

AMENDED Exhibit 20

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT) MDL Number:
ADDICTION/PERSONAL INJURY PRODUCTS) 4:22-MD-C047-YGR
LIABILITY LITIGATION)
_____)

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

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

This Document Relates to:

STATE OF TENNESSEE,
ex rel. JONATHAN SKRMETTI,
ATTORNEY GENERAL and REPORTER,
v.
META PLATFORMS, INC., and
INSTAGRAM, LLC,
Case No. 23-1364-IV

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER
VIDEOTAPED DEPOSITION of CHARLES SISMONDO, VOLUME I
Palo Alto, California
October 16, 2024

Job No. 6933318

Pages 1 - 364

Stenographically reported by:

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1 you've never been shown these documents by your
2 counsel?

3 A. Not to my recollection.

4 Q. Can you start by talking to me a little bit
5 about your educational background? Where did you go
6 to college?

7 A. I went to university at UC Berkeley. I
8 started as a political science major and took a
9 double major in computer science.

10 Q. And then did you get a secondary degree?

11 A. No.

12 Q. So you don't have a master's degree or a
13 PhD in anything; correct?

14 A. Correct.

15 Q. How long did it take you to complete this
16 double major?

17 A. Four years.

18 Q. And then did you immediately enter the
19 workforce after that?

20 A. I did.

21 MR. OLIVER: Okay. I'm going to hand
22 you -- or my colleague is going to hand you what
23 we're going to mark as Plaintiffs' Exhibit 2, which
24 I believe you will recognize.

25 ///

1 (Exhibit 2 was marked for
2 identification and is attached to the
3 transcript.)

4 MR. CHAPUT: Charles, try and keep your
5 voice up so that we can make sure the court reporter
6 hears you.

7 THE WITNESS: Okay.

8 BY MR. OLIVER:

9 Q. While you're looking at that, Mr. Sismondo,
10 I have handed you a printed-out copy of your
11 LinkedIn profile.

12 Does that seem to be correct?

13 A. This seems to be correct, but I haven't
14 finished looking through it.

15 Q. Okay. You agree that this is a copy of
16 your LinkedIn profile?

17 A. Yes.

18 Q. Mr. Sismondo, did you draft your LinkedIn
19 profile yourself?

20 A. I did.

21 Q. Okay. I'll represent to you that we
22 printed this out and saved it in the last two weeks.

23 Do you have any reason to doubt that?

24 A. No.

25 Q. If we did that, has your resume, as

1 represented on LinkedIn, changed in any material way
2 in that time?

3 A. No.

4 MR. CHAPUT: I'm just going to note, there
5 seems to be some sort of marginal comment or tracked
6 change on the last page of this. I'm not certain
7 what that is, but I just wanted to note that that
8 seems odd if it is just a printout of a webpage.

9 MR. OLIVER: Are you talking about the
10 comment that says "Select language, English"?

11 MR. CHAPUT: Yes. I mean, obviously, that
12 by itself is not an issue, but I just noted that it
13 was there and needed to make that record.

14 BY MR. OLIVER:

15 Q. Sir -- Mr. Sismondo, is there anything
16 material missing from this LinkedIn profile as it
17 relates to your experience?

18 A. No.

19 Q. So as far as you can tell, this is a full
20 and accurate representation of your education and
21 your working experience?

22 A. It is a good summary of it. There's many
23 things I've done in my career that aren't listed on
24 here, but position by position and the highlights
25 are definitely there.

1 Q. Of course.

2 Is there anything in particular in your
3 experience or education that's not on this LinkedIn
4 profile that you think is relevant to today's
5 testimony?

6 And I'm talking education or experience.
7 I'm not talking what you actually did at Meta.
8 We'll get into that.

9 A. The thing that would be relevant is the
10 knowledge I have in terms of -- subject matter in
11 terms of well-being that I got from ex-wife in terms
12 of her education in the subject matter of social
13 work.

14 Q. So you were married. What was your
15 ex-wife's name?

16 A. [REDACTED].

17 Q. [REDACTED], was what? Was she a
18 psychiatrist? a therapist?

19 A. Just to correct, [REDACTED]. So [REDACTED]
20 [REDACTED]. She ended up being a social worker
21 specializing in helping people with PTSD. She,
22 before that education, worked at eating disorder
23 recovery treatment areas.

24 Q. How long were you and [REDACTED] -- did I get
25 that right?

1 A. That's correct.

2 Q. How long were you and [REDACTED] married?

3 A. 17 years.

4 Q. When did you-all divorce?

5 A. I believe that it was marked in 2018. It
6 started in 2017, in the process.

7 Q. During your 17 years of marriage, was she
8 always -- strike that.

9 Her education qualified her in her areas as
10 a social worker. Did she always have that education
11 during your marriage?

12 A. No.

13 Q. At what point did she get that education
14 during your 17 years of marriage?

15 A. Let me remember the specific time. It
16 would have been -- it ended in 2010. She got a
17 master's in social work from USC. I believe that
18 was a four-year part-time program. So from 2006 to
19 2010.

20 Q. Before 2010, was she working in, like, a
21 therapy or social work setting?

22 A. No.

23 Q. Did she have any personal nonwork-related
24 experiences with eating disorders or PTSD?

25 A. She was a recovered eating disorder.

1 Q. Did you know that when you married her?

2 A. Yes.

3 Q. Okay. Before 2010 when she received her
4 master's, did you-all have occasion to talk about
5 her experience with eating disorders?

6 A. Yes.

7 Q. And I gather your answer is that is
8 something that informs your testimony today because
9 you have personal experience with eating disorders?

10 A. Yes. In terms of knowing about eating
11 disorders, knowing recovery and that, yes.

12 Q. So did you talk to her about the causes of
13 her eating disorder?

14 A. Yes.

15 Q. Did you talk to her about the recovery from
16 her eating disorder?

17 A. Yes.

18 Q. She told you it was something that,
19 although you can have recovery from, you're never
20 totally free of it. Is that fair?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: That's not exactly true. She
23 did not have -- once she had recovered for a certain
24 period of time, there was no draw there. She worked
25 to help others in those communities go forward, but

1 I don't think it's accurate to say that there was a
2 persistent thing after that.

3 BY MR. OLIVER:

4 Q. Which eating disorder did she have?

5 A. She had both anorexia at one point and
6 bulimia at one point.

7 Q. How old was she when she had those?

8 A. When she had anorexia, I believe this was
9 in her beginning of university. I'm probably not
10 going to get the time frames exactly right.

11 Q. It's okay.

12 A. So that would have been 18 or 19. She had
13 bulimia to her early 20s.

14 Q. How long -- so roughly four years? Is that
15 what you're telling me?

16 A. Yeah. That sounds about right in the time
17 frame.

18 Q. How long did her recovery period take, if
19 you know?

20 A. It's kind of hard to peg, like, when
21 recovery starts, when someone enters that. I would
22 say probably a year and a half to two years, it was
23 the full recovery trajectory before there was no
24 recurrence of . . .

25 Q. And did you meet her after she was

1 recovered from her anorexia and bulimia, or did you
2 meet her during?

3 A. I met her during. She was in recovery path
4 at the time, but she had not -- she was still
5 relapsing.

6 Q. What types of doctors did she see to help
7 her recover?

8 MR. CHAPUT: So I'm going to object at this
9 point. We're getting pretty deep into the weeds on
10 a nonparty individual's personal health history.
11 And I do not see the relevance of this third party's
12 personal history to this matter, in particular the
13 level of detail we're getting into her specific
14 medical treatment.

15 BY MR. OLIVER:

16 Q. Mr. Sismondo, what types of doctors did
17 your wife see to help her in her recovery?

18 A. To my knowledge, she didn't see any doctors
19 in her recovery.

20 Q. Did she get any kind of help with her
21 recovery other than support from you?

22 A. She was part of support communities that
23 were eating disorder recovery communities.

24 Q. So after -- did she have any long-term, to
25 your knowledge, health effects associated with her

1 anorexia and bulimia, like physical effects?

2 A. Not to my knowledge.

3 Q. After 2010 when she received her master's
4 in social work, she then went on to a career where
5 she worked with people recovering from eating
6 disorders and PTSD; true?

7 A. Not true.

8 Q. Okay. What did she do after she received
9 her master's in 2010?

10 A. She then pivoted to taking care of her mom,
11 who suffered from dementia.

12 Q. Okay. But at some point she began to work
13 with people who were suffering from eating disorders
14 and PTSD; correct?

15 A. So for the eating disorders, that was
16 previous to the master's in terms of the recovery
17 community and setup and then part during her
18 education, kind of like an internship. And then
19 there was social work internships during that time
20 which were PTSD-focused.

21 And then I'm not sure what she does
22 postdivorce, but she wasn't working up to the
23 divorce.

24 Q. To your knowledge, did she ever have any
25 experience working with people with anxiety and

1 depression in a professional capacity?

2 A. Not to my knowledge.

3 Q. So you -- we began this conversation by you
4 telling me that you had some specific experience
5 that wasn't on your LinkedIn profile; correct?

6 A. Yes.

7 Q. That specific experience was the fact that
8 your ex-wife has expertise in eating disorders and
9 PTSD; true?

10 A. I don't know if I'd call it expertise
11 broadly in terms of, like, a range of depth. As
12 someone who recovered -- was in it and was part of
13 the recovering community, she has that knowledge,
14 and then in social work training in general in terms
15 of overall treatment.

16 Q. You would agree that, about these subjects,
17 she had more knowledge than the average person;
18 true?

19 A. Yes.

20 Q. You would agree that she had participated
21 to help herself recover and others recover from
22 these diseases; true?

23 A. Yes.

24 Q. The point you were trying to make when you
25 answered my original question was simply that you

1 know more about these conditions than the average
2 person because of your experiences and conversations
3 with your own wife; true?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: Yes.

6 BY MR. OLIVER:

7 Q. Okay. So that's not on your LinkedIn
8 profile.

9 Otherwise, does your LinkedIn profile
10 appear to be a good summary of your experience and
11 your educational qualifications?

12 A. As I previously responded, it doesn't have
13 all the details; it has the highlights. But it's a
14 good run-through, yes.

15 Q. Sure.

16 And as we go through your previous work
17 experience and your educational qualifications, I
18 noted that, other than the experience with your
19 wife, you did not, before joining Meta, have any
20 professional experience with the topic of teen
21 mental health; correct?

22 A. That is correct.

23 Q. You did not have any professional
24 experience with the topic of mental health at all
25 when you joined Meta; true?

1 A. True.

2 Q. Since joining Meta, not including things
3 that you read as part of your job, you never
4 underwent any formal training in any mental health
5 disorder; true?

6 A. True.

7 Q. For example, Meta never sponsored classes
8 for the engineers to learn about mental health
9 issues?

10 MR. CHAPUT: Object to the form.

11 THE WITNESS: Meta did not sponsor any
12 classes for engineers on that subject, no.

13 BY MR. OLIVER:

14 Q. So as we do this, Mr. Sismondo, one of the
15 things that's going to happen is we're going to jump
16 in from -- there's some procedural issues, and then
17 there's some substantive issues. So occasionally
18 I'm going to jump from substantive topic, something
19 we just discussed, to a procedural topic, something
20 I'm about to ask you about.

21 At Meta, while you were -- well, first of
22 all, let me get this straight. You still work at
23 Meta; correct?

24 A. That is correct.

25 Q. And you changed positions in 2024?

1 A. That is correct.

2 Q. You went from the Instagram well-being team
3 to what?

4 A. The citizenship team in Horizon Worlds.

5 Q. Horizon Worlds is Meta's metaverse product;
6 is that correct?

7 A. It is a part of the metaverse product.

8 Q. Can you explain to me what the metaverse
9 product is and then also explain to me what Horizon
10 Worlds is?

11 A. Yes. The metaverse product is associated
12 with their mixed-reality headset, Meta Quest. And
13 the Horizon Worlds product is a specific platform
14 where creators can create an experience for users.

15 Q. So is this a sort of a virtual reality
16 video game?

17 A. It can include that. It's -- you can make
18 game experiences. You can make other experiences as
19 well.

20 Q. What other types of experiences can you
21 make in this metaverse product?

22 A. Anything that would be made in terms of an
23 embodied experience. So you could make a, you know,
24 simulated apartment. You could make a cooperative
25 puzzle-solving thing. It's really -- you can think

1 of it like a development platform. And so a creator
2 can create an experience that's on the mixed-reality
3 headset that people can take part in.

4 Q. And the people who take part in the
5 metaverse product that you're talking about would be
6 other users of that product; correct?

7 A. Correct.

8 Q. You could create sexual experiences on that
9 product; true?

10 MR. CHAPUT: Object to the form.

11 THE WITNESS: You cannot create
12 public-facing experiences like that on the product
13 because that's against policy. So that gets caught
14 in in-world review. If you have a private
15 locked-down experience, that's outside, just as if
16 someone would create an app individually and keep it
17 privately.

18 BY MR. OLIVER:

19 Q. So privately you could create a sexual
20 experience on the platform with another user?

21 MR. CHAPUT: Object to the form.

22 THE WITNESS: You don't create them with
23 other users. You create, like, a setting. It's
24 like creating an app or a world or a flip -- like,
25 that's kind of the analogy.

1 in terms of interventions in the last year that I
2 was with them.

3 So I don't know what their current state
4 is. To my knowledge, they are not.

5 Q. Since its inception, Instagram's largest
6 audience has been teenagers; right?

7 MR. CHAPUT: Object to the form.

8 THE WITNESS: Completely false. A vast --
9 almost -- there's over a billion people on the
10 platform. In '21 in particular -- I don't know if
11 we've been losing our market share with youth. So
12 we've actually lost product market fit with youth in
13 that time frame. So its biggest -- like, just by
14 sheer numbers, youth was not its biggest audience.

15 BY MR. OLIVER:

16 Q. And I misspoke because I used the word
17 "largest," but I have seen -- and we'll look at
18 them. I mean, you may disagree, but I have seen
19 document after document that says that Instagram's
20 most important audience was youth, was teenagers.
21 Is that true?

22 MR. CHAPUT: Object to the form.

23 THE WITNESS: Staying relevant with the
24 youth was -- was important for the product.

25 ///

1 BY MR. OLIVER:

2 Q. And that -- as long as you've been there,
3 that's always been true; right?

4 A. I would actually say that that focus -- so
5 I don't know in terms of 2019 and 2020. Alarm bells
6 started going off as youth ceased using the platform
7 or engaging the platform as much, which made it a
8 focus of leadership.

9 It's always been an important cohort, but
10 the emphasis, in terms of the -- it being a priority
11 cohort to focus on from a safety and product
12 standpoint was, I believe, more in 2022. I can't
13 remember if in 2021 they started getting more
14 focused.

15 Q. So I want to go back to the document, but I
16 want to ask you a question. So you told me that
17 when there -- there was a period of time when youth
18 started leaving the product and it became a focus;
19 right?

20 A. That is correct.

21 Q. Your best estimate of the time that youth
22 started leaving the product was 2022; is that right?

23 A. I --

24 MR. CHAPUT: Object to the form.

25 THE WITNESS: I think the trend probably

1 BY MR. OLIVER:

2 Q. Is it that you don't remember, or is it
3 that there's a better witness to answer that
4 question?

5 A. For a comprehensive end-to-end look at
6 parental controls, there's probably a better witness
7 to answer that question.

8 Q. Okay. Who would that witness be, based on
9 your experience?

10 A. I would probably talk to a product manager.
11 And I don't remember who the product manager was for
12 that. But as an engineering manager, being
13 executionally focused, that's more my area of
14 expertise; and in the parental controls realm, it
15 was that there was a shorter stint compared to the
16 other disciplines we were talking about. But I
17 don't have a specific name.

18 MR. OLIVER: Let's mark as Plaintiff's
19 Exhibit 21 META3047MDL-020-00691221.

20 (Exhibit 21 was marked for
21 identification and is attached to the
22 transcript.)

23 THE WITNESS: Can I read the full thing
24 since it's short?

25 ///

1 BY MR. OLIVER:

2 Q. Yeah. Please.

3 A. Yep. I've read it.

4 Q. So this, Mr. Sismondo, is a conversation
5 from yourself and [REDACTED]; correct?

6 A. That is correct.

7 Q. It's obviously an internal Meta document;
8 right?

9 A. This is correct.

10 Q. And it is from the time period of 2020,
11 which is shortly after you joined the Instagram
12 well-being team; true?

13 A. This is true. And it looks like it's right
14 at the start of the pandemic.

15 Q. [REDACTED] suggests something about radical
16 things as in specific projects; correct?

17 A. At this point in time, the team is
18 brand-new. I recall this research had just come
19 about. So this is referring to the initial
20 brainstorming and possible things and how what he's
21 asking for is really appetite for radical thinking,
22 which I believe I'm basically saying that's
23 important.

24 Q. And he reports to you or you report to him?

25 A. He reports to -- he may have reported

1 directly to me at this time, but he reported to
2 [REDACTED]. But I think at this point he's reporting
3 to [REDACTED], who, therefore, reported to me. So he's
4 on my team.

5 Q. So [REDACTED] says:

6 "I think the radical move is that
7 the team's vision should be to move
8 Instagram out of the position of being
9 uniquely worst for teens' social
10 comparison and body image."

11 Did I read that correctly?

12 A. You did.

13 Q. Do you agree that at the time Instagram was
14 uniquely the worst for teens' social comparison and
15 body image?

16 A. What he is talking about is the research we
17 referred to, and that research from the qualitative
18 standpoint showed the teens' opinions were that this
19 was the case.

20 Q. And [REDACTED], who worked with you, clearly
21 believed it; correct?

22 MR. CHAPUT: Object to the form.

23 THE WITNESS: That's true.

24 BY MR. OLIVER:

25 Q. And you agreed with him that radical moves

1 were important; right?

2 MR. CHAPUT: Object to the form.

3 THE WITNESS: It's very important for all
4 brainstorming that we think big, that we do radical
5 things that actually really move the needle. That
6 is what we want to do to make progress. So if we
7 limit our thinking, we might not benefit our user as
8 much.

9 BY MR. OLIVER:

10 Q. [REDACTED] goes on to say:

11 "It's the only social media app
12 that's consistently placed into the
13 'high effect on feeling bad about
14 myself.'"

15 Correct?

16 A. That is what he states.

17 Q. And that quote is based on the research you
18 just told me about teenagers saying it has a high
19 effect of making me feel bad about myself; right?

20 MR. CHAPUT: Object to the form.

21 THE WITNESS: That is my understanding.

22 BY MR. OLIVER:

23 Q. Now, what you said in response to him about
24 radical thinking was:

25 "I think it is really important to

1 you do the research at that time. And . . .

2 Q. And, to your memory, is that -- you
3 mentioned earlier a term called "aggregated data."

4 Was that aggregated data that you would be
5 working on in studying that nighttime usage process?

6 A. I can't remember specifically, but most
7 likely yes.

8 MR. JANSSEN: Okay. That's all I have.
9 I'll pass the witness.

10 Thank you, Mr. Sismondo. I appreciate it.

11 THE WITNESS: Thank you.

12 EXAMINATION

13 BY MS. BAIG:

14 Q. Good afternoon, Mr. Sismondo. I'm Aelish
15 Baig. I'm with Robbins Geller. We represent the
16 plaintiffs, including the State of Arkansas. You'll
17 be happy to hear I don't have a lot of questions for
18 you.

19 I believe you agreed yesterday that during
20 your tenure at Meta, Meta endeavored to expand its
21 youth user base; correct?

22 MR. CHAPUT: Object to the form.

23 BY MS. BAIG:

24 Q. Yesterday and today.

25 A. Specifically, Instagram was focused on the

1 teen retention and growth.

2 Q. Okay. And it was focused also on
3 increasing teen engagement; correct?

4 MR. CHAPUT: Object to the form.

5 THE WITNESS: Teen engagement broadly
6 described by engagement metrics.

7 BY MS. BAIG:

8 Q. And would you agree that it does so, at
9 least in part, by collecting information about its
10 youth users?

11 MR. CHAPUT: Object to the form.

12 BY MS. BAIG:

13 Q. For example, collecting information about
14 searches that any particular user might be making.

15 MR. CHAPUT: Same objection.

16 THE WITNESS: I have no expertise in how we
17 do that side of the business.

18 BY MS. BAIG:

19 Q. Okay. So you have no understanding as to
20 whether Instagram collects information about its
21 youth users?

22 A. Correct.

23 Q. And would you agree that Instagram targets
24 advertising to its youth users?

25 A. I'm actually not aware of our advertising

---oOo---

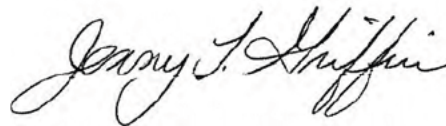
I, JENNY L. GRIFFIN, hereby certify:

That I am a certified shorthand reporter in and for the County of Alameda, State of California;

Prior to being examined, CHARLES SISMONDO, the witness named in the foregoing deposition, was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that said deposition was taken pursuant to notice at the time and place therein set forth, and was taken down by me in stenotype and thereafter transcribed by means of computer-aided transcription, and that said deposition is a true record of the testimony given by the witness.

I further certify that I am neither counsel for nor related in any way to any party to said action, nor otherwise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name October 30, 2024.



JENNY L. GRIFFIN, CSR #3969
Certified Shorthand Reporter