surprise me. We have, you know, so
20 many users on Instagram and Facebook. It -- that
21 doesn't necessarily seem like a huge jump in that
22 period of time.

23 BY MR. WARREN:

24 Q. Okay. Do you know if the
25 2.5 million was referring to the whole family of

1 apps monitored by Meta as opposed to just
2 Instagram?

3 MR. SNEED: Object. Foundation.

4 THE WITNESS: I don't know which
5 specific subset it was referring to.

6 Given that [REDACTED] primarily worked
7 on Facebook, it might have just been Facebook. But
8 it could have been across both Facebook and
9 Instagram.

10 BY MR. WARREN:

11 Q. Okay. Regardless, your
12 understanding is, as of this point in time, there
13 were somewhere between half a million to
14 2.5 million reports of under-13 users on META
15 Platforms, right?

16 MR. SNEED: Object to form.
17 Characterization.

18 THE WITNESS: Yes.

19 BY MR. WARREN:

20 Q. Okay. And that was a backlog that
21 Meta had not yet gotten around to reviewing, right?

22 A. Yes.

23 MR. SNEED: Same objections.

24 BY MR. WARREN:

25 Q. [REDACTED]'s description of a

1 seven-screen-long reporting option seems to me to
2 be pretty clunky. How does it seem to you?

3 MR. SNEED: Object to form.

4 THE WITNESS: That is really
5 clunky. Generally for seamlessness of the user
6 experience, we don't typically recommend more than
7 two or three screens. The more screens you have,
8 the greater the drop-off of reports, because it's
9 just too much work for people to keep going through
10 the process to report something.

11 BY MR. WARREN:

12 Q. Got it.

13 Okay. So I want to just put these
14 pieces together before we move on.

15 Until December 2019, Meta didn't
16 even ask kids on Instagram for their birthdays,
17 right?

18 MR. SNEED: Object to form.

19 THE WITNESS: Yes.

20 BY MR. WARREN:

21 Q. And when Meta finally started
22 asking that question, it learned that lots of kids
23 lie, right?

24 MR. SNEED: Same objection. And
25 foundation.

1 THE WITNESS: Yes.

2 BY MR. WARREN:

3 Q. So as a belt-and-suspenders
4 measure, Meta gave people the option to report
5 under-13 users, but it didn't do that on the
6 Instagram app itself, and it made the reporting
7 option seven screens long, right?

8 MR. SNEED: Object. Compound. And
9 foundation.

10 THE WITNESS: I don't know if
11 the -- I don't know when Instagram started offering
12 the option to report under-13 users. It could have
13 been before they started collecting age. I don't
14 know.

15 BY MR. WARREN:

16 Q. Okay. In any event, the reporting
17 option that existed as of March 2021 was
18 insufficiently clean and clear to allow people to
19 easily report underage users, right?

20 MR. SNEED: Object to the
21 characterization. Foundation.

22 THE WITNESS: In my opinion, I
23 think it was a really complicated process.

24 And just, you know, as someone who
25 has been in the industry for a long time, it didn't

1 seem to be at par with what, you know, other
2 industry players would typically offer as a
3 reporting option.

4 BY MR. WARREN:

5 Q. Sure.

6 And if Meta had committed more
7 resources to the project, could it have cleared out
8 that backlog?

9 MR. SNEED: Object to form. Calls
10 for speculation.

11 THE WITNESS: I think -- I think we
12 could have reviewed those cases with more
13 resourcing.

14 BY MR. WARREN:

15 Q. Okay. All right. I'm going to
16 introduce an exhibit to address one of counsel's
17 foundation objections really quickly. And this
18 will be kind of a standalone.

19 So I'm going to introduce an
20 exhibit that we'll mark as Exhibit 9 and -- is it
21 Exhibit 10? This will be Exhibit 10, I'm sorry.

22 MR. DRAKE: You marked Exhibit 8
23 for the record. So that got marked and then you
24 went to 9. So I marked it 8, 9. If it's okay, we
25 can use that numbering and then clear it up at a

1 be marked as Exhibit 14. This is a document
2 bearing the Bates stamp META3047MDL-040-00541333.

3 (Document marked for identification
4 as Jayakumar Exhibit 14.)

5 BY MR. WARREN:

6 Q. Okay. This appears to be a chat
7 between you and [REDACTED]?

8 A. Mm-hmm, yes.

9 Q. And it looks like the chat is from
10 November 23, 2021; is that right?

11 A. Yes.

12 Q. Who is Ms. [REDACTED]?

13 A. [REDACTED] was a researcher at Meta.

14 Q. Okay. And do you know what type of
15 research she worked on in particular?

16 A. She worked on a number of the
17 safety and well-being research products. This
18 conversation was in relation to a talk that she was
19 giving where she talked about how she used to work
20 on sleep products at Bose.

21 Q. Okay. Did you participate in this
22 chat during the ordinary course of your work at
23 Meta?

24 A. Yes.

25 Q. Okay. Could you read your opening

1 message to [REDACTED], please?

2 A. "I didn't know you used to work on
3 sleep products. We should chat about well-being
4 more broadly. There are a number of
5 sleep-promoting interventions I want to urge Meta
6 towards."

7 Q. Why did you send that note to
8 [REDACTED]?

9 A. She had just spoken about how she
10 used to work on sleep products, and some of their
11 research around better sleep that could potentially
12 be translated into what we do.

13 And I had responded to her saying
14 that, you know, from a practitioner perspective, as
15 a person kind of developing strategies and ideas
16 for product and policy teams, I really wanted to
17 pitch a number of sleep-promoting interventions to
18 improve the well-being of young people on the
19 platform.

20 Q. Okay. And [REDACTED] responds that
21 she worked for about four years at Bose on sleep
22 products. She says people have awful sleep habits.

23 Do you see all that?

24 A. Yes.

25 Q. And what did you say in response?

1 A. I said that:

2 I would love to brainstorm on what
3 we can do across the family of apps about this.
4 Social media addiction is such a problem, and I
5 optimistically think we have a lot of low-hanging
6 fruit we can pick here.

7 Q. Okay. Now, this chat was about
8 nine months after [REDACTED] had told you
9 that in her view social media addiction was not a
10 companywide concern for Meta, correct?

11 A. Correct.

12 MR. SNEED: Object to form.

13 BY MR. WARREN:

14 Q. So none of that low-hanging fruit
15 had been picked earlier in 2021 by Meta, right?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yeah. None of them
18 had been picked.

19 BY MR. WARREN:

20 Q. Okay. Ms. Jayakumar, if you knew
21 that the risk of social media addiction had been
22 raised to Meta executives in 2016, would it
23 surprise you that in 2021, there was still
24 low-hanging fruit to address that issue?

25 MR. SNEED: Object to form and

1 foundation.

2 THE WITNESS: Would it surprise me,
3 no.

4 BY MR. WARREN:

5 Q. Why wouldn't it surprise you?

6 A. I could imagine -- I mean I --
7 there are many things that are raised through
8 senior leadership, you know, over the course of,
9 say, five years. And I think it would really
10 depend on how much external pressure there was.
11 How much regulatory pressure there was to do
12 something in the space. How much advertising
13 business pressure there was. And if those
14 pressures didn't exist, then I wouldn't be
15 surprised if the low-hanging fruit hadn't been
16 picked in 2021.

17 Q. If you knew the risk of social
18 media addiction had been raised to Meta executives
19 in 2016, do you think Meta should have picked the
20 low-hanging fruit to address that problem?

21 MR. SNEED: Object to form and
22 foundation.

23 THE WITNESS: Yes, I do.

24 Yes, I do.

25 BY MR. WARREN:

1 Q. At any point while you worked at
2 Meta, did the company warn its user base that
3 Instagram could be addictive?

4 A. No.

5 Q. At any point while you worked at
6 Meta, did it warn its user base of the risk of
7 problematic use of Instagram other than addiction?

8 MR. SNEED: Object to form.

9 THE WITNESS: No. And I don't know
10 that there was an acceptance, you know --
11 externally, that there was any acceptance that
12 there were ways in which an app could be used
13 problematically.

14 BY MR. WARREN:

15 Q. But internally that was a
16 conversation that researchers were having, correct?

17 MR. SNEED: Object to form and
18 foundation.

19 THE WITNESS: Yes. It's a
20 conversation internally researchers were having.
21 But I don't know if -- I don't think it's something
22 that there was consensus on within the broader Meta
23 leadership.

24 So researchers, data scientists,
25 product policy teams, we can do a lot of work and

1 we can bring a lot of evidence to the table that is
2 not equivalent to having volume or support for that
3 hypothesis at a leadership level.

4 BY MR. WARREN:

5 Q. Okay. So because Meta leadership
6 had not bought into the data and evidence
7 concerning problematic use, they did not warn
8 Instagram's user base about that issue, correct?

9 MR. SNEED: Object to form.
10 Characterization.

11 THE WITNESS: That would be -- that
12 would be my impression.

13 BY MR. WARREN:

14 Q. Okay. So let me ask you about the
15 low-hanging fruit that you had in mind. And let's
16 start with the recommendation algorithm.

17 In your experience, did the
18 algorithm, as deployed in the Explore and Reels
19 parts of Instagram, contribute to social media
20 addiction?

21 MR. SNEED: Object to form and
22 foundation.

23 THE WITNESS: I think it played one
24 role. I think social media addiction is a really
25 complex issue. And I don't want to characterize

1 any one app as solely driving it. But yes, I think
2 it played a role.

3 BY MR. WARREN:

4 Q. And what was the role that it
5 played?

6 A. I think the design of the algorithm
7 to promote sustained engagement by continuously
8 showing appealing content and increasingly
9 appealing content can play a role in drawing
10 viewers into the experience for longer periods of
11 time than they necessarily would want for
12 themselves.

13 That said, there are other factors,
14 of course, that can play a role. And I want -- you
15 know, as somebody who has been in the industry for
16 a long time, I want to be really clear that it's
17 not a single deciding factor but it does have a
18 role to play, yes.

19 Q. Okay. And in your experience, did
20 the recommendation algorithm, as deployed in the
21 Explore and Reels part of Instagram, contribute to
22 other kinds of problematic use besides addiction?

23 MR. SNEED: Object to form and
24 foundation.

25 THE WITNESS: I think that there

1 as Jayakumar Exhibit 16.)

2 MR. WARREN: This is a document
3 bearing the Bates stamp META3047MDL-040-00337135.

4 BY MR. WARREN:

5 Q. And I'll represent to you that this
6 document was produced by Meta and it came from your
7 electronic files. Do you have any reason to
8 dispute that?

9 A. No.

10 Q. What's the title of this document?

11 A. "AR Beauty Effects: Stakeholder
12 Engagement."

13 Q. Was this document created by
14 employees of Meta?

15 A. Yes.

16 Q. Did you review this document while
17 you were working at Meta?

18 A. Yes.

19 Q. Okay. And can you remind the jury
20 what AR stands for?

21 A. Augmented reality.

22 Q. Okay. Please direct your attention
23 to the bottom of the first page where it says,
24 "Feedback Summary."

25 Do you see that?

1 A. Yes.

2 Q. Does this section of the document
3 summarize the feedback that Meta received from
4 experts concerning augmented reality beauty
5 filters?

6 MR. SNEED: Object to form and
7 foundation.

8 THE WITNESS: Yes, it does.

9 BY MR. WARREN:

10 Q. Okay. Can you please read the
11 first two bullets?

12 A. "Generally, stakeholders support
13 making a distinction between effects achieved via
14 makeup versus those that can only be achieved via
15 cosmetic surgery, though no line will be perfect."

16 Q. And what about the next bullet?

17 A. "These extreme beauty effects can
18 have severe impacts on both the individuals using
19 the effects and those viewing the images."

20 Q. Do you agree with that statement?

21 A. Yes, I do.

22 Q. Can you read the last bullet, the
23 one beginning with "children"?

24 A. "Children are particularly
25 vulnerable, however many others are vulnerable as

1 well: those with a history of mental health
2 challenges, eating disorders, et cetera."

3 Q. Okay. Do you agree with that?

4 A. Yes.

5 Q. All right. Can you please flip the
6 page. Do you see the heading titled, "Summary for
7 Boz e-mail"?

8 A. Yes.

9 Q. Who is Boz?

10 A. This is Andrew Bosworth. At the
11 time he was the head of the VR team.

12 Q. Was he a senior leader at Meta?

13 A. Yes. Very senior.

14 MR. SNEED: Object to form.

15 BY MR. WARREN:

16 Q. Can you please read the first
17 paragraph of this summary?

18 A. "We spoke with 18 experts including
19 psychologists, researchers, body image activists,
20 and AR professionals. We made sure to focus our
21 outreach on experts who could provide research
22 insights and findings about the impact of social
23 media and internet technologies on youth identity
24 development, body image, including Body Dysmorphic
25 Disorder (colloquially know as 'Snapchat

1 dysmorphia'), and mental health. A large majority,
2 including individuals in the AR field, recommended
3 prohibiting these filters, citing known impacts to
4 body image and mental health of other forms of
5 media that idealize unrealistic beauty standards.
6 We discussed corrective actions that were less
7 prohibitive, including limiting cosmetic surgery
8 filters to adults and/or utilizing watermarks,
9 however these actions were not viewed as sufficient
10 protections because (1) the universe of users who
11 are vulnerable to negative impacts from such
12 filters is much broader than those ages 13 to 17,
13 and (2) past research on labeling photoshopped
14 imagery found that they do not insulate viewers
15 from its negative affects. There was agreement in
16 our conversations that we should be careful to
17 limit cosmetic filters even when used in
18 conjunction with a costume, animal features,
19 fantasy effects and accessories, especially because
20 these are often most popular with our youngest
21 users who are attracted to the fun/imaginary play
22 aspect of these filters but are gradually exposed
23 and increasingly grow accustomed to their idealized
24 face over their real one."

25 Q. Do you take issue with anything in

1 that paragraph?

2 MR. SNEED: Object to form.

3 BY MR. WARREN:

4 Q. Well, let me ask it a different
5 way. I'll withdraw the question.

6 Is it your understanding that these
7 findings were put into an e-mail that was sent to
8 Andrew Bosworth?

9 MR. SNEED: Object to form and
10 foundation.

11 THE WITNESS: That's my
12 understanding, yes.

13 This predates my time at the
14 company though, but it is my understanding.

15 BY MR. WARREN:

16 Q. Did Meta leadership follow the
17 feedback it received from the 18 experts that it
18 consulted?

19 MR. SNEED: Object to form and
20 foundation.

21 THE WITNESS: No, it did not.

22 BY MR. WARREN:

23 Q. Who made that decision?

24 MR. SNEED: Object to form and
25 foundation.

1 THE WITNESS: I believe Boz made
2 the final decision.

3 BY MR. WARREN:

4 Q. What was your involvement with
5 respect to this issue?

6 A. I joined after the consultations
7 that happened with this list of experts in 2019.

8 And I was there when an escalation
9 around this topic took place.

10 I wasn't closely involved in it
11 because it was pretty early in my time at the
12 company.

13 And then I received the direction
14 that Boz had overturned the initial decision to
15 move forward with removing these filters from the
16 store.

17 My role after that was then to go
18 back -- was to actually develop a set of arguments
19 around why it might be a good thing to keep these
20 filters in store.

21 However, while keeping them in
22 store, we would not recommend them actively. So
23 they would just be available but not recommended.

24 And then my role was to develop
25 arguments as to why this is a better option than

1 removing them altogether, and to go back to these
2 experts and talk to them about our decision and
3 make sure that they were kept updated about the
4 direction we had gone in.

5 Q. Okay. So is it fair to say that
6 you were asked to help effectuate Andrew Bosworth's
7 decision to keep cosmetic beauty filters on
8 Instagram?

9 MR. SNEED: Object to form.
10 Characterization.

11 THE WITNESS: I was -- I was tasked
12 with socializing the decision with our community of
13 experts.

14 BY MR. WARREN:

15 Q. Did you agree with the decision?

16 A. I did not.

17 Q. Did Meta leadership make the right
18 decision in restoring augmented reality cosmetic
19 beauty filters to Instagram?

20 MR. SNEED: Object to form and
21 foundation and vague.

22 THE WITNESS: I do not think that
23 Meta made the right decision there, no.

24 BY MR. WARREN:

25 Q. And why is that?

1 A. I'm sorry?

2 Q. Why is that?

3 MR. SNEED: Object to form.

4 THE WITNESS: I think we heard a
5 good amount of feedback both from experts, as well
6 as a good amount of research and community feedback
7 around how people were feeling about beauty
8 filters.

9 Purely from -- I mean, my expertise
10 is in safety and well-being. So from a safety and
11 well-being perspective, I didn't think that this
12 was the right approach to take.

13 I could understand the other
14 reasons, and you know, the other kind of
15 motivations around it. But from a safety and
16 well-being perspective, I didn't think that this
17 was the right decision.

18 BY MR. WARREN:

19 Q. Do you have an understanding as to
20 why this decision was made?

21 MR. SNEED: Object to form and
22 foundation.

23 THE WITNESS: My understanding, and
24 this is really from what I was told, you know, from
25 the -- about Boz's decision, which was indirectly

1 communicated.

2 But my understanding is that AR --
3 these AR filters are incredibly popular, and we do
4 see a lot of use about -- of these filters. They
5 are also really popular on other platforms like
6 Snap and TikTok and so that -- actually Snap more
7 than TikTok.

8 And I think banning them would have
9 felt like a competitive loss in contrast to, you
10 know, someone who was actively using these features
11 and very successfully using these features.

12 BY MR. WARREN:

13 Q. So a few minutes ago I previewed
14 that I wanted to discuss with you three different
15 features related to negative social comparison. We
16 talked about the first one, beauty filters.

17 A. Mm-hmm.

18 Q. And do you agree that -- well, let
19 me withdraw the question.

20 I'd like to ask you about the
21 second one, the public display or tally of likes.

22 So to start, can you explain to the
23 jury what a like is?

24 A. A like is a reaction that someone
25 can make on the app to a piece of content that

1 suggests that they saw, acknowledged, or liked this
2 content in some way.

3 Q. Okay. So let's say I post a video
4 on Reels. Will I be able to see how many people
5 liked that video?

6 A. Yes, you will.

7 Q. Hopefully lots.

8 Will other users be able to see how
9 many likes my video received?

10 A. Yes.

11 Q. At some point did researchers at
12 Meta determine that that feature may be
13 exacerbating negative social comparison for kids?

14 MR. SNEED: Object to form and
15 foundation and characterization.

16 THE WITNESS: Yes. Researchers
17 have put together a really compelling package of
18 information based on their interviews and user
19 research suggesting that -- I'm sorry -- suggesting
20 that likes might be one way in which we could
21 target the issue of negative social comparison.

22 They had identified a number of
23 other methods as well, and likes was one of them.

24 BY MR. WARREN:

25 Q. Who is Adam Mosseri?

1 A. He is the head of Instagram.

2 Q. Also a fairly senior leader at
3 Meta?

4 A. Yes.

5 Q. Did Adam Mosseri announce at some
6 point that Instagram would be launching a new
7 safety feature to address the problem of visible
8 likes exacerbating negative social comparison?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes. He announced it
11 in 2019.

12 BY MR. WARREN:

13 Q. And what was the project called?

14 A. It was called Project Daisy.

15 Q. What happened to Project Daisy?

16 MR. SNEED: Object to form. Vague.
17 Foundation.

18 THE WITNESS: Project Daisy
19 eventually launched in a very different form than
20 what had originally tested. What had originally
21 been tested was turning off the like count in
22 general for all users.

23 What eventually launched was
24 including the option to turn off likes in the
25 settings tab and letting users go in and decide

1 whether they wanted to hide likes or not.

2 BY MR. WARREN:

3 Q. Was the version of Project Daisy
4 that launched as protective of youth safety as the
5 version that was under consideration?

6 MR. SNEED: Object to form and
7 foundation and calls for speculation.

8 THE WITNESS: I think that the
9 version of Project Daisy that launched did not
10 address the core issue of negative social
11 comparison that the original version of the product
12 was trying to target.

13 BY MR. WARREN:

14 Q. And why do you think that?

15 A. We've previously talked about how
16 most people don't go into their settings and change
17 them unless really they are, you know, in a moment
18 of crisis or trying to protect their safety or
19 well-being in some active way, because they've
20 encountered some harm.

21 In this case, because the option
22 was simply in the settings, we didn't anticipate,
23 and I don't think -- nobody -- people didn't really
24 go in and adjust those settings in any significant
25 quantities. And so the issue of -- the goal of

1 that's been marked for identification as
2 Exhibit 17. This appears to be a chat between you
3 Ms. [REDACTED] from April 9, 2021.

4 Do you agree with that?

5 A. Yes.

6 Q. Were these chats sent in the
7 ordinary course of your work at Meta?

8 A. Yes.

9 Q. Who is [REDACTED]?

10 A. [REDACTED] at the time was on the
11 Instagram public policy team.

12 Q. In this conversation, were you and
13 Ms. [REDACTED] discussing how Instagram's recommendation
14 of content could exacerbate eating disorders?

15 A. Yes.

16 Q. At 10:03 a.m., Ms. [REDACTED] asks you:
17 Would we consider not surfacing
18 certain content in our rec surfaces that we know to
19 be triggering?

20 Do you see that?

21 A. Yes.

22 Q. What are rec surfaces?

23 A. These are places where Instagram
24 recommends content, like the Explore tab or Reels.

25 Q. And you respond:

1 Totally - we're working on a
2 borderline ED policy right now to address this and
3 are just kicking this off.

4 Did I read that correctly?

5 A. Yes.

6 Q. Ms. [REDACTED] then says at 10:06 a.m.:

7 The image that [REDACTED] sent
8 yesterday of an Explore feed is really problematic,
9 and the ownership of that is also on us since it's
10 an unconnected recommended surface.

11 Did I read that correctly?

12 A. Yes.

13 Q. And we talked about this briefly,
14 but how did you understand Ms. [REDACTED] when she
15 referred to an unconnected recommended surface?

16 MR. SNEED: Object to form.

17 THE WITNESS: Recommendation
18 surfaces include content from people whom you may
19 not follow or accounts that you may not know. And
20 that's what we mean by an unconnected surface.

21 BY MR. WARREN:

22 Q. Do you recall the images that
23 Ms. [REDACTED] was referencing here?

24 A. I don't recall the specific images
25 that [REDACTED] sent us, no.

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1 Q. Okay. So I'm going to show you
2 those images. And I've actually handed you a
3 document bearing the Bates stamp META3047MDL-145-
4 00000001.

5 And that's been marked for
6 identification as Exhibit 18.

7 (Document marked for identification
8 as Jayakumar Exhibit 18.)

9 BY MR. WARREN:

10 Q. Do you have that in front of you?

11 A. I do.

12 Q. And I'll represent to you that
13 there are some files that are shared in the course
14 of this chat, and those are attached to the back of
15 this document.

16 A. Okay.

17 Q. Any reason to dispute that?

18 A. No. No reason.

19 Q. Okay. And you can see about
20 halfway down -- sorry, withdrawn.

21 This appears to be a chat thread
22 from April 8, 2021, between you, Ms. [REDACTED], and
23 [REDACTED]; is that correct?

24 A. Yes.

25 Q. Okay. And you can see about

1 halfway down, Mr. [REDACTED] says:

2 The question is that there is
3 content that will continue to be created on the
4 platform that makes teens feel back about
5 themselves.

6 I assume he meant bad, and that was
7 a typo. Do you agree?

8 A. Yes.

9 Q. Okay. And did I read that
10 correctly?

11 A. Yes.

12 Q. And then he shares some
13 screenshots. And he asks, "What can we do about
14 that"; is that right?

15 A. Yes.

16 Q. Okay. And can you flip to the
17 attachments? They are up on the screen as well.

18 TRIAL TECH: Do you want them up
19 side by side, two pages?

20 MR. WARREN: Yeah.

21 BY MR. WARREN:

22 Q. How would you describe the Explore
23 feeds that are displayed here?

24 A. They are predominately feminine,
25 mostly women -- mostly young women or young girls.

1 They are indexed largely towards,
2 you know -- well, there are a number of pieces of
3 content with young girls or women in minimal
4 clothing. A lot of them are kind of self-image or
5 representations, either selfies or photos taken of
6 themselves in mirrors.

7 And they are predominately white
8 images. There are very few people of color in
9 these images.

10 Q. And what about the Explore screen
11 on the right?

12 A. Explore screen on the right. So...
13 MR. SNEED: Are you referring to
14 ending in Page 5?

15 THE WITNESS: These two are the
16 same.

17 BY MR. WARREN:

18 Q. There should be another page.

19 TRIAL TECH: I think everybody got
20 the same.

21 THE WITNESS: This -- this screen
22 shot has a number of images featuring cosmetic
23 procedures or makeup. Yeah, a number of cosmetic
24 procedures.

25 BY MR. WARREN:

1 Q. Okay. So let's go back to the
2 prior exhibit if we can, that's Exhibit 17.

3 A. Mm-hmm.

4 Q. And this is your conversation with
5 Ms. [REDACTED]. So, again, at 10:06 a.m., Ms. [REDACTED]
6 says:

7 The images that [REDACTED] sent
8 yesterday of an Explore feed is really problematic.

9 And are the images we just looked
10 at what Ms. [REDACTED] was referencing?

11 MR. SNEED: Object to form.

12 THE WITNESS: The images she's
13 referencing. Yes, I think so.

14 BY MR. WARREN:

15 Q. Okay. Do you agree those are
16 really problematic?

17 A. I think they could be problematic.
18 I wouldn't say definitively that they are
19 problematic.

20 Q. And under what circumstances would
21 they be problematic?

22 A. I think social comparison in
23 particular, and, you know, eating disorders is a
24 really complex space. So it really would depend on
25 a number of factors, including the preexisting

1 conditions of the people who were viewing that
2 content. One could argue that if you already
3 struggle with negative social comparison, being
4 flooded with a wave of images like that could be --
5 could make you feel really bad about yourself.

6 But it's not a given that anyone
7 who looks at those images would necessarily feel
8 bad about themselves or compare themselves to one
9 another in a negative way.

10 It also depends on how often that
11 is the composition of their Explore tab.

12 So if you log into Instagram once
13 and that's your Explore tab, and then, you know,
14 you log in another three times and your Explore tab
15 looks different, I don't think that would have as
16 much of an impact on social comparison as if, say,
17 every time you opened your Instagram app, you were
18 getting flooded with aggregate set of images.

19 Q. And you've worked on youth safety
20 for over a decade, correct?

21 A. Yes.

22 Q. In your experience, do teenage
23 girls have a higher degree of social comparison
24 than the median population?

25 MR. SNEED: Object to form and

1 foundation.

2 THE WITNESS: Yes. Teenage girls
3 generally -- well, teenage girls report having
4 higher levels of negative social comparison. That
5 doesn't necessarily mean that they have more than,
6 say, teenage boys.

7 But certainly more than the median,
8 say, adult population.

9 BY MR. WARREN:

10 Q. Okay. So the Explore feeds we just
11 looked at are more likely to be problematic for
12 teenage girls than, say, adult men, would you
13 agree?

14 MR. SNEED: Object to form and
15 foundation and vague.

16 THE WITNESS: They might have a
17 higher likelihood of that, yes.

18 BY MR. WARREN:

19 Q. Okay. And if the Explore feed of a
20 teenage girl is composed of pages that look like
21 that, then it's more likely that could create
22 problems of negative social comparison, would you
23 agree?

24 MR. SNEED: Object to form and
25 foundation.

1 THE WITNESS: More likely than
2 what?

3 BY MR. WARREN:

4 Q. More likely than if that was just a
5 one off.

6 MR. SNEED: Object to form and
7 foundation.

8 THE WITNESS: Yes.

9 BY MR. WARREN:

10 Q. Okay. So Ms. [REDACTED] says at the end
11 of that sentence:

12 The ownership of that is also on
13 us.

14 What did you understand her to mean
15 when she said that?

16 MR. SNEED: Object to form and
17 foundation.

18 THE WITNESS: I think what she
19 meant by that, and I -- this is just my opinion
20 based on what she's written, her point was that
21 these are not accounts that people have chosen to
22 follow or that even, you know, young people have
23 chosen to follow. If they had chosen to follow
24 them, you could argue that, you know, they made
25 that choice to see that content.

1 But in these cases, we are
2 recommending this content that's from people that
3 you don't follow, and, therefore, the
4 responsibility of making sure those are responsible
5 recommendations falls to us.

6 BY MR. WARREN:

7 Q. And did you agree with Ms. [REDACTED]?

8 A. Yes.

9 Q. Now, you responded to Ms. [REDACTED] by
10 saying:

11 Yeah - the challenge is that when
12 you zoom in, any one of those photos probably
13 wouldn't be triggering, but in an Explore grid with
14 all these photos stacked against one another, it's
15 pretty overwhelming.

16 Did I read that correctly?

17 A. Yes.

18 Q. And can you explain that?

19 A. The problem with -- the difficulty
20 with moderating aggregated content or surfaces with
21 aggregated content is that any one of those pieces
22 of content is not going to violate any policy.
23 It's not even necessarily going to be borderline
24 violative of any policies.

25 But when you combine them in

1 aggregate, and, you know, you've got dozens of
2 these images in one page on the Explore tab, that
3 gets -- that can be a really overwhelming
4 experience.

5 And at the time, this was in 2021,
6 I don't think we had done enough work to, like,
7 understand or mitigate the impact of aggregated
8 surfaces. And there were a number of ways in which
9 we hadn't done enough work on them. And I think
10 the Explore grid was a really good example of that.

11 Q. Okay. And during the three and a
12 half years that you worked at Meta, did it devote
13 the technical resources and the time necessary to
14 address this problem?

15 MR. SNEED: Object to form.

16 THE WITNESS: I think there was
17 some efforts to address these problems. For
18 example, the borderline ED policy that I mention in
19 here.

20 And we had very supportive product
21 partners. But due to just overall under-resourcing
22 of this area, we certainly couldn't move as fast or
23 as extensively as we would have liked, given the
24 solutions that were available to us.

25 BY MR. WARREN:

1 Q. And let me just explore what you
2 just said.

3 So you were referring to a
4 borderline policy; is that right?

5 A. Mm-hmm, yes.

6 Q. And that refers to content that may
7 not violate the letter of Instagram's community
8 standards, but it may still be something that you
9 want to demote or remove; is that right?

10 A. Yes.

11 MR. SNEED: Object to form.

12 BY MR. WARREN:

13 Q. Okay. But a borderline policy
14 would not address problems arising from the
15 aggregation of content that isn't even borderline,
16 right?

17 MR. SNEED: Object to form.

18 THE WITNESS: A borderline policy
19 would not address the problems that arise from
20 aggregated content that isn't borderline.

21 However, if you expand the
22 borderline policy to include more types of content,
23 then you could make an impact on recommendation
24 surfaces.

25 BY MR. WARREN:

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1 Q. Okay. Let's take dieting tips as
2 an example.

3 A. Right.

4 Q. Okay. Dieting tips do not violate
5 Instagram's community standards, correct?

6 A. They do not.

7 Q. And they don't violate Instagram's
8 borderline policy correct?

9 A. The current -- they don't violate
10 the current iteration of the borderline policy,
11 yes. But we could -- we could change that.

12 Q. Right. But when you were working
13 there, they did not violate the borderline policy,
14 correct?

15 A. Right. But that was the work we
16 were doing to try and see if we could expand the
17 borderline policy to include more types of content
18 that we would say, this is content that we just
19 don't want to recommend.

20 Q. Right. And the policy was never
21 actually expanded to cover dieting tips, correct?

22 MR. SNEED: Object to form and
23 foundation.

24 THE WITNESS: Yes. That's correct.

25 BY MR. WARREN:

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1 Q. Okay. So if an Explore grid for a
2 teenage girl consists entirely of dieting tips,
3 that would not violate Instagram's community
4 standards and it would not violate Instagram's
5 borderline policies, correct?

6 MR. SNEED: Object to form, vague.

7 THE WITNESS: Correct.

8 BY MR. WARREN:

9 Q. But that could still create a
10 problem for that individual because of the
11 aggregated nature of that content, correct?

12 MR. SNEED: Object to form.

13 THE WITNESS: Yes, definitely.

14 BY MR. WARREN:

15 Q. And that's not a problem that
16 Instagram devoted the technical resources to fix
17 while you were there, correct?

18 MR. SNEED: Object to form and
19 foundation.

20 THE WITNESS: That's correct.

21 BY MR. WARREN:

22 Q. Okay. So let's continue on with
23 the chat with you and Ms. [REDACTED].

24 At 10:13 a.m. she says:

25 Girls as young as 8 start to lose

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1 self-confidence because of negative self-image and
2 social comparison. It's when they become aware of
3 their bodies versus others.

4 Did I read that correctly?

5 A. Yes.

6 Q. Do you agree with what Ms. [REDACTED]
7 wrote?

8 A. Yes, I do.

9 Q. Can you read your response please?

10 A. I said, "Yeah and we're playing the
11 same role today in their perception of
12 self-identity that magazines and music videos
13 played when we were growing up."

14 Q. Do you stand by that?

15 A. I do.

16 Q. Did Meta ever warn kids that
17 Instagram uses their data to aggregate and push
18 content that can harm how they see themselves?

19 MR. SNEED: Object to form.

20 Characterization. And foundation.

21 THE WITNESS: No, I don't think so.

22 BY MR. WARREN:

23 Q. I want to direct your attention to
24 the second page of this document.

25 At 10:18 a.m. Ms. [REDACTED] says:

1 There are really meaty legal issues
2 separate and apart of the policy and public health
3 concerns. Largely by way of deceptiveness (which I
4 think is something that we should start leveraging
5 more).

6 Did I read that correctly?

7 A. Yes.

8 Q. Is it correct that Ms. [REDACTED] was
9 suggesting to you that if Instagram didn't address
10 this problem, it could create legal issues related
11 to deceptiveness?

12 MR. SNEED: Object to form,
13 foundation, and calls for a legal conclusion.

14 THE WITNESS: This was nearly four
15 years ago. But I believe that is accurate.

16 BY MR. WARREN:

17 Q. Okay. So before we move on -- and
18 we'll take a quick break -- I'd like your help
19 summarizing where we are.

20 So you've now testified, I believe,
21 that Instagram was aware that some of its younger
22 users could experience negative social comparison
23 through use of the platform, correct?

24 MR. SNEED: Object to form.

25 THE WITNESS: Yes.

1 BY MR. WARREN:

2 Q. Meta heard from experts that
3 cosmetic beauty filters contributed to that
4 problem, correct?

5 MR. SNEED: Object to form.

6 THE WITNESS: Yes.

7 BY MR. WARREN:

8 Q. But instead of banning those
9 filters, it allowed them to continue being used on
10 Instagram, correct?

11 MR. SNEED: Object to form.

12 THE WITNESS: Yes.

13 BY MR. WARREN:

14 Q. Meta also heard from internal
15 researchers that publicly visible like counts
16 contributed to negative social comparison, correct?

17 MR. SNEED: Object to form.

18 THE WITNESS: They heard that
19 negative -- publicly visible like counts could
20 contribute and could be a factor in contributing to
21 negative social comparison.

22 BY MR. WARREN:

23 Q. And Instagram explored changing
24 that feature in a way that would have mitigated the
25 problem, correct?

1 MR. SNEED: Object to form.

2 THE WITNESS: Yes.

3 BY MR. WARREN:

4 Q. But it didn't actually roll out the
5 version of that feature that would have helped;
6 instead it did something watered down, correct?

7 MR. SNEED: Object to form and
8 characterization.

9 THE WITNESS: Yes, correct.

10 BY MR. WARREN:

11 Q. And you also testified about how
12 Instagram's recommendation algorithm can contribute
13 to negative social comparison and actually
14 exacerbate eating disorders.

15 Do you agree with that?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yes.

18 BY MR. WARREN:

19 Q. And you testified, during your
20 three and a half years at the company, you flagged
21 how that was an issue on Explore and Reels,
22 correct?

23 MR. SNEED: Object to form.

24 THE WITNESS: Yes, I did.

25 BY MR. WARREN:

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1 Q. But Meta did not invest sufficient
2 resources to solve that problem either, correct?

3 MR. SNEED: Object to form.

4 THE WITNESS: Yes.

5 MR. WARREN: Okay. I'm going to
6 move into another unit. Why don't we take a break.

7 MR. SNEED: Okay.

8 THE VIDEOGRAPHER: The time right
9 now is 2:10 p.m. We are off the record.

10 (Short break.)

11 THE VIDEOGRAPHER: The time right
12 now is 2:21 p.m. We're back on the record.

13 BY MR. WARREN:

14 Q. Okay. Ms. Jayakumar, I'd like to
15 ask you some questions now about a difficult topic.
16 It maybe difficult to discuss and difficult for the
17 jury to hear about, but it's an important one.

18 Are you familiar with the acronym
19 SSI?

20 A. Yes.

21 Q. And what does that stand for?

22 A. It stands for suicide and
23 self-injury.

24 (Document marked for identification
25 as Jayakumar Exhibit 19.)

1 THE WITNESS: Yes.

2 BY MR. WARREN:

3 Q. Okay. I've handed you Exhibit 22
4 and Exhibit 23. Are you familiar with these
5 documents?

6 A. Yes.

7 Q. Okay. Is Exhibit 22 a copy of
8 Meta's policy on suicide, self-injury, and eating
9 disorders from May 4, 2020?

10 A. Yes.

11 Q. And is Exhibit 23 a copy of Meta's
12 policy on suicide, self-injury, and eating
13 disorders from January 2025?

14 MR. SNEED: Object to form.

15 THE WITNESS: Yes.

16 BY MR. WARREN:

17 Q. Okay. And I'd ask you to just
18 compare the first three paragraphs in the 2020 and
19 2025 versions of the policy, and let the jury know
20 if they are the same.

21 A. Yes. They are the same.

22 Q. So this aspect of Meta's suicide,
23 self-injury, and eating disorders policy hasn't
24 changed since roughly around the time you started
25 working at Meta, correct?

1 MR. SNEED: Object to form.
2 Characterization.

3 THE WITNESS: Yes.

4 BY MR. WARREN:

5 Q. Okay. Can you please read the
6 second paragraph of the policy to the jury?

7 A. "While we do not allow people to
8 intentionally or unintentionally celebrate or
9 promote suicide, self-injury or eating disorders,
10 we do allow people to discuss these topics because
11 we want our services to be a space where people can
12 share their experiences, raise awareness about
13 these issues, and seek support from one another."

14 Q. Please read the first sentence of
15 the next paragraph.

16 A. "We remove any content that
17 encourages suicide, self-injury or eating
18 disorders, including fictional content such as
19 memes or illustrations, and any self-injury content
20 which is graphic regardless of context."

21 Q. Do these policies reflect the
22 promise that Mr. Mosseri made in his February 2019
23 interview?

24 MR. SNEED: Object to form and
25 foundation.

1 and well-being for Instagram, and later the head of
2 youth -- youth safety and well-being, which evolved
3 into head of youth policy.

4 Q. In your experience, despite what
5 the policy said, does Instagram's algorithm
6 sometimes push content that promotes suicide?

7 MR. SNEED: Object to form and
8 foundation.

9 THE WITNESS: The algorithm does
10 sometimes push content that, in aggregate, could be
11 seen as encouraging suicide but not at the
12 individual level.

13 BY MR. WARREN:

14 Q. In your experience, despite what
15 the policy said, does Instagram's algorithm
16 sometimes push content that promotes self-injury?

17 MR. SNEED: Object to form.

18 THE WITNESS: Again, in the
19 aggregate level, the -- Instagram might promote
20 content that, in aggregate, could be seen as
21 promoting self-injury, but not at the individual
22 level.

23 BY MR. WARREN:

24 Q. And does Instagram's algorithm push
25 that aggregated content to kids?

1 MR. SNEED: Object to form.

2 THE WITNESS: Yes.

3 BY MR. WARREN:

4 Q. If a Meta employee -- let me strike
5 that question.

6 Is it fair to say that there's a
7 disconnect between the suicide and self-injury
8 policy and the aggregated content that actually
9 gets recommended by Instagram's algorithm?

10 MR. SNEED: Object to form and
11 foundation.

12 THE WITNESS: Yes.

13 BY MR. WARREN:

14 Q. Okay. So let's go back to right
15 around when you started at Instagram, around the
16 time of your conversation with Ms. [REDACTED]. I'm
17 going to hand you an exhibit that we will mark as
18 Exhibit 24.

19 (Document marked for identification
20 as Jayakumar Exhibit 24.)

21 MR. WARREN: It bears the Bates
22 stamp META3047MDL-040-00544758.

23 BY MR. WARREN:

24 Q. And I'll represent to you that this
25 document was produced to the plaintiffs by Meta and

1 A. Yes.

2 MR. WARREN: And these will be
3 Exhibits 27 and 28.

4 (Document marked for identification
5 as Jayakumar Exhibit 27.)

6 (Document marked for identification
7 as Jayakumar Exhibit 28.)

8 BY MR. WARREN:

9 Q. And Exhibit 27 is a document
10 bearing the Bates stamp META3047MDL-037-00266408.

11 Do you have that in front of you?

12 A. Yes.

13 Q. And what is this document?

14 A. These are the Instagram community
15 guidelines.

16 Q. Okay. And I'll represent to you
17 this is a version of those guidelines that was
18 provided to the plaintiffs by Meta in the course of
19 this litigation. Any reason to doubt or dispute
20 that?

21 A. No.

22 Q. And if you flip to the back of this
23 document, you'll see the metadata for it. And the
24 metadata, including the file name, indicate this
25 version of the guidelines is dated April 15, 2020.

1 Do you see that?

2 A. It says April 23, 2020.

3 Q. Okay. And can you read the title?

4 A. Wait. Which one?

5 Q. The title on the metadata.

6 A. Community -- oh. "Community
7 Guidelines 2020-04-15." Yeah.

8 Q. So maybe there's some uncertainty
9 as to when in April, but you have no reason to
10 doubt that these are Instagram's community
11 guidelines from April 2020, correct?

12 A. Yes.

13 Q. All right. And Exhibit 28 is a
14 version of the Instagram community guidelines
15 pulled from Meta's website on January 24, 2025, as
16 reflected in the top right corner. Any reason to
17 doubt or dispute that?

18 A. No.

19 Q. Okay. And if you look at the top
20 of the page, you'll see a note indicating that
21 these guidelines were moved on November 12, 2024.

22 Do you see that?

23 A. Yes.

24 Q. And the note also indicates that,
25 "None of the standards will change and they will

1 continue to apply across Instagram."

2 Do you see that?

3 A. Yes.

4 Q. Do you have any reason to doubt
5 that this is an accurate version of Instagram's
6 community guidelines at least as of November 12,
7 2024?

8 A. No.

9 Q. Okay. So we'll refer to Exhibit 27
10 as the April 2020 version of the guidelines and
11 Exhibit 28 as the November 2024 version of the
12 guidelines. Is that fair?

13 A. Yes.

14 Q. Okay. Did you become familiar with
15 Instagram's community guidelines in the course of
16 your work at Meta?

17 A. Yes.

18 Q. Okay. And are they a public-facing
19 document?

20 A. Yes.

21 Q. All right. Please direct your
22 attention to the April 2020 version of the
23 guidelines.

24 Can you please read to the jury the
25 last sentence on the first page?

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1 A. "We have zero tolerance when it
2 comes to sharing sexual content involving minors or
3 threatening to post intimate images of others."

4 Q. All right. Now please direct your
5 attention to the November 2024 version of the
6 guidelines, specifically the middle of the third
7 page.

8 Do you see the same sentence there?

9 A. Yes.

10 Q. So at least from April 2020, to
11 November 2024, Instagram represented to the public
12 that it had zero tolerance when it comes to sharing
13 sexual content involving minors?

14 MR. SNEED: Object to form.

15 THE WITNESS: Yes.

16 BY MR. WARREN:

17 Q. And that's the right policy for the
18 company to have, zero tolerance, would you agree?

19 A. Yes, I would agree.

20 Q. Okay. In your experience, did
21 Instagram's algorithm, in fact, sometimes recommend
22 to its users sexual content involving minors?

23 MR. SNEED: Object to form and
24 foundation.

25 THE WITNESS: Yes.

1 BY MR. WARREN:

2 Q. Did that include content that
3 sexualized minors?

4 A. Yes.

5 MR. SNEED: Object to form and
6 foundation.

7 BY MR. WARREN:

8 Q. All right. I'm handing you now a
9 document that we'll mark as Exhibit 29.

10 (Document marked for identification
11 as Jayakumar Exhibit 29.)

12 BY MR. WARREN:

13 Q. And this is a document bearing the
14 Bates stamp META3047MDL-040-00541113.

15 All right. This appears to be a
16 chat thread that includes several people, including
17 you, dated March 28, 2020.

18 Do you agree?

19 A. Yes.

20 Q. And, again, this would have been
21 very shortly after you started at Meta?

22 A. Yes.

23 Q. Did this chat take place in the
24 ordinary course of your work at Meta?

25 A. Yes.

1 Q. And all the e-mail addresses
2 identified on here are official Meta e-mail
3 addresses, right?

4 MR. SNEED: Object to form.

5 THE WITNESS: Yes.

6 BY MR. WARREN:

7 Q. Who is [REDACTED]?

8 A. [REDACTED] was our -- well, is our
9 Latin America safety policy representative.

10 Q. Okay. And who is [REDACTED]
11 [REDACTED]?

12 A. Our safety policy representative
13 for Sub-Saharan Africa.

14 Q. Can you read the message Ms. [REDACTED]
15 sent to this group, including you, at 6:45 a.m.?

16 A. "@silent is anyone else receiving
17 child abuse reports on platform? In the last
18 24 hours I have received a ton. Sad face. I've
19 seen terrible things, we're not detecting it. Sad
20 face."

21 Q. Okay. And Ms. [REDACTED]'s messages
22 would have been received by all the individuals in
23 the to line, correct?

24 A. Correct.

25 Q. And that includes Ms. [REDACTED], Ravi

1 Sinha, and [REDACTED]?

2 A. Yes.

3 Q. And yourself?

4 A. Yes.

5 Q. I'm handing you another document
6 that we'll mark for identification as Exhibit 30.

7 (Document marked for identification
8 as Jayakumar Exhibit 30.)

9 BY MR. WARREN:

10 Q. This document bears the Bates stamp
11 META3047MDL-050-00285734.

12 Is this a chat thread among you and
13 other Meta employees from March 30, 2020?

14 A. Yes.

15 Q. Did you participate in this chat in
16 the ordinary course of your work at Meta?

17 A. Yes.

18 Q. Can you please tell the jury who
19 the other individuals are that are on this thread?

20 A. [REDACTED] was the head of public
21 policy for Instagram in Europe. Karina Newton was
22 the director of public policy for Instagram. So
23 [REDACTED] reported in to Karina.

24 I don't remember who [REDACTED]
25 was, but I think she was on the content strategy

1 team.

2 [REDACTED] was on the content
3 strategy team, so the team that would be able to
4 modify language that appears within the app.

5 And [REDACTED] was Instagram
6 public policy lead for Germany.

7 [REDACTED], [REDACTED]
8 [REDACTED] was Instagram product policy. And I think
9 that's it.

10 Q. Okay. Now you participated in this
11 chat in the ordinary course of your work at Meta?

12 A. Yes.

13 Q. All right. Apologies if I already
14 asked you that.

15 This chat is two days after the
16 last document we looked at in which [REDACTED] said
17 she received a ton of child abuse reports and seen
18 terrible things, correct?

19 A. Yes.

20 Q. All right. The chat begins with a
21 message from Ms. [REDACTED]; is that right?

22 A. Yes.

23 Q. And it appears she was flagging an
24 issue relating to the reporting of child sexual
25 abuse material on Instagram; is that right?

1 A. Yes.

2 Q. Okay. Specifically she points out
3 that when users were reporting this content, they
4 would get a popup message; is that right?

5 A. Yes.

6 Q. And she shares an image of that
7 message, which I'll represent to you is at the back
8 of this exhibit. Any reason to dispute that?

9 A. I don't think I have the image.

10 Q. It should be -- it should have the
11 last digits 285737. Do you see that?

12 A. I don't have that.

13 MR. WARREN: All right. Let's go
14 off the record and we'll fix that. I apologize.

15 THE VIDEOGRAPHER: The time right
16 now is 3:54 p.m. We are off the record.

17 (Short break.)

18 THE VIDEOGRAPHER: The time right
19 now is 4:10 p.m. We're back on the record.

20 BY MR. WARREN:

21 Q. Okay. Ms. Jayakumar, do you now
22 see the attachment to this exhibit?

23 A. I do.

24 Q. Okay. And can you please read the
25 popup message to the jury?

1 A. "We couldn't review your report.
2 We have fewer people available to review the
3 reports because of the coronavirus (COVID-19)
4 pandemic, so we're only able to review content with
5 the most potential for harm. If you don't want to
6 see amyloves0916 on Instagram, you can unfollow,
7 mute or block them to hide their posts and comments
8 from your feed. Reports like yours are an
9 important part of making Instagram a safe and
10 welcoming place for everyone."

11 Q. Okay, terrific. And just to
12 orient, Ms. [REDACTED] was sending this popup message
13 to you and several others and flagging that this
14 was showing up in response to reports of child
15 sexual abuse material on Instagram; is that right?

16 A. Yes. That's right.

17 Q. Okay. And so then you and several
18 others discuss what to do about this.

19 Karina Newton at 9:11 a.m. says:
20 Weird that we sent this back for
21 CEI.

22 Did I read that correctly?

23 A. Yes, correct.

24 Q. Okay. And is CEI another term for
25 child sexual abuse material?

1 A. Yes.

2 Q. Okay. And does it stand for child
3 exploitation imagery?

4 A. Yes.

5 Q. Okay. Did you also think it was
6 weird that Instagram would be telling people that
7 it couldn't review reports of child sexual abuse
8 material?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes, that was odd.

11 BY MR. WARREN:

12 Q. Okay. And then at 9:29 a.m.,
13 [REDACTED] writes:

14 I think the issue here is that we
15 shouldn't be auto-closing CEI.

16 Is that right?

17 A. Yes, that's right.

18 Q. So that's a somewhat different
19 concern, right?

20 A. Yes.

21 Q. Ms. [REDACTED] isn't expressing a concern
22 with what Instagram tells users who report child
23 sexual abuse material. She's expressing a concern
24 with what Instagram actually does in response to
25 those reports. Is that fair?

1 MR. SNEED: Object to form and
2 foundation.

3 THE WITNESS: Yes, correct.

4 MR. WARREN: And, Mr. Sneed, I'd
5 ask that you let me finish my question before you
6 lodge your objection, please.

7 MR. SNEED: Do my best.

8 BY MR. WARREN:

9 Q. Couple minutes later you chime in,
10 you ask whether this could be a function of how the
11 reporter reported it. Maybe they reported it as
12 something other than CEI.

13 Do you see that?

14 A. Yes.

15 Q. And what did you mean?

16 A. Well, it could have been that, you
17 know, it was actually CEI or CSAM and they reported
18 it as -- you know, maybe they reported it as
19 bullying and harassment or hate or graphic content.

20 Q. Okay. And, again, CSAM is
21 shorthand for child sexual abuse material, right?

22 A. Yes, correct.

23 Q. Okay. But Ms. Newton responds to
24 you and seems to say that's actually not the source
25 of the problem. Is that fair?

1 MR. SNEED: Object to form.

2 THE WITNESS: That's what she says,
3 yes.

4 BY MR. WARREN:

5 Q. And she says, specifically:
6 It doesn't actually matter what
7 people chose in the reporting flow. We run
8 classifiers to categorize.

9 Do you see that?

10 A. Yes.

11 Q. And you say, "Ahh, I see," correct?

12 A. Yes.

13 Q. Okay. And how did you understand
14 Ms. Newton's clarification there?

15 A. I understood it to mean that our
16 classifiers are proactively classifying this
17 content as CEI and then would remove it. So the
18 reason why someone reports it really shouldn't
19 matter.

20 Q. Okay. And since it's been a few
21 hours, can you remind the jury again what
22 classifiers are?

23 A. Classifiers are machine learning
24 algorithms that proactively look for -- in this
25 case, integrity classifiers are machine learning

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1 algorithms that actively look for content that
2 could be violating any one of our policies.

3 Q. Okay. So am I correct that
4 Ms. Newton was essentially saying it doesn't matter
5 how people report this, Instagram is using our own
6 technology to figure out what it is and whether
7 it's child sexual abuse material, is that fair?

8 MR. SNEED: Object to form.

9 THE WITNESS: Yes. Correct.

10 BY MR. WARREN:

11 Q. And so please flip to the next
12 page.

13 Do you see your message at
14 9:40 a.m.?

15 A. Yes. Correct.

16 Q. Can you please read that to the
17 jury:

18 A. "If CEI is determined by
19 classifiers, not the queue it's reported in, then
20 it seems we'd always have this issue. During this
21 time where we're only reviewing the most severe
22 harms, have we considered specific reporting flows
23 for those harms?"

24 Q. And what did you mean?

25 A. So Karina was saying, and I think

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1 earlier on, I think [REDACTED] -- I think -- let me
2 see.

3 So Karina was saying that
4 regardless of the queue you report it in, our
5 classifiers are automatically detecting and
6 labeling content as CEI.

7 And so then I said, if that's the
8 case, then we would always be -- get this issue.
9 Where, you know, it sounds like what might be
10 happening is the classifier is not marking those
11 pieces of content as CEI and then is sending -- and
12 because it's not CEI, isn't, you know, sending them
13 for review or removing them. Instead it's sending
14 the reporting person a message saying sorry, we
15 couldn't review your report.

16 Q. So just so we have a clear record,
17 Ms. Jayakumar. Were you expressing a concern that
18 Instagram's classifiers were not accurate enough to
19 remove child sexual abuse material on the Instagram
20 platform?

21 MR. SNEED: Object to form.

22 THE WITNESS: I was -- I was saying
23 that this issue -- I was saying that this issue
24 wouldn't go away if the classifier was at fault.
25 If this was an issue of the classifier being at

1 fault, then this was -- this issue wasn't going to
2 go away. And so I was suggesting that we offer a
3 specific reporting option instead. So a specific
4 reporting option for CEI.

5 BY MR. WARREN:

6 Q. Okay. And so as of this moment in
7 time, March 30, 2020, is it correct that Instagram
8 did not have a specific way for people to report
9 child sexual abuse material on the platform?

10 MR. SNEED: Object to form.

11 THE WITNESS: Yes.

12 BY MR. WARREN:

13 Q. Okay. And that would have been
14 true whether the user was actually a user of
15 Instagram -- let me withdraw the question.

16 And that would have been true
17 whether the person doing the reporting was logged
18 into Instagram or not; is that correct?

19 MR. SNEED: Object to form.

20 THE WITNESS: Yes. That's right.

21 BY MR. WARREN:

22 Q. Okay. And can you read to the jury
23 Ms. [REDACTED]'s response to your question?

24 A. "We don't have an in-app reporting
25 option for CEI that I'm aware of."

1 Q. And can you read to the jury
2 Ms. Newton's response to your question?

3 A. "We do not."

4 Q. Okay. And can you read to the jury
5 Ms. [REDACTED]'s further response at 9:43 a.m.?

6 A. "I don't think updating our
7 reporting flow options is minimal product work.
8 And I'd be concerned that people would abuse this
9 reporting option to report anything they want
10 reviewed and we'd need to review it because it's
11 been reported as CEI."

12 Q. So did you interpret Ms. [REDACTED]
13 to essentially be saying, A, it'd be a ton of work
14 to build a reporting option for child sexual abuse
15 material, and B, if we did that, then anything that
16 came through that channel, we'd have to review,
17 which would be even more work?

18 MR. SNEED: Object to form.
19 Characterization.

20 THE WITNESS: Yes. That's how I
21 interpreted her message. I was kind of -- I
22 remember this conversation now, and it was very
23 surprising to me. Because reporting CEI is sort of
24 baked into most platforms. It was a surprise to
25 me, I was only two months into the company, it was

1 a surprise to me that you couldn't report CEI
2 within the app.

3 BY MR. WARREN:

4 Q. Did you feel like Instagram should
5 have developed a reporting option for reporting
6 child sexual abuse material?

7 A. Yes, I made this recommendation
8 multiple times. I think, you know, when I joined I
9 made this recommendation here in this chat. I made
10 it several times in conversations after that.
11 Eventually I believe Instagram did report --
12 include the option. But there was a lot of
13 pushback along these lines, that it would be
14 significant product work and that people might
15 abuse the reporting option.

16 Q. Does Ms. [REDACTED]'s response strike
17 you as putting the safety of kids first?

18 MR. SNEED: Object to form.

19 THE WITNESS: It does not.

20 BY MR. WARREN:

21 Q. Okay. And during this time,
22 Instagram had options for reporting other kinds of
23 content that violated its policies, like spam,
24 right?

25 A. Yes. Exactly. There were many

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1 other issues that could be reported in-app, but not
2 CEI.

3 Q. Okay. So you have no doubt that
4 Instagram had the technological ability to create
5 an option for people to specifically report child
6 sexual abuse material?

7 MR. SNEED: Object to form.

8 THE WITNESS: Yes. It is not a
9 significant amount of product work. It's you
10 essentially add an additional option to the
11 existing number of reporting, you know, options
12 that are out there.

13 It is significant work to integrate
14 that into the reviewing queues and then take a look
15 at the reports that have come in. But the actual
16 work of introducing a reporting option is not
17 significant.

18 BY MR. WARREN:

19 Q. Okay. Let me direct your attention
20 to the message you sent at 9:50 a.m.

21 A. Okay.

22 Q. Could you read that to the jury,
23 please?

24 A. "If reports are being categorized
25 using classifiers, I'm not sure that re-reporting

1 the content is going to change that. The best
2 option is one where a classifier just doesn't get
3 it wrong, but where it does, re-reporting may not
4 help."

5 Q. Okay. And were you responding here
6 to the suggestion made earlier in the chat that
7 maybe Instagram should just make people report
8 child sexual abuse material again after receiving
9 that popup?

10 MR. SNEED: Object to form.

11 THE WITNESS: Yeah, the earlier
12 conversation was essentially suggesting that
13 instead of saying we're not able to review your
14 report, to actually urge people to report the
15 content again, if they feel like it is a serious
16 harm like CEI.

17 And I was saying that, well, if the
18 classifier is not detecting it as CEI now,
19 re-reporting it is not going to suddenly make the
20 classifier detect that as CEI.

21 BY MR. WARREN:

22 Q. Okay. So if that suggestion had
23 gone into effect, people only would have had to
24 report spam once, but they would have had to report
25 child sexual abuse material twice in order for

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1 material was zero tolerance, correct?

2 A. Yes. That was a problem.

3 Q. Okay. So if the classifier wasn't
4 actually working, there'd be a disconnect between
5 what was on the platform and what the policy was,
6 correct?

7 MR. SNEED: Object to form.

8 Characterization.

9 THE WITNESS: Yes, that's right.

10 BY MR. WARREN:

11 Q. Okay. I'm going to hand you
12 another exhibit. And this will be marked as
13 Exhibit 31, and it's a document bearing the Bates
14 stamp META3047MDL-144-00000324.

15 (Document marked for identification
16 as Jayakumar Exhibit 31.)

17 BY MR. WARREN:

18 Q. Okay. Please turn to the third
19 page of this.

20 Do you see your name in the middle
21 of the page?

22 A. Yes.

23 Q. And does that indicate to you that,
24 while you were working at Meta, you saw this
25 conversation?

1 A. Yes. I commented on the
2 conversation.

3 Q. All right. Very well.
4 And this appears to be a
5 September -- I'm sorry, I apologize, withdrawn.
6 This document appears to be dated
7 June 16, 2020. Do you agree with that?

8 A. Yes.

9 Q. And the title of the document is,
10 "Instagram Test User: Minor Sexualization/CEI
11 Discoverability."

12 Do you agree with that?

13 A. Yes.

14 Q. Can you explain what this document
15 is?

16 A. So [REDACTED] was on the
17 investigations team, if I'm remembering the name
18 correctly, but had essentially run a test to see
19 the likelihood of being surfaced -- minor --
20 content sexualizing minors in certain environments.

21 So she created an Instagram test
22 user, followed about 70 accounts that I think were
23 either sexualizing minors or talking about minors
24 in some way -- actually it doesn't specify which
25 accounts she followed. So I don't know.

1 But the result of the test was
2 that, had once she followed those accounts, the
3 Feed, Explore, and Recommended accounts were filled
4 almost exclusively with minor sexualization content
5 and accounts.

6 Q. Okay. And it appears there were
7 some other results as well, right?

8 A. Yes. The -- the user -- the test
9 account that they set up also received over 20
10 follow requests.

11 And in the top results of the
12 Explore section, the Explore tab which is a
13 recommendation surface, they found CEI being
14 recommended.

15 Q. Okay. So just to summarize.
16 Investigators at Instagram set up a test account,
17 and in less than 24 hours of setting up that
18 account, the Feed, Explore, and Recommended
19 Accounts sections were filled with minor
20 sexualization content, and child sexual abuse
21 material was recommended to the account as the top
22 result in Explore, correct?

23 A. Correct.

24 MR. SNEED: Object to form.
25 Characterization.

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1 minors behaving in a very sexualized way. It could
2 be just, you know, a skimpy outfit. It could be a
3 provocative dance. But it wouldn't necessarily
4 meet the threshold of being CEI. So it's sort of
5 a -- if you want to think about it, the closest
6 analogy is minor sexualization is the borderline
7 policy for CEI.

8 BY MR. WARREN:

9 Q. Can you go back to the other
10 exhibit, which is Exhibit 31.

11 A. Yes.

12 Q. And can you read that third bullet
13 under the TL;DR section.

14 A. "CEI being recommended as the top
15 result in the Explore section."

16 Q. Okay. So the investigation
17 indicated that child sexual abuse material was
18 being recommended in Explore, correct?

19 A. Yes.

20 Q. And that is inconsistent with the
21 zero tolerance policy that had been in place for
22 Instagram, at least since April 2020, correct?

23 MR. SNEED: Object to form.
24 Characterization.

25 THE WITNESS: Yes. Correct.

1 BY MR. WARREN:

2 Q. You can put that document to one
3 side. I'm going to hand you the next exhibit which
4 is Exhibit 32.

5 (Document marked for identification
6 as Jayakumar Exhibit 32.)

7 MR. WARREN: And this is a document
8 bearing the Bates stamp META3047MDL-047-01219676.

9 BY MR. WARREN:

10 Q. Have you had a chance to review
11 Exhibit 32?

12 A. Yes.

13 Q. This appears to be a September 28,
14 2020, chat thread among you, [REDACTED], and
15 [REDACTED], do you agree?

16 A. Yes.

17 Q. Who is Ms. [REDACTED]?

18 A. [REDACTED] was a data scientist on the
19 child safety team.

20 Q. And who is Mr. [REDACTED]?

21 A. Also on the child safety team as
22 well.

23 Q. Okay. Did you participate in this
24 chat in the ordinary course of your work at Meta?

25 A. Yes.

1 Q. Okay. So September 28, 2020, is
2 three months roughly after the last document we
3 looked at, correct?

4 A. Yes.

5 Q. Okay. And it's several months
6 after the document in which you had raised the
7 possibility that Instagram's classifier for child
8 sexual abuse material might have some problems; is
9 that right?

10 MR. SNEED: Object to form.

11 THE WITNESS: Yes. Yes.

12 BY MR. WARREN:

13 Q. And at 1:02 p.m., Ms. [REDACTED] writes
14 to the group and says:

15 Our CEI deletes on Instagram versus
16 Facebook are approximately 21 times fewer.

17 Did I read that correctly?

18 A. Yes.

19 Q. What does that statistic mean?

20 A. It means that, if you look at the
21 amount of CEI being removed proactively on
22 Instagram, versus Facebook, Instagram has far fewer
23 number of CEI deletions.

24 Q. Okay. And then Ms. [REDACTED] goes on
25 to provide her own explanation. At 1:04 p.m. she

1 says:

2 Basically our enforcement overall
3 on Instagram is not as good and prone to errors we
4 have less experience with.

5 Did I read that correctly?

6 A. Yes.

7 Q. Okay. Did you agree with that
8 statement?

9 A. Yes.

10 Q. And then Ms. [REDACTED] continues with:
11 Another stat: We are autoenforcing
12 90 times fewer IIC on Instagram than on Facebook.

13 Did I read that correctly?

14 A. Yes.

15 Q. Does IIC stand for inappropriate
16 interactions with children?

17 A. Yes.

18 Q. So what does that statistic mean?

19 A. That means that we're automatically
20 removing or -- automatically removing 90 times less
21 amount of inappropriate interactions with children
22 on Instagram than on Facebook.

23 Q. And that's not because there was 90
24 times less of that content on Instagram versus
25 Facebook, correct?

1 you just testified?

2 MR. SNEED: Object to form.

3 THE WITNESS: Yes. That's right.

4 BY MR. WARREN:

5 Q. Okay. I'm going to hand you the
6 next exhibit. This will be Exhibit 33. It's a
7 document bearing the Bates number
8 META3047MDL-031-00192305.

9 (Document marked for identification
10 as Jayakumar Exhibit 33.)

11 BY MR. WARREN:

12 Q. This appears to be an internal
13 presentation prepared by Meta employees titled,
14 "Child Safety on Instagram, Actor behaviors and
15 opportunities?"

16 Do you agree with that?

17 A. Yes.

18 Q. And I'll represent to you that this
19 was produced to us by Meta. Any reason to dispute
20 that?

21 A. No.

22 Q. All right. Before we talk about
23 the presentation, can you turn to the page ending
24 in 2337?

25 A. Okay.

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1 Q. All right. Do you see your name
2 listed at the bottom of the page as a point of
3 contact?

4 A. Yes.

5 Q. Okay. Do you recall seeing this
6 presentation before?

7 A. Yes.

8 Q. Okay. And at the back of this
9 document is a sheet containing its metadata, and
10 I'll represent to you the metadata we were provided
11 by Meta's counsel indicates the document was
12 created on October 2, 2020. Do you have any reason
13 to dispute that?

14 A. No.

15 Q. Okay. So let's go to the first
16 page after the title page.

17 Can you read to the jury the goal
18 of this presentation?

19 MR. SNEED: I'm just going to
20 object to the characterization of the created date.
21 But I understand what you're referring to.

22 Go ahead.

23 THE WITNESS: "To summarize and
24 present early data explorations on bad actors who
25 seek to interact inappropriately with or harm

1 minors on Instagram."

2 BY MR. WARREN:

3 Q. Okay. And there's a trigger
4 warning at the bottom. Can you read that?

5 A. "This deck includes images that
6 illustrate bad actors behaviors. These include
7 (but are not limited to) IIC, CEI, and MS."

8 Q. IIC is inappropriate interactions
9 with children?

10 A. Yes.

11 Q. CEI is child exploitation imagery?

12 A. Yes.

13 Q. And MS is minor sexualization,
14 right?

15 A. Yes.

16 Q. Is it fair to say the authors of
17 this presentation thought a warning was necessary,
18 given that sort of content was contained in the
19 document?

20 A. Yes.

21 MR. SNEED: Object to form and
22 foundation.

23 BY MR. WARREN:

24 Q. And do you agree that's a
25 responsible thing to do because, generally

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1 speaking, people don't want to be exposed to sexual
2 content involving kids, right?

3 A. Yes.

4 Q. All right. Can you flip to the
5 slide ending in 2308.

6 Is this a summary slide?

7 A. Yes.

8 Q. Can you read to the jury Point 5 on
9 the summary slide?

10 A. "We are only at the beginning of
11 our journey. We have a long road ahead of
12 understanding, sizing, detecting, filling gaps in
13 policy, developing solutions, and ensuring
14 consistent and appropriate enforcement."

15 Q. Okay. Would you agree this is
16 consistent with the e-mail thread we just looked
17 at, in which you indicated there were detection,
18 measurement, and enforcement challenges related to
19 child sexual abuse material?

20 A. Yes.

21 Q. Please turn to the next slide.
22 Can you read the headline?

23 A. "Data on the size of the problem
24 and gaps."

25 Q. Can you read the data underneath?

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1 A. 38 times more victims on Instagram
2 compared to Facebook. Yet, 21 times fewer CEI
3 deletes compared to Facebook. And 90 times fewer
4 auto-enforcing of inappropriate interactions with
5 children, compared to Facebook.

6 Q. Now, there's a ton of info in this
7 presentation. But I'd like to turn to some
8 examples that are raised in the presentation.

9 And that may be hard, which is why
10 the trigger warning is on the presentation. So I
11 apologize to you that we have to do it.

12 Can you please turn to the page
13 ending in 2324.

14 What's the title of the slide?

15 A. "Accounts Sexualizing Teens."

16 Q. And do you agree that what's
17 displayed underneath are, in fact, images on
18 Instagram that sexualize teens?

19 MR. SNEED: Object to form.

20 THE WITNESS: Yes.

21 BY MR. WARREN:

22 Q. Including one account titled
23 "Beautiful Little Models"?

24 A. Yes.

25 Q. And one account titled "Teen Bikini

1 Pic"?

2 A. Yes. Yes.

3 Q. Let's turn to the next slide. It's
4 called, "Searching and Discovering," right?

5 A. Yes.

6 Q. Can you read the subtitle?

7 A. "As part of Project Gumshoe,
8 community operations and" -- I forget what OS is --
9 "CO and OS investigators collaborated with Central
10 Integrity to create a test account that simulated
11 the bad actor discoverability process. Below are
12 some recommendations and suggestions for this
13 account."

14 Q. And when it says recommendations
15 and suggestions, it's referring to what the
16 Instagram algorithm recommended and suggested to
17 the test account, correct?

18 A. Yes.

19 Q. And can you describe what was
20 recommended and suggested to the account?

21 MR. SNEED: Object to form.

22 THE WITNESS: Accounts that
23 referenced young boys and young children, as well
24 as megalinks, which is a form of file transfer that
25 takes place off platform and has been used in many

1 instances to transfer CEI between individuals.

2 BY MR. WARREN:

3 Q. In the top left box, it appears
4 there's an image of someone just typing the letter
5 H into a search bar. Do you agree with that?

6 A. Yes.

7 Q. What's the first account that
8 Instagram recommends?

9 MR. SNEED: Object to form.

10 THE WITNESS: "Hottieskids."

11 BY MR. WARREN:

12 Q. And what is the description of the
13 account?

14 A. "Hot young boys."

15 Q. And let's look at the picture to
16 the right, which is called "Discover People."
17 What's that feature on Instagram?

18 A. It's accounts that you may want to
19 follow or that you may find interesting based on
20 your interests and people you follow.

21 Q. And Instagram affirmatively
22 suggests accounts to users through that feature,
23 right?

24 A. Yes.

25 Q. And what did it suggest to this

1 account?

2 MR. SNEED: Object to form.

3 THE WITNESS: It seemed to
4 recommend a number of accounts related to young
5 children.

6 BY MR. WARREN:

7 Q. Including an account called
8 "hotcutes"?

9 A. Yes.

10 Q. And in this screen capture, one of
11 the accounts appears to end in "boy745," and
12 include a picture of a young boy with no shirt,
13 right?

14 A. Boy745 -- oh yes, that's right.

15 Q. Can you describe the screenshot to
16 the right of that?

17 A. This looks like the Explore tab of
18 this account, and the videos and images being
19 recommended are all of young boys, many of whom are
20 shirtless or presented in a sexualizing way.

21 Q. Let's flip to the next page.
22 What's the title of the slide?

23 A. "Soliciting Images."

24 Q. Can you read the subheading please:

25 A. "Lower risk if soliciting from

1 other actors. Higher risk if soliciting from
2 targets (see below slides on Active/Higher effort
3 behaviors). This behavior is illegal and
4 reportable to NCMEC. It's common for actors to
5 pose as teens."

6 Q. And is it your understanding of
7 what follows, that these are examples of adults
8 posing as teens to sexually exploit kids on
9 Instagram?

10 MR. SNEED: Object to form.
11 Characterization.

12 THE WITNESS: It's not clear if
13 these are adults posing as teens. But it does look
14 like accounts claiming to be teens.

15 BY MR. WARREN:

16 Q. Accounts claiming to be teens and
17 soliciting --

18 A. Soliciting sexual images, yes.

19 Q. Okay. And that includes an account
20 that says, "DM me I am 15"?

21 A. Yes.

22 Q. And underneath, the hashtags
23 include, gay 12 years old. And that's misspelled,
24 correct?

25 A. Yes.

1 Q. And is it your understanding that
2 hashtags are commonly misspelled to avoid
3 detection?

4 A. Yes. They commonly are misspelled
5 to avoid detection, but there needs to be some sort
6 of consensus within the community to actually make
7 them valuable hashtags.

8 Q. And underneath it says, "DM me I'm
9 14 bottom looking for daddy or BBC," correct?

10 A. Yes.

11 Q. Does that have any place on
12 Instagram?

13 A. No, not at all.

14 Q. But it was on Instagram, right?

15 A. Yes.

16 Q. Let's turn to the next page.
17 What's the title of this slide?

18 A. "Hashtags."

19 Q. And what's the subheading?

20 A. "Using Hashtags to find (and also
21 share) content."

22 Q. And underneath there's a screen
23 shot with a search bar. Do you agree?

24 A. Yes.

25 Q. And it appears the investigator has

1 typed "childporn" into the search bar. Do you
2 agree?

3 A. Yes.

4 Q. And what are the hashtag results
5 that Instagram recommends in response to that
6 search query?

7 MR. SNEED: Object to form.

8 THE WITNESS: Plenty of hashtags
9 with the term "child porn" in it.

10 BY MR. WARREN:

11 Q. Including one that says, "child
12 porn is good," right?

13 A. Yes.

14 Q. And one that says, "child porn
15 collection"?

16 A. Yes.

17 Q. Let's skip to the slide ending in
18 2332 please.

19 What's the title of this slide?

20 A. "Comments."

21 Q. And how would you describe the
22 content that's depicted on this slide?

23 A. They are all comments on images of
24 young girls and they are -- some of them are just
25 very appreciative, but many of them are fully

1 sexualizing.

2 Q. Including one comment that says,
3 "I'm going to slide right in," right?

4 A. Yes.

5 Q. And the screen shot in the middle
6 appears to display the account of username
7 trade_mega_link1.

8 Do you see that?

9 A. Yes.

10 Q. The description says, "Trade and
11 exchange boy or girl mega," and the word "trade" is
12 misspelled.

13 Do you see that?

14 A. Wait. Where am I looking? Is it
15 on this page?

16 Q. Mm-hmm.

17 A. I don't see that.

18 Q. All right. Based on your
19 experience of working on digital child safety
20 issues, is "mega" a common misspelling of image
21 used by pedophiles?

22 A. It can be. It's usually more an
23 abbreviation for megalinks, a platform where CEI
24 images and links are shared.

25 Q. All right. Let's go to the slide

1 ending in 2334. Do you see that?

2 A. Yes.

3 Q. What's the title of this slide?

4 A. "Sharing content & connecting."

5 Q. And here, do you see a screen shot
6 displaying the account of username
7 trade_mega_link1?

8 A. Yes.

9 Q. All right. And the description
10 here says, "trade and exchange boy or girl mega,"
11 correct?

12 A. Megalink, yes.

13 Q. Okay. And the account appears to
14 have several photos of young shirtless boys, right?

15 A. Yes.

16 Q. Including one boy who appears to be
17 sleeping?

18 A. Yes.

19 Q. And on the right, are those
20 examples of pedophiles messaging one another on
21 Instagram, that the authors of this presentation
22 included as an example?

23 A. Yes. These are child sexual abuse
24 predators messaging one another, essentially trying
25 to build community and trade images.

1 Q. Let's turn to the next page. And
2 this will be the last one from this document.

3 The slide is called "User
4 Experience," right?

5 A. Yes.

6 Q. Would you agree this appears to
7 relay the impressions provided to Instagram by
8 three of its users?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes.

11 BY MR. WARREN:

12 Q. Can you read them to the jury?

13 A. "Seeking. 'We had an account
14 called "High school girls robotics team" and we
15 started to get some older men following us and
16 watching us. I realized that they probably just
17 searched 'high school' or 'girls' to find us."

18 From a teen woman.

19 "Commenting. 'She posted a picture
20 in a bikini and there were all these older men
21 making inappropriate comments and asking when she
22 would post more pictures. Mom speaking on
23 daughter's/influencer's experience."

24 "Stalking. 'I'll see a random
25 person watching my Story and when I look into them

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1 I realize it's an old man with kids and a wife.
2 What business does he have watching a young girl's
3 Story? Teen woman."

4 Q. Okay. And actually let's do two
5 pages forward. And then we'll be done with this
6 document. Do you see the slide called
7 "Contacting"?

8 A. Yes.

9 Q. And do you see the grey box at the
10 bottom?

11 A. Yes.

12 Q. Can you please read that to the
13 jury?

14 A. "Disrupt the ability for predators
15 to find targets on Instagram: Facebook disrupts
16 the ability for predators to discover minors (using
17 People You May Know) to prevent unconnected adults
18 from discovering or initiating conversations with
19 minors. Instagram has no similar logic for
20 Accounts You May Follow. We're in the process of
21 understanding minor discoverability on selected
22 surfaces on Instagram (example: search, suggested
23 accounts). For more on proactive detection and
24 product solutions, refer to: 'Child safety
25 landscape - Instagram' (POC, point of contact,

1 Vaishnavi J."

2 Q. And that's you, right?

3 A. That's me, yes.

4 Q. Okay. What are the Accounts You
5 May Follow feature?

6 A. Accounts You May Follow -- so on
7 Facebook, you know, it's really centered on finding
8 your friends. On Instagram it's not necessarily
9 the case. You may follow a celebrity chef, you may
10 follow a gardener.

11 And so the concept of recommending
12 people you may know on Facebook, on Instagram
13 translates into accounts that you may want to
14 follow or that you may be interested in.

15 When I joined Instagram, I think it
16 was one of the first things that I flagged for the
17 child safety team saying that hey, Accounts You May
18 Follow is surfacing minors on Instagram. So it was
19 one of the first things that I noticed, you know,
20 as part of my assessment of the platform.

21 And so, this kicked off this
22 project to really understand where are we able to
23 easily detect minors on the platform. And then
24 this document, "Child safety landscape - Instagram"
25 captured some of those surfaces.

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1 Q. Okay. Earlier we looked at a slide
2 that had an image labeled "Discover People."

3 Do you recall that?

4 A. Yes.

5 Q. Is that the same as Accounts You
6 May Follow?

7 A. Yes.

8 Q. Okay. And through Accounts You May
9 Follow, Instagram affirmatively recommends certain
10 accounts to its users, correct?

11 A. Yes.

12 Q. And you're saying that shortly
13 after you joined, you flagged the problem that
14 Accounts You May Follow may be surfacing pedophile
15 accounts to users, right?

16 MR. SNEED: Object to form.

17 THE WITNESS: I -- I flagged that
18 accounts you may know may be surfacing minor
19 accounts to users. So teen accounts to users.

20 BY MR. WARREN:

21 Q. I see. And this presentation was
22 from October 2020, that's ten months after you
23 joined, right?

24 A. Yes.

25 Q. And as of ten months after you

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1 joined, Instagram had not fixed the problem that
2 you had identified of Accounts You May Follow
3 surfacing minor accounts to adults, correct?

4 MR. SNEED: Object to form.

5 THE WITNESS: Correct, yeah. So
6 Facebook -- as it says here, Facebook already had
7 disrupted this ability. So minors weren't
8 surfacing in account -- in People You May Know, so
9 that potential predators wouldn't be able to find
10 them. Instagram had not yet done that.

11 BY MR. WARREN:

12 Q. And we looked at some of the
13 results of that earlier in this presentation,
14 correct?

15 A. Yes.

16 MR. SNEED: Object to form.

17 BY MR. WARREN:

18 Q. Do you agree that the things we
19 just looked at are hard to stomach?

20 A. Yes.

21 Q. Is any of it consistent with Meta's
22 public-facing policy of zero tolerance for child
23 exploitation?

24 MR. SNEED: Object to form.

25 THE WITNESS: No. It's not.

1 BY MR. WARREN:

2 Q. Did Meta at any point caveat its
3 public-facing policy by identifying these problems
4 to the public?

5 MR. SNEED: Object to form and
6 foundation.

7 THE WITNESS: I think Meta has
8 talked on occasion and regularly about the
9 challenges with finding some of this content.
10 It's, you know, engaged a number of partnerships
11 with industry. But I don't think it's ever really
12 articulated the extent of the -- the severity of
13 the problem on the platform.

14 BY MR. WARREN:

15 Q. And we looked at the policy, which
16 was consistent from 2020 to 2025, correct?

17 A. Yes.

18 Q. And at no point did Meta edit that
19 policy to say, we have a zero tolerance policy that
20 we have a problem enforcing, correct?

21 MR. SNEED: Object to form.

22 THE WITNESS: Yes.

23 BY MR. WARREN:

24 Q. Did Meta warn parents of these
25 dangers to their children on Instagram?

1 MR. SNEED: Object to form.

2 THE WITNESS: Yes.

3 BY MR. WARREN:

4 Q. You believe they warned --

5 A. Oh no, sorry, they didn't warn
6 parents.

7 Q. Let me ask the question again to
8 get a clean record.

9 Did Meta warn parents of these
10 dangers to their children on Instagram?

11 MR. SNEED: Object to form.

12 THE WITNESS: No.

13 BY MR. WARREN:

14 Q. Did Meta warn children they may be
15 exposed to these sorts of interactions?

16 MR. SNEED: Object to form.

17 THE WITNESS: No.

18 BY MR. WARREN:

19 Q. But Meta thought it was worth
20 including a trigger warning on this presentation
21 for its own employees, correct?

22 MR. SNEED: Object to form.

23 THE WITNESS: Yes.

24 BY MR. WARREN:

25 Q. All right. Let's look at another

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, VAISHNAVI JAYAKUMAR, have the opportunity to read and sign the deposition transcript.



MICHELLE L. RIDGWAY,
Certified Shorthand Reporter,
(CA-CSR # 14592)
(Certified Court Reporter
(NJ-CCR # XI02126)
Registered Professional Reporter,
Certified Realtime Reporter
and Notary Public
Dated: February 4, 2025

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

Exhibit 2B

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

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: SOCIAL MEDIA ADOLESCENT :MDL NO.
4 ADDICTION/PERSONAL INJURY PRODUCTS :4:22-MD-
5 LIABILITY LITIGATION :3047-YGR

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES
8 SPRING STREET COURTHOUSE

9 COORDINATION PROCEEDING SPECIAL TITLE :
(RULE 3,400) :
10 SOCIAL MEDIA CASES :
11 :LEAD CASE
12 :NO. FOR
13 :FILING
14 :PURPOSES
15 :22STCV21355
16 THIS DOCUMENT RELATES TO:
17 STATE OF TENNESSEE, ex rel, JONATHAN :
18 SKRMETTI, ATTORNEY GENERAL and :
19 REPORTER, :
20 V. :
21 :
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16 DEPOSITION UNDER VIDEO EXAMINATION OF
17 VAISHNAVI JAYAKUMAR
18 JANUARY 31, 2025
19 VOLUME II

20 Continued videotaped deposition of
21 VAISHNAVI JAYAKUMAR, taken pursuant to notice, was
22 held at the law offices of Baker Botts, LLP, 30
23 Rockefeller Plaza, New York, New York, beginning at
24 a.m., on the above date, before Michelle L. 8:34
25 Ridgway, a Registered Professional Reporter,
Certified Court Reporter (NJ-CCR # XI02126),
Certified Realtime Reporter, Certified Shorthand
Reporter (CA-CSR # 14592), and Notary Public.

1 horrificing images of child sexual abuse and content
2 sexualizing minors?

3 MR. SNEED: Object to form.

4 THE WITNESS: Yes.

5 BY MR. WARREN:

6 Q. And that content was actively
7 recommended by Instagram on various surfaces like
8 Explore and Discover People; is that fair?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes.

11 BY MR. WARREN:

12 Q. And you agree those images were
13 inconsistent with Meta's publicly stated zero
14 tolerance policy towards child sexual abuse
15 material?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yes.

18 BY MR. WARREN:

19 Q. Okay. And that brings us to where
20 we left off yesterday, which is Exhibit 34.

21 Do you have that in front of you?

22 A. Yes.

23 Q. Okay. And the first e-mail that we
24 looked at was [REDACTED], and it was sent on
25 November 16, 2020.

1 Do you recall that?

2 A. Yes.

3 Q. And Ms. [REDACTED] sent an e-mail from
4 the Norwegian Broadcasting Corporation, correct?

5 A. Yes.

6 Q. And you testified that you had --
7 you recalled seeing that article at the time and
8 being upset about it; is that right?

9 A. Yes, I was.

10 Q. Okay. So we had been looking at
11 [REDACTED]'s response on November 16, 2020. Can
12 you direct your attention to that?

13 A. Yes.

14 Q. And Mr. [REDACTED] ends his response
15 by saying, "Clearly, we've handed over too much
16 decision power to a technology that's not ready for
17 that yet, and it's beginning to erode people's
18 trust in our systems."

19 Did I read that correctly?

20 A. Yes.

21 Q. Did you agree with Mr. [REDACTED]'s
22 sentiment?

23 A. I agreed that we needed to be more
24 thoughtful about how many of these decisions were
25 going to be automated versus how many of them

1 should continue to be reviewed by humans.

2 Q. Okay. Let's look at earlier in his
3 e-mail. He says this, and I'm quoting:

4 "Here's what Mark said about
5 sending our reviewers home on a press call back in
6 March."

7 Did I read that correctly?

8 A. Yes.

9 Q. And the Mark in question is Mark
10 Zuckerberg, correct?

11 A. Yes.

12 Q. And the reference to sending
13 reviewers home is a reference to Meta's
14 work-from-home policy during COVID-19, correct?

15 MR. SNEED: Object to form.

16 THE WITNESS: Yes.

17 MR. WARREN: Mr. Sneed, please let
18 me finish my question before you object.

19 MR. SNEED: Sure.

20 BY MR. WARREN:

21 Q. What follows appears to be a
22 quotation from Mark Zuckerberg, given in response
23 to a question from an NPR reporter. Do you agree?

24 MR. SNEED: Object to form and
25 foundation.

1 THE WITNESS: I agree.

2 BY MR. WARREN:

3 Q. Mr. [REDACTED] highlights some aspects
4 of that quote in red.

5 Do you see that?

6 MR. SNEED: Object to form.

7 THE WITNESS: Yes.

8 BY MR. WARREN:

9 Q. I'd like to read the beginning, and
10 you can tell me if I read it correctly.

11 Mr. Zuckerberg said:

12 "We have moved, or are in the
13 process of moving, the most sensitive types of
14 content that need to get extra attention over to
15 full-time employees for the time being. So that's
16 the work on suicide and self-injury prevention.
17 It's the work on child exploitation, counter --
18 counter-terrorism. Those are kind of the types of
19 examples. We're actually surging the number of
20 people who are working on those things."

21 Did I read that correctly?

22 A. Yes.

23 Q. That's not actually what happened,
24 is it?

25 A. Meta did increase the number of

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1 full-time employees who were working on those
2 things. The issue that [REDACTED] was pointing out is
3 that before the classifiers could proactively --
4 before the classifiers could -- before humans can
5 review the content, classifiers need to, you know,
6 review and send the content over to people to be
7 reviewed. And the classifiers weren't doing that
8 correctly.

9 Q. Well, let's look at Mr. [REDACTED]'s
10 response on the first page of the document.

11 Can you flip to that?

12 A. Yes.

13 Q. And actually, let me withdraw that
14 question.

15 Do you see your response to
16 Mr. [REDACTED] on November 18, 2020?

17 A. Yes.

18 Q. And do you see the first bullet of
19 your response?

20 A. Yes.

21 Q. Can you read that, please.

22 A. "The CO," community operations,
23 "human review capacity for CEI is at approximately
24 30 percent. CO Safety suspects this will continue
25 to be true for many more months to come for large

1 pools of queues with less than 20 percent projected
2 supply for the near future."

3 Q. Does reading that cause you to want
4 to revise the testimony you just provided about the
5 amount of human reviewers that were available to
6 review sexual abuse material?

7 MR. SNEED: Object to form.

8 THE WITNESS: So what Mark was
9 referring to, from my understanding, was the issue
10 of moving some of this work, a lot of this work,
11 from external vendors to full-time employees.

12 And in the process -- and so the
13 number of full-time employees working on the issue
14 surged, but the human review capacity was still
15 really low because there's not that many full-time
16 employees that can review CEI.

17 BY MR. WARREN:

18 Q. So I don't know if I'm completely
19 following your answer, Ms. Jayakumar.

20 A. Yeah.

21 Q. Just help me understand.

22 A. Yes.

23 Q. So Mr. Zuckerberg appears to have
24 said, we're surging the number of people who are
25 working on those things, and "things" includes

1 child exploitation. That's what he told the press.

2 Do you agree with that?

3 A. I do.

4 Q. Okay. And in your response to
5 Mr. [REDACTED]'s e-mail, you point out that human
6 review capacity for child sexual abuse material is
7 at approximately 30 percent of what it should be.

8 Do you agree with that?

9 A. Yes, I do.

10 Q. So that's not a surge, is it?

11 MR. SNEED: Object to form.

12 THE WITNESS: So it's not a surge
13 in the total number of people, but it's still a
14 surge in the total number of full-time employees.

15 So typically, CEI was not
16 handled -- the review of CEI content wouldn't be
17 handled by full-time employees. It would be
18 handled by contractors or vendors that are part of
19 big outsourcing operations.

20 Those folks -- so he -- what he was
21 saying is that we're moving the review of this
22 content from those folks to full-time employees.

23 So surging the number of people was
24 surging the number of full-time employees who were
25 working on this. But the overall capacity is still

1 very low. That's true.

2 BY MR. WARREN:

3 Q. Okay. I just want to make sure I'm
4 clear so we can get a clear record.

5 It appears that the number of
6 full-time reviewers for this material went up.

7 A. Yes.

8 Q. But the number of contract
9 reviewers to review this material went down?

10 A. Yes.

11 Q. Okay. And on net, that resulted in
12 less human review of child sexual abuse material
13 during COVID; is that correct?

14 MR. SNEED: Object to form.

15 THE WITNESS: Yes. Yes.

16 BY MR. WARREN:

17 Q. And what Mr. Zuckerberg says,
18 again, is, "We're actually surging the number of
19 people who are working on those things."

20 Do you see that?

21 MR. SNEED: Object to form.

22 THE WITNESS: Yes. And I think
23 that that sounded a little bit more vague than it
24 should have. Because it sounded like it was the
25 total number of reviewers, when it sounds like what

1 he really meant was the number of full-time
2 employees.

3 BY MR. WARREN:

4 Q. Okay. Well, regardless of what he
5 meant or not, he said, "We're surging the number of
6 people who are working on child exploitation,"
7 correct?

8 MR. SNEED: Object to form.

9 THE WITNESS: Yes.

10 BY MR. WARREN:

11 Q. But, in fact, Meta was not surging
12 the number of people working on child exploitation,
13 correct?

14 MR. SNEED: Object to form.

15 THE WITNESS: Not the total number
16 of people, no.

17 BY MR. WARREN:

18 Q. Okay. And as a consequence of
19 that, the capacity to review potential child sexual
20 abuse material on Instagram went down significantly
21 during COVID; isn't that correct?

22 MR. SNEED: Object to form.

23 THE WITNESS: Yes, that's correct.

24 BY MR. WARREN:

25 Q. Okay. And you provided a stat to

1 your teammates indicating that actually the
2 projected supply of reviewers was less than
3 20 percent of what it needed to be; is that
4 correct?

5 A. Yes, correct.

6 Q. Okay. And at no point did Meta
7 warn parents that, actually, Meta only had
8 20 percent of the bodies it would need to review
9 potential child sexual abuse material on Instagram,
10 did it?

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

13 THE WITNESS: Not to my knowledge,
14 no.

15 BY MR. WARREN:

16 Q. And do you think parents had a
17 right to understand that?

18 MR. SNEED: Object to form. Calls
19 for a legal conclusion.

20 THE WITNESS: I do think parents
21 had a right to know that.

22 BY MR. WARREN:

23 Q. Okay. Especially during the
24 pandemic when more kids were necessarily online; is
25 that right?

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1 problem had not been fixed in the intervening
2 12 months?

3 A. Yes.

4 Q. Okay. You can put that document to
5 one side.

6 I'm going to hand you what's been
7 marked for identification as Exhibit 36. This is a
8 document bearing the Bates stamp
9 META3047MDL-020-00151907.

10 (Document marked for identification
11 as Jayakumar Exhibit 36.)

12 BY MR. WARREN:

13 Q. And I'll represent this was
14 produced to us by Meta and found within your
15 electronic files. Do you have any reason to
16 dispute that?

17 A. No.

18 Q. Okay. Do you recall seeing this
19 document before?

20 A. I'm familiar with this
21 interstitial, yes.

22 Q. Okay. And am I correct that this
23 is a screen shot of Instagram with the word
24 "childporn" written in the search bar?

25 A. Yes.

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1 Q. And this displays an interstitial
2 that pops up in response to entering that search,
3 correct?

4 MR. SNEED: Object to form.

5 THE WITNESS: Yes.

6 BY MR. WARREN:

7 Q. Okay. Can you read the text of
8 this interstitial, please.

9 A. "This May Be Associated With Child
10 Sexual Abuse.

11 "This term is sometimes associated
12 with sexual images or videos of children.

13 "Child sexual abuse or viewing
14 sexual imagery of children can lead to imprisonment
15 and other severe personal consequences.

16 "This abuse causes extreme harm to
17 children and searching and viewing such materials
18 adds to that harm.

19 "If you see this type of activity
20 here, see how to report it to us and to law
21 enforcement in the link below."

22 Q. Okay. And then there are two
23 options underneath that text.

24 Do you see that?

25 A. Yes.

1 Q. The first option says, "See How To
2 Report," correct?

3 A. Yes.

4 Q. And then the second option says,
5 "See results anyway."

6 Do you see that?

7 A. Yes.

8 Q. So that option allowed the user to
9 click past the warning and see the results of the
10 child porn search despite the warning; is that
11 correct?

12 MR. SNEED: Object to form.

13 THE WITNESS: Yes.

14 BY MR. WARREN:

15 Q. And the interstitial makes clear
16 that what may appear after clicking that button
17 include child sexual abuse and sexual imagery of
18 children, correct?

19 MR. SNEED: Object to form.

20 THE WITNESS: Yes.

21 THE VIDEOGRAPHER: Excuse me,
22 Counsel. I'm sorry to interrupt. I'm getting a
23 notification that their audio is not okay. So can
24 we just go off the record just to clear that up?

25 MR. WARREN: No, we can't.

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1 Wall Street Journal article in that post, correct?

2 A. Yes.

3 Q. I'm going to hand you a copy of
4 that, which we'll mark for identification as
5 Exhibit 38.

6 (Document marked for identification
7 as Jayakumar Exhibit 38.)

8 BY MR. WARREN:

9 Q. Is this the article that you
10 referenced in your LinkedIn post?

11 A. Yes.

12 Q. The lead reporter is someone named
13 Jeff Horwitz; is that right?

14 A. Yes.

15 Q. Did you speak to him?

16 A. I did.

17 Q. When?

18 A. I don't know the exact date, but
19 when he was preparing this article.

20 Q. Okay. And the article is dated
21 November 27, 2023; is that right?

22 A. Yes.

23 Q. Okay. What did you tell
24 Mr. Horwitz?

25 A. I said that we either need to ramp

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1 up our content detection capabilities or we should
2 just block out minor content from Recommendations.

3 Q. Okay. Can you please read the
4 first few paragraphs of the article to the jury.

5 A. "Instagram's Reels video service is
6 designed to show users streams of short videos on
7 topics the system decides will interest them, such
8 as sports, fashion or humor.

9 "The Meta Platforms-owned social
10 app does the same thing for users its algorithm
11 decides might have a prurient interest in children,
12 testing by The Wall Street Journal showed."

13 Q. Keep going, please.

14 A. "The Journal sought to determine
15 what Instagram's Reels algorithm would recommend to
16 test accounts set up to follow only young gymnasts,
17 cheerleaders and other teen and preteen influencers
18 active on the platform.

19 "Instagram's system served jarring
20 doses of salacious content to those test accounts,
21 including risqué footage of children as well as
22 overtly sexual adult videos - and ads for some of
23 the biggest U.S. brands."

24 Q. Okay. Thank you.

25 Ms. Jayakumar, all of these

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1 problems were ones that you had flagged internally
2 as early as March 2020, just weeks after you
3 started at Meta, correct?

4 MR. SNEED: Object to form.

5 THE WITNESS: Many of these
6 problems I had flagged as early as March. I think
7 from March to May 2020.

8 BY MR. WARREN:

9 Q. And you agree that these problems
10 are inconsistent with Meta's publicly stated
11 zero-tolerance policy for child exploitation
12 material, correct?

13 MR. SNEED: Object to form.

14 THE WITNESS: Yes. I agree.

15 BY MR. WARREN:

16 Q. All right. Let me direct your
17 attention to the top of the second page.

18 Do you see a quote from a Meta vice
19 president named Samantha Stetson?

20 A. Yes.

21 Q. Could you please read that to the
22 jury.

23 A. "'Our systems are effective at
24 reducing harmful content, and we've invested
25 billions in safety, security and brand suitability

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1 solutions,'" said Samantha Stetson, a Meta vice
2 president who handles relations with the
3 advertising industry."

4 Q. Okay. Based on your three and a
5 half years working at Meta on child safety issues,
6 do you think it's accurate that Meta's systems are
7 effective at reducing harmful content related to
8 child sexualization and child exploitation?

9 MR. SNEED: Object to form.

10 THE WITNESS: Without any measure
11 of how much of a reduction we are talking about,
12 the statement is technically correct.

13 BY MR. WARREN:

14 Q. Okay. Well, let's unpack that,
15 then.

16 What do you think constitutes
17 effectiveness when it comes to reducing harmful
18 content related to child sexualization and child
19 exploitation?

20 A. I don't think we can talk about
21 effectively reducing harmful content without
22 agreeing more broadly on what those -- what those
23 metrics are. Is it okay for 1 percent of the
24 content on the platform to include child sexual
25 abuse material, 2 percent, zero percent?

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1 As far as I know, I don't think
2 Meta has ever specified what percentage would be
3 considered effective.

4 And so, yes, the systems reduce
5 harmful content, but it's not -- but not, in my
6 opinion, by as much as they should.

7 Q. Meta has specified a percentage,
8 hasn't it? It said zero. It has a zero-tolerance
9 policy for this material, isn't that correct?

10 A. It is --

11 MR. SNEED: Object to form.
12 Characterization.

13 THE WITNESS: Sorry.

14 It has a zero percent tolerance for
15 child sexual exploitation. It looks like Sam
16 Stetson was talking about reducing harmful content
17 more broadly.

18 BY MR. WARREN:

19 Q. Right. And I'm asking you about
20 reducing harmful content related to child sexual
21 exploitation. That's my specific question. So I'm
22 going to ask you again.

23 Based on your experience working at
24 Meta for three and a half years on child safety
25 issues, do you think it's accurate to say that

1 Meta's systems are effective at reducing harmful
2 content related to child sexualization and child
3 exploitation?

4 MR. SNEED: Object to form.

5 THE WITNESS: No.

6 BY MR. WARREN:

7 Q. Thank you.

8 So please flip to the next page.

9 Near the bottom, do you see the
10 paragraph beginning with "Current and former Meta
11 employees"?

12 A. Yes.

13 Q. Could you please read that to the
14 jury.

15 A. "Current and former Meta employees
16 said in interviews that the tendency of Instagram
17 algorithms to aggregate child sexualization content
18 from across its platform was known internally to be
19 a problem. Once Instagram pigeonholes a user as
20 interested in any particular subject matter, they
21 said, its recommendation systems are trained to
22 push more related content to them."

23 Q. Do you agree with the proposition
24 in the first sentence there?

25 A. I do.

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1 Q. Were you one of the former Meta
2 employees who said that to The Wall Street Journal?

3 THE WITNESS: Mike?

4 Can I consult with my lawyer?

5 MR. WARREN: Of course. Why don't
6 we go off the record and the tech can fix the audio
7 too.

8 THE VIDEOGRAPHER: The time right
9 now is 9:12 a.m. We are off the record.

10 (Short break.)

11 THE VIDEOGRAPHER: The time right
12 now is 9:15 a.m. We're back on the record.

13 BY MR. WARREN:

14 Q. I just want to direct your
15 attention to one more part of this article,
16 Ms. Jayakumar.

17 Near the bottom of that page it
18 says, "Preventing the system from pushing noxious
19 content to users interested in it" -- let me
20 withdraw the question.

21 Okay. Near the bottom of that
22 page, Ms. Jayakumar, it says:

23 "Preventing the system from pushing
24 noxious content to users interested in it requires
25 significant changes to the recommendation

1 algorithms that also drive engagement for normal
2 users."

3 Did I read that correctly?

4 A. Yes.

5 Q. Okay. And do you agree with that
6 proposition?

7 A. Yes.

8 Q. Okay. And then the next sentence
9 in the article says, "Company documents reviewed by
10 the Journal show that the company's safety staffers
11 are broadly barred from making changes to the
12 platform that might reduce daily active users by
13 any measurable amount."

14 Did I read that correctly?

15 A. Yes.

16 Q. And based on your three and a half
17 years of working at Instagram, do you agree that
18 its safety staffers are broadly barred from making
19 changes to the platform that might reduce daily
20 active users by any measurable amount?

21 MR. SNEED: Object to form.

22 THE WITNESS: I'm not familiar with
23 the company documents reviewed here. But it is
24 generally quite difficult to make changes that
25 are -- it is generally pretty difficult to make

1 safety changes that might impact growth or daily
2 active users by any significant amount.

3 BY MR. WARREN:

4 Q. And do you believe that's the
5 reason why Instagram failed, over three years, to
6 solve the problem of the Reels algorithm
7 recommending child sexualization content to
8 pedophiles?

9 MR. SNEED: Object to form.

10 THE WITNESS: I think it's a
11 significant reason.

12 BY MR. WARREN:

13 Q. Okay. Turning to the next page
14 here, it says here, "Even before the 2020 launch of
15 Reels, Meta employees understood that the product
16 posed safety concerns, according to former Meta
17 employees."

18 Do you see that?

19 A. Yes.

20 Q. Do you agree with that proposition?

21 A. Yes.

22 Q. And finally, skip down one
23 paragraph to the paragraph beginning with "In."

24 Do you see that?

25 A. Yes.

1 Speculation.

2 THE WITNESS: Not based on what
3 this document said in 2021.

4 BY MR. KOSSLYN:

5 Q. Okay. I'm going to turn us over to
6 Exhibit 45, which is META3047MDL-014-00206538.

7 (Document marked for identification
8 as Jayakumar Exhibit 45.)

9 BY MR. KOSSLYN:

10 Q. So this appears to be an e-mail
11 thread between you and [REDACTED] and [REDACTED];
12 is that correct?

13 A. Yes. And Antigone Davis.

14 Q. Yes.

15 I think you may have referenced
16 this yesterday, but just refresh my recollection,
17 who is [REDACTED]?

18 A. [REDACTED] was on the safety
19 policy team with [REDACTED] and me. She reported into
20 Antigone.

21 Q. And you see the header, "Re: Child
22 Safety State of Play - Timely/Action needed"?

23 A. Yes.

24 Q. Do you think this was discussing
25 the Child Safety State of Play document we were

1 just referencing?

2 A. That's right. Yeah.

3 Q. Okay. Take as long as you need to
4 review this.

5 I'll note that I'm mostly going to
6 be focusing on the original e-mail here from [REDACTED]
7 [REDACTED], the 24th of September. And specifically
8 starting on the fourth page, which is Bates ending
9 in 541, in the section labeled, "Not ready; work
10 has not yet been prioritized," and then the rest of
11 the document after that.

12 A. Yeah.

13 Q. So I'm going to walk through the
14 various cells in this table and just ask you some
15 follow-up questions.

16 I think we've gone over some of
17 these features before, but I just want to confirm
18 that they -- they are referring to the same things
19 that you testified on yesterday.

20 A. Sure.

21 Q. And provide some additional
22 information.

23 So, first, "Aggregated content on
24 IG surfaces," can you explain what this was.

25 A. Sure.

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1 So our -- the classifiers that were
2 in place were able to proactively detect individual
3 pieces of content that may violate some of our
4 policies, for example, around child exploitation,
5 suicide, self-injury, and so on. But they were not
6 able to proactively detect and take action on
7 groups of content that would appear in one spot
8 together.

9 So the Explore tab, for example, on
10 Instagram will have many pieces of content that all
11 appear at the same time, or Hashtag page might be
12 the same, Reels certainly is like that. And the
13 classifiers that were currently in place could not
14 detect when those aggregated surfaces were
15 violating any of our policies.

16 Q. Now, all of these cells are under
17 the header, "Not ready; work has not been
18 prioritized and more resources are needed"; is that
19 right?

20 A. Yes.

21 Q. Do you know how many resources
22 would have been needed to build this product?

23 MR. SNEED: Object to form.

24 THE WITNESS: I would not be able
25 to say that definitively. I would need to see -- I

1 would need to, you know, really build out a product
2 scope and then make that call.

3 BY MR. KOSSLYN:

4 Q. Okay. Why would this product have
5 been useful to the platform and improve safety for
6 minors?

7 A. Because the -- because places like
8 Explore, Hashtag pages, Reels, all feature --
9 featured minors and were viewable by minors. So
10 improving our ability to detect and remove
11 problematic content from them would have made them
12 safer, both as creators as well as viewers of the
13 platform.

14 Q. Thank you.

15 And then the next cell reads,
16 "Block reach of unconnected adults to IG minors."

17 Can you describe what that product
18 would have been?

19 A. Yeah. So we, I think, talked about
20 this earlier in the deposition, but I was really
21 keen on making sure that minors could not be
22 proactively contacted by adults who had no
23 connection to them.

24 This is something that was already
25 in place as protection on Facebook Messenger, and

1 it wasn't in place on Instagram. However, we have
2 far more discoverability of minors on Instagram
3 than on Facebook. There are also just a lot more
4 young people using Instagram than, say, Facebook or
5 Facebook Messenger.

6 So this was a gap that I had
7 identified, saying that we, you know, don't have
8 this protection in place on Instagram. The product
9 team -- so Interop refers to interoperability
10 between Instagram DMs and Facebook Messenger. So
11 you have probably seen by now that you can kind of
12 switch between those accounts when you're sending
13 messages to one another.

14 And for that launch, product was
15 not agreeing to protect this rule for cross-network
16 messages sent by Facebook adults to Instagram
17 minors, which would have amplified the problem even
18 more, from my perspective.

19 Q. Why did product not agree to do
20 that, as you understand?

21 A. From what I recall, and from this
22 document, it sounds like this was actually -- the
23 ability of Facebook adults to connect with
24 Instagram minors was a big growth bet for the
25 company in some, you know, really understandable

1 ways.

2 For example, parents who might have
3 an account on Facebook but not Instagram, wanting
4 to reach out to their kids who are on Instagram but
5 maybe not on Facebook.

6 And so this was a big growth bet
7 for interoperability.

8 Q. And was the lack of resources
9 raised as a reason why Facebook was not doing this?

10 A. No. This wasn't due to a lack of
11 resources. This was a disagreement on the value of
12 blocking the reach of unconnected adults.

13 Q. Okay. And the next cell, do you
14 see, "IIC classifier use on IG"?

15 A. Yes.

16 Q. I think we also discussed this
17 yesterday. IIC stands for inappropriate
18 interactions with children; is that right?

19 A. Yes.

20 Q. Can you just briefly describe what
21 this feature was or would have been.

22 A. The inappropriate interactions with
23 children classifier -- there are actually a number
24 of IIC classifiers. Some of them looked at the
25 direct messages, the kind of messages that, you

1 know, were going back and forth. Others looked at
2 the way in which adults were trying to reach out to
3 minors.

4 But overall, the premise was that
5 these -- this set of classifiers were monitoring
6 and proactively detecting any inappropriate
7 interactions so they could either protect the minor
8 more or penalize the adult more, or some
9 combination of both.

10 Q. And do you see in the cell to the
11 right where it says, "We need about a week or two
12 of CO review capacity in order to calibrate the
13 classifier for IG use"?

14 A. Yes.

15 Q. Was that your understanding of the
16 only requirement that would have been needed in
17 order to make this technology work?

18 A. So the classifier, as it stood at
19 this time, was trained on Facebook data and not
20 really Instagram data, so that's what we mean by
21 calibrating it.

22 Yes, I think that sounds about
23 right. It wouldn't have taken too much review
24 capacity to get it calibrated for Instagram use.

25 Q. Do you see below that where it

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1 says, "This is low hanging fruit and fully
2 supported by Child Safety CI and IG Policy. We
3 just need help getting CO to prioritize this"?

4 A. Yes.

5 Q. What is your understanding of why
6 CO was not prioritizing this?

7 MR. SNEED: Object to form and
8 foundation.

9 THE WITNESS: I don't remember why
10 CO wasn't prioritizing this back then. This was --
11 this was, you know, nearly five years ago.

12 But -- wait. This was in 2020?

13 BY MR. KOSSLYN:

14 Q. Mm-hmm.

15 A. So, yeah, I don't remember -- I
16 don't remember exactly why. I don't have the
17 documentation.

18 But in 2020, CO was extremely
19 strapped in its resourcing abilities because of
20 COVID-19.

21 Q. Understood.

22 Do you see below that, "Upsell
23 reporting for Disappearing Mode"?

24 A. Yes.

25 Q. Can you explain what that was?

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1 A. So Disappearing Mode, which is also
2 known as Vanish Mode on Instagram today, allows you
3 to send messages to people and then have it
4 disappear, you know, right after. They are
5 ephemeral messages.

6 And so the retention period
7 within -- on the back end for Instagram was
8 14 days. It was one hour for Messenger.

9 Since Disappearing Mode is an
10 ephemeral form of communication, in order to
11 protect minors who might be subject to
12 inappropriate messages or grooming messages, we
13 wanted to upsell and really promote the value of
14 reporting within Disappearing Mode. And so the ask
15 that we had made was support reporting upsells
16 within Disappearing Mode to educate the user that
17 even ephemeral messages can be reported and that
18 they have a limited window of time in which to do
19 so.

20 Q. In the cell to the right it says,
21 "However, product does not have the C0 resource
22 capacity to support reporting upsells within
23 Disappearing Mode to educate the user that even
24 ephemeral messages can be reported."

25 A. Yes.

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1 Q. Can you explain what that means?

2 A. It meant that product did not --
3 well -- in terms -- from what I recall, it's -- I
4 think what this is referring to is that if we
5 upsold reporting, and if that resulted in a large
6 volume of reports from, say, minors, we wouldn't
7 have the capacity to review those reports, and the
8 team that would review the reports would be the
9 community operations team, and we wouldn't have the
10 resources to do that.

11 Q. Okay. So if minors were getting a
12 lot of ephemeral messages that contained reportable
13 content, then they would not know to report those.
14 And the concern is if they did know to report
15 those, that there would be too many reports?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yes, that's right.

18 BY MR. KOSSLYN:

19 Q. Okay. Do you know, did Meta
20 disclose to the public at all that there were, on
21 ephemeral messages, a large volume of IIC or CEI
22 being conveyed?

23 MR. SNEED: Object to form.

24 THE WITNESS: I don't agree that a
25 large amount of IIC or CEI was being conveyed

1 through disappearing messages. That -- that may
2 have been the case, but I don't know if that's
3 true.

4 But, no, Meta didn't provide any
5 external warning that, you know, that there may be
6 a likelihood of IIC or CEI taking place within
7 disappearing messages.

8 BY MR. KOSSLYN:

9 Q. Okay. And then turning to the next
10 cell that says, "Sex trafficking classifier."

11 Can you explain what this was.

12 A. This would be a classifier to
13 proactively detect content that is promoting or
14 soliciting the trafficking of sex workers -- or,
15 actually -- sorry -- trafficking of humans for sex,
16 not necessarily sex workers.

17 Q. Okay. And can you read what the
18 cell on the right says, just the first sentence.

19 A. "We have one engineer dedicated to
20 this work and we have no data science support to do
21 some basic understand work to lower the strikes
22 threshold for prostitution and sexual solicitation
23 strikes (currently set at 17x, which is too high)."

24 Q. What does that mean, do you know?

25 A. So we had an engineer that was

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1 willing to build the classifier, but we needed data
2 science to actually help us understand what the
3 behaviors looked like, like what are the types of
4 behaviors that might constitute sex trafficking on
5 the platform, so that we could build and train the
6 classifier with datasets. Without doing that, it
7 was very difficult to justify lowering the strike
8 threshold.

9 17X, by any measure across the
10 industry, is a very, very high strike threshold.
11 That means that you could incur 16 violations for
12 prostitution and sexual solicitation, and upon the
13 17th violation, your account would be suspended.

14 Q. Okay. So there could be someone
15 who did it 15 times on the platform and there would
16 be no action against them?

17 MR. SNEED: Object to form.

18 THE WITNESS: Their content would
19 be removed, you know, with the strike. But their
20 account would be allowed to remain on the platform,
21 yes.

22 BY MR. KOSSLYN:

23 Q. In your understanding, was Meta
24 reliably accurate at detecting prostitution
25 solicitations?

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1 MR. SNEED: Object to form.

2 THE WITNESS: Not to my
3 recollection.

4 BY MR. KOSSLYN:

5 Q. Okay. Do you know if Meta ever
6 warned the public, or disclosed to the public, that
7 it was not capable of reliably, or with a high
8 degree of reliability, determining when someone is
9 soliciting prostitution?

10 MR. SNEED: Object to form.

11 THE WITNESS: No, I don't think so.

12 BY MR. KOSSLYN:

13 Q. Okay. Scrolling down slightly to
14 the section -- this is now outside the table --
15 "Recommendation - Age Assurance."

16 A. Okay.

17 Q. I'm going to walk through just a
18 few sentences throughout this. I think this is
19 mostly covered in the Exhibit 6 document we
20 previously went through.

21 But do you see where it says, "We
22 need leadership support to push product to act on
23 knowledge we already have, i.e., clear our backlog,
24 disable verified U13s"?

25 A. Yes.

1 Q. Why do you understand that you
2 needed leadership support to do that?

3 A. All these -- all these decisions,
4 all these moves, would require significant product
5 input and -- sorry -- significant product effort.
6 And so we needed -- this was a call, I think, to
7 our leadership to persuade the product team to
8 provide those resources and support this work.

9 Q. And who would your leadership have
10 been?

11 A. This Child Safety State of Play
12 would have gone to Meta's content policy
13 leadership.

14 Q. Do you remember who that would have
15 been at this point?

16 A. I don't know exactly who Antigone
17 sent it to. I didn't have visibility into that.

18 Q. And then "disable verified U13s."
19 Is this just referring to the
20 linked accounts issue or is there something else
21 this incorporates as well?

22 A. I think this refers to disabling
23 any account that we know is under the age of 13.

24 Q. Were there other accounts that Meta
25 knew were under the age of 13 that weren't being

1 disabled, that you're aware of?

2 A. I don't recall.

3 Q. Do you know who might?

4 A. Antigone might.

5 Q. And, "Against this backdrop, our
6 enforcement is not consistent against all apps for
7 a single known person."

8 Is this all referring to the
9 cross-linking?

10 MR. SNEED: Object to form.

11 THE WITNESS: That's right. Yes.

12 BY MR. KOSSLYN:

13 Q. Do you know, was it just the
14 Facebook and Instagram problem that was described
15 in Exhibit 6 earlier? Was it also Instagram to
16 Facebook or some other app to other app?

17 A. I don't recall -- I don't recall
18 how fully -- like, which range of behaviors that
19 was describing.

20 Q. Okay. Do you know who would?

21 A. Probably the identity integrity
22 team.

23 Q. And then near the end of this page,
24 "We also need leadership to support the basic
25 principle that if we're using a signal to predict

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1 age for business purposes, it should be used to
2 enforce on age."

3 What did you understand this to be
4 referring to?

5 This is the same page. It's the
6 second-to-last sentence.

7 MR. SNEED: Object to form.

8 THE WITNESS: I'm trying to
9 understand the context.

10 I believe this is referring to the
11 fact that we sometimes use non-stated age signals,
12 looking at, you know, different aspects of the
13 account's behavior, to try and predict the age of
14 that account, to decide what kind of ads might be
15 most relevant to them, what the best type of
16 promoted content would be for them. And if we are
17 able to do that for business purposes, it says
18 then, we should also be able to do that for
19 integrity purposes. We should also be able to do
20 that to identify an account, for example, as being
21 under 13 and removing it from the platform.

22 BY MR. KOSSLYN:

23 Q. So why would Meta use this
24 algorithmically inferred age rather than stated age
25 for these business purposes?

1 MR. SNEED: Object to form.

2 THE WITNESS: Sometimes because
3 stated age doesn't exist. Instagram only started
4 collecting stated age in 2019. So in those cases,
5 you would need an algorithmically inferred age.

6 There is also value to
7 algorithmically inferred age sometimes. It's
8 sometimes a more accurate predictor than stated
9 age, especially in cases where people lie about
10 their age.

11 BY MR. KOSSLYN:

12 Q. So you had referred to some of
13 those business purposes as being advertising,
14 right?

15 A. Yes.

16 Q. Do you know if there are other
17 business purposes?

18 A. That is the main one I can think
19 of.

20 Q. Okay. Going down to the table now
21 in the next page. This is the cell marked, "Age
22 Management" on the right. I think much of this is
23 the same as what ended up in Exhibit 6, so I'm not
24 going to belabor it.

25 But just to refresh your

1 recollection on the language. "In the meantime,
2 our basic COPPA compliance is at risk when the
3 product does not prioritize checkpointing and
4 disabling U13s."

5 If you can go now down to the cell
6 beneath it, this is under, "Not ready; work has not
7 been prioritized and more resources are needed."
8 "Age data on IG."

9 Do you see that?

10 A. Yes.

11 Q. Can you read the first two
12 sentences?

13 A. "Age models do not work as well in
14 IG because IG only started to collect age data in
15 December 2019. In addition, Adam Mosseri will not
16 support upselling age collection for existing users
17 because he sees it as intrusive data collection."

18 Q. Okay. So why would the fact that
19 Instagram had only started collecting age data in
20 2019 affect the quality of its age models?

21 A. You need to be able to provide data
22 points to the age models to train them, and if you
23 don't have the stated age -- for example, if you
24 don't have the stated age of an account, you can't
25 really compare that against all the predictive

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1 signals you have and understand how close or -- you
2 know, how close to correct or far from correct you
3 are.

4 Q. And this means that even if Meta
5 wanted to use those age models for safety features,
6 they would not have been as reliable as those on
7 Facebook, for example?

8 MR. SNEED: Object to form.

9 THE WITNESS: Yes. Yes, that's
10 right. I believe at this point it was 2020 --
11 actually, I think -- yeah, so this was in 2020, and
12 so we only had stated age for maybe two-thirds of
13 IG users.

14 BY MR. KOSSLYN:

15 Q. Yeah. I think that language is in
16 the very next sentence.

17 So do you know or were you ever
18 informed why Instagram did not collect age data
19 from users prior to December 2019?

20 A. Instagram had very little
21 information on its users prior to -- in many ways,
22 for a long time.

23 You know, if you think about the
24 nature of Instagram as a product, you have a
25 username that's not actually your real name. You

1 have a profile photo. It doesn't have to be your
2 profile photo.

3 For a long time it wasn't
4 necessarily seen as something where you needed to
5 assign, like, a whole, like, identity to it.

6 But then in 2019, I think IG
7 decided to actually start collecting this data.

8 Q. Do you know why they decided to do
9 so in 2019?

10 A. It predates my time there.

11 Q. Okay. And then as you just read,
12 Adam Mosseri allegedly did not support age
13 collection on existing users.

14 Do you understand the basis for
15 that objection?

16 MR. SNEED: Object to form and
17 foundation.

18 THE WITNESS: I understand what
19 he's saying here, yes.

20 BY MR. KOSSLYN:

21 Q. Just to clarify. Do you understand
22 that this is Adam Mosseri's language or this is
23 someone characterizing Adam Mosseri?

24 MR. SNEED: Object to form.

25 THE WITNESS: This is someone

1 characterizing Adam Mosseri.

2 BY MR. KOSSLYN:

3 Q. Okay. Do you understand if
4 Instagram eventually did start collecting age
5 information from existing users?

6 A. Yes, we did.

7 Q. Do you know why Instagram started
8 doing so?

9 A. I think it took a lot of ongoing
10 conversations with Instagram leadership.
11 Eventually, you know, we just -- let's see. I want
12 to be careful about that.

13 Eventually, the company decided to
14 collect age. I know it was an ongoing conversation
15 at the Adam level. But I don't think I can
16 speculate on the exact reason why the company
17 decided to eventually collect age for everyone.

18 Q. Okay. And it's the very last
19 sentence, you "recommend engaging with IG
20 leadership on collecting age for the remaining
21 roughly 33 percent and prioritizing age model
22 maturity on Instagram."

23 Do you understand that some of the
24 remaining 33 percent may have been under the age of
25 13 at this time?

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1 A. They may have been.

2 Q. Okay. And Instagram would have no
3 way of knowing, because they did not disclose their
4 age one way or another to Instagram; is that right?

5 A. Yes.

6 MR. SNEED: Object to form.

7 BY MR. KOSSLYN:

8 Q. Okay. Do you know if,
9 subsequently, when Instagram did require users to
10 state their age, even if they had an Instagram
11 account, if any of those users said they were under
12 the age of 13?

13 A. If they had said they were under
14 the age of 13, they wouldn't have been allowed to
15 remain on the platform or to sign up for an
16 account. So yeah -- so I don't know.

17 Q. I mean, to your knowledge, were
18 there any users that, in fact, were not allowed to
19 continue to have their account because they had
20 indicated they were 12 or younger?

21 A. Not to my knowledge. Not to my
22 direct knowledge.

23 Q. Okay. Would you have had direct
24 knowledge if that was the case?

25 A. I wouldn't necessarily have had

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1 direct knowledge. That would have gone through
2 our, you know, moderators, and it would have -- it
3 wouldn't have necessarily been raised to me.
4 Because it was such a -- it was such a process, an
5 automated process -- not an automated process, but
6 it was such a process.

7 Q. I understand.

8 If you can please scroll up. This
9 is now to your reply to this original e-mail. This
10 will be on Page 2, I believe. Page 1 and 2.

11 You say, "Hi, Karina, thank you for
12 sharing - suggested edits from me are below."

13 And then one of your proposed edits
14 is "Add to 'Not Ready'.

15 "We do not enforce against certain
16 concerning behaviors at scale across
17 Facebook/Instagram."

18 Do you see that?

19 A. Yes.

20 Q. Can you describe what you're
21 describing here?

22 A. So there were -- there are accounts
23 on Instagram that don't have too much activity
24 within the account, you know, when it comes to
25 posts or stories that they are sharing. But all

1 they do is leave very sexual, you know, quote,
2 unquote, romantic messages on pictures of minors.
3 And that's all the account does.

4 That, to me, was a very clear
5 indicator of an account that was dedicated to minor
6 sexualization. And this was something that we were
7 really only able to address upon escalation.

8 And escalation is a long process.
9 It means that someone may report the account. The
10 account may be found to not be -- be not violating,
11 and then some third party, maybe, that they have
12 access to is able to escalate it to us, or to
13 someone within the company, and then we would
14 review it again, at which point it could be
15 disabled.

16 Q. If you can scroll all the way to
17 the top. This is on the first page. When you say,
18 "Hi, Sarah - on 1) This is a policy gap."

19 Can you describe what you mean here
20 by a policy gap?

21 A. Yes. So Sarah was saying in her
22 e-mail that this might be because our AI tooling is
23 not mature enough to proactively detect this
24 content at scale. But what I was saying is that we
25 don't have a policy around what to do with accounts

1 that are only dedicated to leaving sexualizing
2 comments on minors' posts.

3 And so I was saying that this isn't
4 a question -- you can't have a product tool without
5 the foundational policy. So I was saying this is
6 not a product issue, this is a policy issue.

7 Q. So how would this have been
8 enforced at this point, if there were such
9 accounts?

10 A. Yeah. So at this point, what would
11 happen is if -- let's say I, a user on Instagram,
12 reported this piece of content, it would have not
13 violated any of our -- this account -- sorry -- it
14 would not have violated any of our policies. I
15 would have gotten back a message saying there was
16 no violation.

17 I then would have had to find some
18 way to escalate it, perhaps by contacting an
19 Instagram employee or, you know, finding a civil
20 society group that has a relationship with the
21 company.

22 And then those employees or those
23 external groups would escalate it internally to
24 their contacts at the company who would then, you
25 know, send it to an operations team, saying, hey,

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1 can you take a look at this case again. So that's
2 what an escalation would have looked like.

3 Q. In your experience, how many
4 teenagers have relations with Instagram employees
5 or civil society groups?

6 MR. SNEED: Object to form and
7 foundation.

8 THE WITNESS: In my experience,
9 very few.

10 BY MR. KOSSLYN:

11 Q. Okay. And just to confirm on this,
12 this is something you're proposing to add to "not
13 ready," as in Instagram, at present, was not doing
14 anything to address this problem?

15 MR. SNEED: Object to form.

16 THE WITNESS: Yes. That's right.

17 BY MR. KOSSLYN:

18 Q. Do you know did Instagram or Meta
19 warn the public that this was a risk and that this
20 was not covered conduct?

21 MR. SNEED: Object to form.

22 THE WITNESS: No. Meta did not.

23 BY MR. KOSSLYN:

24 Q. And to your knowledge, did Meta
25 revise its policies to address this at some point?

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1 A. I don't remember.

2 Q. Okay. I'm done with this document.
3 We can set it aside.

4 Sorry. If we can reverse that for
5 a moment and go back to -- this would be Page 6,
6 Bates ending in 543.

7 MR. SNEED: The e-mail or the --

8 MR. KOSSLYN: No. This is -- no,
9 this is the table.

10 BY MR. KOSSLYN:

11 Q. This is under the "Global use of
12 age models."

13 A. Okay.

14 Q. Can you read the first sentence
15 there.

16 A. "The best performing age model is
17 not yet globally operational, which leads to a
18 patchwork of integrity measures across the company
19 that leverage age. We need more review resources
20 to establish ground truth data on age in priority
21 marks. We should start by engaging with Core
22 Dimensions (the product team who own the age
23 models) on what markets we've identified and stack
24 ranked as a Policy org to prioritize with their
25 available H2 resources."

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1 Q. Just to confirm, your understanding
2 was the vast performing age model was not available
3 or operational on Instagram itself; is that right?

4 A. The best performing age --

5 Q. Sorry. Let me withdraw that.

6 Your understanding was that the age
7 model that was available in the United States for
8 Instagram was not highly performing; is that right?

9 MR. SNEED: Object to form.

10 THE WITNESS: Yes, that's correct.

11 BY MR. KOSSLYN:

12 Q. Okay. And is your understanding
13 that that complicated or reduced the ability of
14 integrity measures to be employed for minors on the
15 platform?

16 MR. SNEED: Object to form.

17 THE WITNESS: Yes, that's correct.

18 BY MR. KOSSLYN:

19 Q. Okay. Thank you. You can turn the
20 document aside.

21 So I just would like us to briefly
22 return to Exhibit 9, just to refresh your
23 recollection on the date.

24 This document is from March 2021;
25 is that correct?

1 A. It's right here.

2 Q. Okay. Do you see that?

3 A. Yes.

4 Q. Now, this was presented to you by
5 defense counsel as a list of all the great things
6 that Instagram has done to keep things safe.

7 Is that a fair characterization of
8 the line of questions you were presented with?

9 MR. SNEED: Object -- object to
10 form.

11 THE WITNESS: Yes.

12 BY MR. WARREN:

13 Q. So I want to go through and discuss
14 some of these with you, and we're going to start
15 with the various kinds of nudges on Instagram.

16 Are you familiar with the word,
17 "nudges"?

18 A. Yes.

19 Q. And nudges either prompt users to
20 consider alternative behavior or provide them with
21 resources on a particularly harmful issue; is that
22 fair?

23 A. Could you direct me to the page I
24 should be looking at?

25 Q. Sure. Why don't we take a look at

1 an example. So the second page, at the top,
2 July 2019.

3 Do you see that?

4 A. July 2019. Yes.

5 Q. Okay. And that's labeled, "Comment
6 Warnings," correct?

7 A. Yes.

8 Q. And comment warnings "prompted
9 people to reconsider posting comments that may be
10 hurtful"; is that correct?

11 A. Yes.

12 Q. Okay. Now, a comment warning
13 wouldn't actually prevent Instagram users from
14 posting hateful comments on someone else's post,
15 correct?

16 A. Correct.

17 Q. So would you consider this a
18 temporary Band-Aid or a foundational change in
19 Instagram's architecture, geared towards child
20 safety?

21 MR. SNEED: Object to form.

22 THE WITNESS: I think this is a
23 valuable -- this is a valuable tool for Instagram
24 to have launched, in part, because the context
25 makes a really big difference. And the same term,

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1 the same expression, said by different people, to
2 different audiences, could or could not be hateful.

3 And so I think including comment
4 warnings was a good way -- a good nudge. We also
5 know that when users are nudged or reminded that
6 their policies might violate the rules, they have a
7 higher likelihood of, you know, retracting what
8 they want us to do -- retracting what they are
9 going to do.

10 BY MR. WARREN:

11 Q. Right. So fair to say that it was
12 a helpful intervention?

13 A. Yes.

14 Q. Okay. But it was not
15 foundationally going to prevent hateful comments
16 and bullying and harassment on the platform, right?

17 A. I would disagree with that. I
18 think that nudges are a really effective way of
19 discouraging these types of posts from happening.
20 So I think it is an effective foundational move.

21 Q. All right. Very well. Let's talk
22 about a different one.

23 In March 2021, Meta says on this
24 document that it "restricted adults over 18 from
25 starting private chats with teens they are not

1 connected to on Instagram and Messenger."

2 Do you see that?

3 A. Yes.

4 Q. Okay. Now, that tool's efficacy
5 relies on the accuracy of Instagram's understanding
6 of the age of users, correct?

7 A. Yes.

8 Q. If Instagram is wrong about how old
9 either the teenager or the adult is, then this
10 restriction is not going to accomplish very much;
11 would you agree?

12 MR. SNEED: Object to form.

13 THE WITNESS: I agree.

14 BY MR. WARREN:

15 Q. Okay. And, in fact, as of
16 March 2021, I believe you testified that
17 Instagram's age inference model was not able to
18 accurately identify many adults who described
19 themselves as teenagers; is that correct?

20 A. Correct.

21 Q. And conversely, Instagram's age
22 inference tool was not able to identify many
23 teenagers who identified themselves as adults,
24 correct?

25 A. That's correct.

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1 Q. Okay. So while this sounded like a
2 very good intervention, there were some significant
3 limitations to it at the time it launched, correct?

4 MR. SNEED: Object to form.

5 THE WITNESS: Yes. I think this is
6 a good example of some -- of an intervention that
7 is a helpful tool but doesn't address the
8 foundational issue of not being clear about user
9 age on the platform.

10 BY MR. WARREN:

11 Q. Okay. So would this one be closer
12 to a temporary Band-Aid or a foundational product
13 solution?

14 MR. SNEED: Object to form.

15 THE WITNESS: I would say it was
16 more of a Band-Aid.

17 BY MR. WARREN:

18 Q. Okay. And then let's look at right
19 above -- right above there.

20 Do you see, February 2021, "We
21 launched expert-backed resources."

22 Do you see that?

23 A. Yes.

24 Q. Okay. Well, expert-backed
25 resources do not prevent the platform from

1 counsel about that?

2 A. Yes.

3 Q. And I believe you testified that
4 the version that launched didn't impact growth as
5 much as the product we wanted.

6 Did you say something to that
7 effect?

8 A. Yes.

9 Q. And what did you mean by that?

10 A. The original version of private by
11 default that was scheduled to launch on, I think,
12 September 2nd was scrapped from product because of
13 growth concerns. And so the version that
14 eventually did launch resulted in a drop of growth,
15 I believe, from the documents, of 2 to 5 percent,
16 and the product team had built a bunch of
17 mitigations to ensure that that drop in growth had
18 been mitigated as much as possible.

19 Q. Okay. And the version that
20 launched of private by default -- actually, let me
21 withdraw the question.

22 Can you direct your attention to
23 Exhibit 50, please.

24 A. Yes.

25 Q. And can you direct your attention

1 to the page ending in 16780.

2 A. Yes.

3 Q. Okay. And do you see the section
4 called, "Prior Mitigations"?

5 A. Yes.

6 Q. And so is it correct that in order
7 to offset the negative impact on growth metrics,
8 Instagram came up with new notifications and
9 reminders to launch at the same time that it was
10 rolling out a version of private by default?

11 A. That's correct.

12 Q. Okay. And that included contact
13 join notifications?

14 A. Yes.

15 Q. And follow request reminder?

16 A. Yes.

17 Q. Okay. So the mitigations were
18 mitigations targeted at ensuring that Instagram
19 didn't actually lose out on any growth when it
20 launched the safety feature; is that correct?

21 MR. SNEED: Object to form.

22 THE WITNESS: It ensured that
23 Instagram had the least negative impact on growth.
24 There was some negative impact on the growth.

25 BY MR. WARREN:

1 Q. Okay. And what about the version
2 of private by default that launched was less safety
3 protected than the version that you thought should
4 be launched?

5 A. A number of things. But most
6 critically, private by default was originally
7 supposed to be for all users, and, instead, it was
8 for new users and it was for new users under the
9 age of 16.

10 Q. Okay. Not existing users?

11 A. No.

12 Q. And not new or existing users under
13 the age of 18, correct?

14 A. Correct.

15 Q. Can you flip the page of this
16 exhibit.

17 A. I'm sorry. Not under the age of
18 18, unless they were in EU or the UK.

19 Q. Okay. Very well.

20 But as far as American kids were
21 concerned, no one under the age of 18 was getting
22 this?

23 A. No.

24 Q. Okay. I'm sorry. Let me withdraw
25 the question because I misstated.

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1 No one ages 17 and 18 was getting
2 this, correct?

3 A. Correct.

4 Q. Okay. So are you on the next page,
5 16781?

6 A. Yes.

7 Q. Can you direct your attention to
8 the top right corner?

9 A. Yes.

10 Q. Okay. Now, yesterday you talked
11 about how private by default wasn't actually a
12 default setting. It was a preselection; is that
13 right?

14 A. In my opinion, yes, it's not a true
15 default setting.

16 Q. Okay. And is the right-hand screen
17 shot reflective of that testimony?

18 A. Yes.

19 Q. Okay. Can you walk us through
20 that.

21 A. So when a user signs up for the
22 platform, so a new teen user, they say their
23 birthday, they state their birthday. And if that
24 birthday is below 16 -- so there's no age
25 verification. But if they say they are under the

1 age of 16, then they would get this screen
2 immediately after asking them if they want to have
3 a private account or a public account. And private
4 was selected by default.

5 Q. Okay. And in your view, that's not
6 a default setting in actuality, correct?

7 MR. SNEED: Object to form.

8 THE WITNESS: That, to me, is not a
9 true default setting, no.

10 BY MR. WARREN:

11 Q. All right. Let's turn our
12 attention to the topic of child sexual abuse
13 material, which came up again in counseling from
14 the defense -- questioning from the defense lawyer.

15 Do you recall that?

16 A. Yes.

17 Q. And let's look at Exhibit 51.

18 A. Yes.

19 Q. Do you recall Mr. Sneed questioning
20 about Exhibit 51?

21 A. Yes.

22 Q. Okay. And the exhibit concerns
23 something called profile-level reporting for CEI on
24 Instagram; is that correct?

25 A. Yes.

1 THE WITNESS: Correct.

2 BY MR. WARREN:

3 Q. And why did you have that caveat in
4 your answers to Mr. Sneed?

5 A. I wanted to be clear that this
6 wasn't my opinion, and that's not why I shared it.
7 I shared it because this was a study from the Cyber
8 Policy Center.

9 Q. Okay. So that wasn't your opinion?

10 A. This wasn't my opinion.

11 Q. Okay. Why wasn't it your opinion?

12 A. Well, I hadn't done -- I hadn't
13 researched whether or not Instagram truly had the
14 most aggressive approach across all the platforms
15 at this moment in time. So I don't know if I would
16 have agreed with this study or this statement.

17 Q. Let's actually examine how
18 aggressive Instagram's approach to suicide and
19 self-injury aggregated content was.

20 And let's look at Exhibit 68, which
21 was presented to you by the defense lawyer.

22 Do you have that in front of you?

23 A. Did you say 68?

24 Q. I did.

25 Now, unfortunately, this was

1 produced in a format without page numbers, so I'm
2 going to do my best to orient you. About halfway
3 through the deck, there is a slide called,
4 "Approach to SSI Across Meta." And it's got a
5 table with a bunch of Xs.

6 A. Yes.

7 Q. Okay. Now does this table indicate
8 whether these approaches applied to one, some, or
9 all of Meta's family of apps?

10 A. This would suggest that this
11 applies across the family of apps.

12 Q. Okay. But let's take a look a few
13 pages forward from that. The slide entitled, "What
14 Did We Learn About SSI and Teens?"

15 Do you see that?

16 A. Yes.

17 Q. Okay. And do you see the first box
18 in the table under the column "Learning"?

19 A. Yes.

20 Q. And can you read that to the jury,
21 please.

22 A. "Significant gaps, complexity and
23 inconsistency in usability, access and content of
24 the resources we offer to users."

25 Q. Okay. And then product work for

1 that is identified as, "In progress and not
2 roadmap," depending on the sub-bullet, correct?

3 A. Correct.

4 Q. Okay. And there are other things
5 that are identified as not roadmapped on this
6 slide, correct?

7 A. Correct.

8 Q. And one of those is: "There are
9 additional levers we could pull to address
10 problematic SSI content exposure, e.g., content
11 dilution."

12 Correct?

13 A. Correct.

14 Q. All right. And this site indicates
15 that teens see more suicide and self-injury content
16 than adults, correct?

17 A. Yes.

18 Q. And while that was roadmapped to be
19 addressed in the second half of that year, meaning
20 2023, it hadn't actually been addressed as of that
21 point in time, correct?

22 A. Yes.

23 Q. Okay. So in 2023, 11 years after
24 the acquisition of Instagram by Meta, it had not
25 addressed the fact that teens were presented with

1 more suicide and self-injury content than adults?

2 MR. SNEED: Object to form.

3 BY MR. WARREN:

4 Q. Is that correct?

5 A. Yes.

6 Q. Okay. And it had not addressed the
7 fact that there was significant gaps, complexity,
8 and inconsistency in the usability, access, and
9 content of the SSI-related resources that Meta
10 offered to users, correct?

11 MR. SNEED: Object to form.

12 THE WITNESS: Yes.

13 BY MR. WARREN:

14 Q. And it had not pulled all the
15 levers that it could to address problematic SSI
16 content exposure to kids, right?

17 MR. SNEED: Object to form and
18 foundation.

19 THE WITNESS: Yes.

20 BY MR. WARREN:

21 Q. All right. Now, you were asked
22 some questions about various things that you said
23 to external stakeholders.

24 Do you remember that?

25 A. Yes.

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, VAISHNAVI JAYAKUMAR, have the opportunity to read and sign the deposition transcript.



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