

AMENDED Exhibit 395

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:23-cv-01804-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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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 JENNIFER GUADAGNO, PhD
Palo Alto, California - November 14, 2024

Job No. 6933436
Pages 1 - 352
Stenographically reported by:
JENNY L. GRIFFIN, RMR, CSR, CRR, CCRR, CRC
CSR No. 3969

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Videotaped deposition of JENNIFER GUADAGNO, PhD,
taken on behalf of the Plaintiffs, at Morrison Foerster,
755 Page Mill Road, Palo Alto, California, on Thursday,
November 14, 2024, beginning at 9:12 a.m. and ending at
6:50 p.m., before Jenny L. Griffin, a Certified
Shorthand Reporter, Registered Merit Reporter, Certified
Realtime Reporter, California Certified Realtime
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1 and hear out any position and discuss whether
2 there's any good cause for that purpose, but we are
3 not agreeing to that at this stage.

4 MS. HAZAM: Any other preliminaries?

5 Okay.

6 BY MS. HAZAM:

7 Q. Good morning again, Dr. Guadagno.

8 Could you introduce yourself for the jury?

9 A. My name is Jennifer Guadagno.

10 Q. Thank you.

11 My name is Lexi Hazam. I'm taking your
12 deposition today on behalf of hundreds of children
13 and their families and hundreds of school districts
14 who alleged they were harmed by Meta's acts and who
15 sued Meta in federal court.

16 The children in schools I represent have a
17 common interest with the state attorney general
18 plaintiffs present through their counsel here today
19 who have sued in federal court and in their state
20 courts, but I do not represent the state attorneys
21 general.

22 Is that clear?

23 A. Yes.

24 Q. Okay. We are here today in Palo Alto to
25 take your deposition. You have been sworn in by a

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1 court reporter, which means you are under oath.

2 Do you understand that?

3 A. Yes.

4 Q. That means you're testifying just as though
5 you were sitting in a courtroom before a jury and a
6 judge. And, in fact, you may sometimes hear counsel
7 questioning you today refer to a jury, even though
8 the jury is not physically present. And that's
9 because this deposition, as you can see, is being
10 videotaped and recorded, and the video and the
11 written transcript may be presented later in court
12 or used for other purposes authorized under state
13 and federal law.

14 Do you have any questions about that?

15 A. I don't.

16 Q. Great.

17 So I'd like to go over some ground rules
18 for the deposition today, some of which I can see
19 you are already following, which is great.

20 The first is you need to answer verbally,
21 not just by nodding your head or shaking your head.

22 We need to try to not talk over each other.
23 That's part of natural conversation, but in a
24 deposition, the reporter needs a clear record. So
25 if you can wait until I finish with my question, I

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1 will try to wait until you finish with your answer.

2 Is that okay?

3 A. Yes.

4 Q. Thanks.

5 You will hear objections made by various
6 counsel today. Those are to preserve the record.
7 You should let the objection be stated and then
8 proceed to answer. You will need to answer unless
9 you're specifically instructed not to.

10 Do you understand?

11 A. Yes.

12 Q. If you need a break at any time, please
13 just let me know. We will simply have you complete
14 your answer to any pending question and then we can
15 take a break. Okay?

16 A. Yes.

17 Q. Is there anything that would affect your
18 memory today?

19 A. No.

20 Q. Okay. Anything that would affect your
21 ability to tell the truth today?

22 A. No.

23 Q. Okay. We're here in the office of the law
24 firm Morrison & Foerster. Are you represented by
25 attorneys from Morrison & Foerster today?

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1 A. I am.

2 Q. Did you sign an engagement letter with
3 them?

4 A. I did.

5 Q. Are you paying them to represent you?

6 A. I'm not.

7 Q. Do you know who is paying them to represent
8 you?

9 A. I believe Meta.

10 Q. Okay. Have you entered into a common
11 interest agreement with Meta?

12 A. I'm not sure of the term, but I'm
13 co-represented by Meta.

14 Q. Okay. Have you entered into an agreement
15 that says that you share an interest with Meta such
16 that you can share information within the
17 attorney-client privilege?

18 A. I believe so.

19 Q. Okay. So have you decided that your
20 interest and Meta's interests are aligned for
21 purposes of this litigation?

22 A. No. Not necessarily.

23 MR. KEATS: Object to form.

24 BY MS. HAZAM:

25 Q. I'm sorry. Could you repeat your answer?

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1 A. Not necessarily, no.

2 Q. Okay. Do you understand that if your
3 interests and Meta's interests diverge in the course
4 of the deposition, your obligation is to tell the
5 truth regardless of whose interest the truth serves?

6 A. Yes.

7 Q. Okay. Have you spoken with anyone about
8 this deposition other than your lawyers?

9 A. A few people.

10 Q. Okay. Who have you spoken to?

11 A. My partner, my current employer, a few
12 close family members and close friends.

13 Q. By your partner, you mean your romantic
14 partner?

15 A. Yes.

16 Q. And your current employer is Apple;
17 correct?

18 A. Correct.

19 Q. Did any of the people you speak to other
20 than your lawyers work at Meta?

21 A. No.

22 Q. So, to be clear, you have not spoken to any
23 current or former employees of Meta about this
24 deposition?

25 A. I have not.

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1 Q. Have you been deposed before?

2 A. No.

3 Q. Okay. Have you testified in court before?

4 A. No.

5 Q. How many times did you meet with the
6 lawyers at Morrison & Foerster to prepare for this
7 deposition?

8 A. I believe about seven times.

9 Q. Were Meta's lawyers also present at those
10 preparation meetings?

11 A. For some of them.

12 Q. Can you give me a sense of the total amount
13 of time you spent in those meetings?

14 A. About three hours, three or four hours.

15 Q. Three or four hours per meeting?

16 A. Uh-huh. Yes.

17 Q. So if you met seven times for three or four
18 hours, you might have prepared for 20 to 30 hours in
19 those meetings?

20 A. About 20 to 25 most likely.

21 Q. Did you review documents in preposition --
22 in preparation for this deposition?

23 A. Yes.

24 Q. Do you have a sense of how many?

25 A. I don't.

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1 counts?

2 A. I did.

3 Q. Why would mitigation be needed if the
4 decision was not to ship the product, to hide like
5 counts?

6 A. Because it was a product that could be in
7 support of well-being. And then if a product is not
8 shipped, there just could be some response to that
9 needed. And I believe something was spoken about
10 that externally too at that point.

11 Q. What do you mean by "externally"?

12 A. There was some public statement made about
13 it. I don't know at what point, but there was
14 something that if it didn't ship, then there would
15 be some answers that I felt would be needed.

16 Q. Are you saying that Facebook would need to
17 publicly answer for the fact that it decided not to
18 ship if that was the decision?

19 A. I don't know what that response would have
20 been necessarily. But just would have been --
21 mitigate meaning think through what that would mean
22 and what possible avenues there were for that.

23 Q. Avenues for what?

24 A. For talking about the decision to not ship
25 the feature.

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1 Q. And talking about the decision to not ship
2 publicly; correct?

3 A. Not necessarily, but it could encompass
4 many different stakeholders in that way.

5 Q. If you look further down in this email, you
6 have a couple of bullet points with some bold text
7 in them. The first one in bold says:

8 "Social comparison is the most
9 important driver of well-being."

10 Correct?

11 A. That's what it says.

12 Q. And so, then, the same as to loneliness in
13 the next bullet point:

14 "Social comparison is important to
15 loneliness," it says in bold, followed
16 by:

17 "Social comparison is the most
18 important driver of loneliness."

19 Do you see that?

20 A. I see that it says that.

21 Q. Okay. And you, then, in the next bullet
22 point, state in bold:

23 "People perceive Facebook and
24 Instagram as having negative impact on
25 social comparison."

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1 Is that correct?

2 A. That's what it says.

3 Q. And in the final bullet point in bold you
4 state:

5 "Best way for Facebook to
6 significantly contribute to reducing
7 social comparison is through like
8 counts."

9 Is that correct?

10 A. That's what it says.

11 Q. Okay. So reducing comparison through like
12 counts would mean hiding or removing like counts;
13 correct?

14 A. Yes. That's the product direction that was
15 being explored, yes.

16 Q. Okay. When you talk about social
17 comparison being the most important driver of
18 well-being, you're referring to the impact of social
19 comparison on well-being being negative; correct?

20 A. Yes. So this was based on research that's
21 linked above that my team did that was a very
22 complex and kind of rather convoluted study that I
23 feel like probably wouldn't have surfaced that study
24 again, knowing kind of just the complexity of it.

25 Though I think the point remains that

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1 social comparison is very important to well-being.
2 I don't know if I could accurately really say it's
3 the most important driver of well-being, but it's
4 very important to well-being.

5 Q. Do you think social comparison has a
6 negative impact on well-being?

7 A. It could for some people. The impact
8 would -- could be negative for some people on
9 well-being.

10 Q. Is the impact of social comparison on
11 well-being more negative than positive?

12 A. There are ways that social comparison can
13 be positive for well-being. There's upward and
14 downward social comparison. They work in different
15 ways. Certain people respond to them differently.

16 Though I think net how people talk about
17 social comparison is in the negative sense, in a
18 negative way impacting well-being.

19 Q. If we go down to the bottom paragraph of
20 this email -- actually, if you could read the first
21 two sentences of that paragraph, please, for the
22 record.

23 A. (Reading):

24 "Taken together as we develop the
25 strategic plan to approach well-being

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---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, JENNIFER GUADAGNO, 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 November 29, 2024.



JENNY L. GRIFFIN, CSR #3969

Certified Shorthand Reporter