

AMENDED Exhibit 399

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

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

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT) MDL No.
ADDICTION/PERSONAL INJURY) 4:22-md-3047-YGR
PRODUCTS 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]) Lead Case No.
) 22STCV21355
SOCIAL MEDIA CASES)

-----)
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)
-----)

Monday, March 10, 2025

CONFIDENTIAL - PROTECTIVE ORDER MATERIAL

Video-Recorded Oral Deposition of
SUSAN LI held at the offices of Covington &
Burling LLP, 3000 El Camino Real, 5 Palo Alto
Square, Suite 1000, Palo Alto, California,
commencing at 9:05 a.m. PST on the above
date, before Michael E. Miller, Fellow of the
Academy of Professional Reporters, Certified
Court Reporter, Registered Diplomate
Reporter, Certified Realtime Reporter and
California CSR #13649.

GOLKOW - VERITEXT
877.370.DEPS | fax 917.591.5672
deps@golkow.com

CONFIDENTIAL

Page 2

A P P E A R A N C E S:

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL

BY: MEGAN O'NEILL, ESQUIRE

megan.oneill@doj.ca.gov

455 Golden Gate Avenue

Suite 11000

San Francisco, California 94012

(415)510-4400

Counsel for State of California

GOZA HONNOLD LLC

BY: KIRK J. GOZA, ESQUIRE

kgoza@gohonlaw.com

GRACE QUINLAN, ESQUIRE (via Zoom)

gquinlan@gohonlaw.com

9500 Nall Avenue

Suite 400

Overland Park, Kansas 66207

(913)451-3433

Counsel for MDL/JCCP Plaintiffs

WAGSTAFF & CARTMELL LLP

BY: LUCY R. MALONE, ESQUIRE (via Zoom)

lmalone@wcllp.com

4740 Grand Avenue

Suite 300

Kansas City, Missouri 64112

(816)701-1100

Counsel for Plaintiffs

MOTLEY RICE LLC

BY: PREVIN WARREN, ESQUIRE (via Zoom)

pwarren@motleyrice.com

401 9th Street NW

Suite 1001

Washington, D.C. 20004

(202)232-5504

Counsel for Plaintiffs

CONFIDENTIAL

Page 3

A P P E A R A N C E S:

KENTUCKY OFFICE OF THE ATTORNEY GENERAL

BY: DANIEL KEISER, ESQUIRE

daniel.keiser@ky.gov

ZACHARY RICHARDS, ESQUIRE (via Zoom)

zach.richards@ky.gov

MATTHEW COCANOUGH, ESQUIRE (via Zoom)

matthew.cocanougher@ky.gov

1024 Capital Center Drive

Suite 200

Frankfort, Kentucky 40601

(502)696-5300

Counsel for the State of Kentucky

OFFICE OF THE TENNESSEE ATTORNEY GENERAL

BY: ELIZABETH SPICA, PhD

elizabeth.spica@ag.tn.gov

CHRIS DUNBAR, ESQUIRE (via Zoom)

chris.dunbar@ag.tn.gov

BRIAN PHELPS (via Zoom)

brian.phelps@ag.tn.gov

P.O. Box 20207

Nashville, Tennessee 37202-0207

(615)741-3491

Counsel for State of Tennessee, Office of the
Attorney General & Reporter

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE
OF THE ATTORNEY GENERAL

BY: DOUGLAS MARTLAND, ESQUIRE

douglas.martland@mass.gov

PETER DOWNING, ESQUIRE (via Zoom)

peter.downing@mass.gov

CHRISTINA CHAN, ESQUIRE (via Zoom)

christina.chan@mass.gov

NICHOLAS WILLING, ESQUIRE (via Zoom)

nicholas.willing@mass.gov

One Ashburton Place, 18th Floor

Boston, Massachusetts 02108

(617)963-2912

Counsel for the Commonwealth of Massachusetts

CONFIDENTIAL

Page 4

A P P E A R A N C E S:

ROBBINS GELLER RUDMAN & DOWD LLP

BY: THOMAS EGLER, ESQUIRE

tegler@rgrdlaw.com

655 West Broadway

Suite 1900

San Diego, California 92101

(619)231-1058

Counsel for the State of Arkansas

OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL

BY: LAUREL K. LACKEY, ESQUIRE (via Zoom)

laurel.k.lackey@wvago.gov

ABBY CUNNINGHAM, ESQUIRE (via Zoom)

abby.g.cunningham@wvago.gov

P.O. Box 1789

Charleston, West Virginia 25326

(304)558-8986

Counsel for the State of West Virginia

OFFICE OF THE COLORADO ATTORNEY GENERAL

BY: CORIN STIGALL, ESQUIRE (via Zoom)

corin.stigall@coag.gov

STEVEN KAUFMANN, ESQUIRE (via Zoom)

steven.kaufmann@coag.gov

Ralph L. Carr Judicial Building

1300 Broadway, 10th Floor

Denver, Colorado 80203

(720)508-6000

Counsel for the State of Colorado

OFFICE OF THE NEW JERSEY ATTORNEY GENERAL

BY: MANDY K. WANG, ESQUIRE (via Zoom)

mandy.wang@law.njoag.gov

VERNA PRADAXAY, ESQUIRE (via Zoom)

verna.pradaxay@law.njoag.gov

Richard J. Hughes Justice Complex

25 Market Street

Trenton, New Jersey 08611

(609)292-4925

Counsel for the State of New Jersey

CONFIDENTIAL

Page 5

A P P E A R A N C E S:

COVINGTON & BURLING LLP

BY: PHYLLIS A. JONES, ESQUIRE

pjones@cov.com

NICOLE ANTOINE, ESQUIRE

nantoine@cov.com

One City Center

850 Tenth Street NW

Washington, D.C. 20001

(202)662-6000

-and-

COVINGTON & BURLING LLP

BY: OURANIA SOPHIA YANCOPOULOS, ESQUIRE

nyancopoulos@cov.com

The New York Times Building

620 Eighth Avenue

New York, New York 10018

(212)841-1000

-and-

BASS BERRY & SIMS PLC

BY: VIRGINIA M. YETTER, ESQUIRE (via Zoom)

vyetter@bassberry.com

21 Platform Way

Suite 3500

Nashville, Tennessee 37203

(615)742-6200

-and-

DAVIS POLK & WARDWELL LLP

BY: KAITLIN CAMPANINI, ESQUIRE (via Zoom)

kaitlin.campanini@davispolk.com

450 Lexington Avenue

New York, New York 10017

(212)450-4000

Counsel for Defendants Meta Platforms, Inc.

f/k/a Facebook, Inc.; Facebook Holdings, LLC;

Facebook Operations, LLC; Facebook Payments, Inc.;

Facebook Technologies, LLC; Instagram, LLC;

Siculus, Inc.; and Mark Elliot Zuckerberg

CONFIDENTIAL

Page 6

A P P E A R A N C E S:

KING & SPALDING LLP

BY: RACHEL YEUNG, ESQUIRE (via Zoom)

ryeung@kslaw.com

633 West Fifth Street

Suite 1600

Los Angeles, California 90071

(213)443-4355

Counsel for Defendants TikTok Inc. and

ByteDance Inc.

MUNGER TOLLES & OLSON LLP

BY: KYLE GROVES, ESQUIRE (via Zoom)

kyle.groves@mto.com

ARIELLA PARK, ESQUIRE (via Zoom)

ariella.park@mto.com

350 South Grand Avenue

50th Floor

Los Angeles, California 90071

(213)683-9100

Counsel for Defendant Snap Inc.

MORGAN LEWIS & BOCKIUS LLP

BY: RACHEL RAPHAEL, ESQUIRE (via Zoom)

rachel.raphael@morganlewis.com

1111 Pennsylvania Avenue NW

Washington, D.C. 20004

(202)739-3000

Counsel for Defendants YouTube LLC and

Google, LLC

ALSO PRESENT:

CHRISTEN DUBOIS, ESQUIRE

Meta Platforms Inc.

NAYHA ARORA

California Office of the Attorney General

TARA LAMER (via Zoom)

Goza Honnold LLC

CONFIDENTIAL

Page 7

A P P E A R A N C E S:

TRIAL TECHNICIANS:

JIM LOPEZ

Precision Trial

JOHN MORALES

Core Legal Concepts

VIDEOGRAPHER:

TIMOTHY HUNTER

Golkow - Veritext

CONFIDENTIAL

Page 8

1	INDEX	
2	SUSAN LI	
3	March 10, 2025	
4	APPEARANCES	2
5	PROCEEDINGS	16
6		
7	EXAMINATION OF SUSAN LI:	
8	BY MS. O'NEILL	17
9	BY MR. EGLER	261
10	BY MS. O'NEILL	282
11	BY MR. GOZA	294
12	BY MS. JONES	353
13	BY MS. O'NEILL	401
14	BY MR. GOZA	417
15	BY MS. JONES	430
16	BY MR. GOZA	433
17		
18	CERTIFICATE	436
19	ERRATA	439
20	ACKNOWLEDGMENT OF DEPONENT	440
21	LAWYER'S NOTES	441
22		
23		
24	LITIGATION SUPPORT INDEX	PAGE
25	Instruction Not To Answer	304

CONFIDENTIAL

Page 20

1 verbal response to the questions instead of
2 shaking your head or nodding so that the
3 court reporter can transcribe that.

4 Do you understand?

5 A. Understood.

6 Q. And then I may not always make
7 complete sense or be totally clear with my
8 questions. If you don't understand my
9 question, just let me know and I'll rephrase
10 it. But if we -- if you do answer, I'm going
11 to assume that you understood the question.

12 Do you agree?

13 A. Sounds good.

14 Q. And then finally, we can take
15 breaks when you need them. Just let me know.
16 The only exception is that you'll need to
17 answer the pending question before we take
18 the break.

19 Is that okay?

20 A. Understood.

21 Q. Ms. Li, can you please state
22 your name for the record?

23 A. My name is Susan J. Li.

24 Q. And is there any reason why you
25 can't testify truthfully today?

CONFIDENTIAL

Page 21

1 A. No.

2 Q. Have you ever been deposed
3 before?

4 A. Yes.

5 Q. And what were the circumstances
6 of that?

7 A. Other litigation related to
8 Meta.

9 Q. Okay. And when was that?

10 A. I believe my last deposition,
11 unfortunately, the exact dates will be fuzzy,
12 but was sometime in the last one to two
13 years. And prior to that I have done
14 depositions significantly earlier in my
15 career, probably in excess of five years ago.

16 Q. Okay. Let's talk about that
17 most recent deposition first.

18 You said that that case
19 involved Meta?

20 A. Yes.

21 Q. And what was the subject of
22 that litigation?

23 A. That was the FTC antitrust
24 case.

25 Q. Okay. And you gave a

CONFIDENTIAL

Page 22

1 deposition in that case?

2 A. I did.

3 Q. And what was the subject of
4 your testimony?

5 MS. JONES: Objection to the
6 form.

7 You can answer.

8 A. Honestly, my memory is not
9 serving me extremely well because it was
10 lengthy, over the course of the day, and
11 covered a lot of topics, but it was primarily
12 around topics related to monetization and how
13 we thought about things like ad load on
14 Instagram, things like that.

15 BY MS. O'NEILL:

16 Q. And to be clear, it involved
17 your employment at Meta, right?

18 A. Yes.

19 Q. And what was the next most
20 recent time that you were deposed? Do you
21 remember the time?

22 A. I -- I don't really. It was
23 definitely more than five years ago, and I
24 think it involved like IP litigation.

25 Q. And again, this involved Meta

CONFIDENTIAL

Page 23

1 and your employment at Meta?

2 A. Yes.

3 Q. And what was the subject of
4 your deposition testimony in that case?

5 A. It was an IP-related trial of
6 some kind, but I just don't remember the
7 details anymore unfortunately.

8 Q. No worries.

9 And have you been deposed aside
10 from these two times that we've discussed?

11 A. My recollection, which is not
12 perfect here, is that I've done two
13 IP-related depositions, both in the five
14 years prior-type window, and I just don't
15 remember very much about them because they
16 were so long ago.

17 I've also testified in trial
18 once in the IRS tax case.

19 Q. Okay. And just to be clear,
20 all of the depositions you've given were in
21 cases involving Meta as a litigant?

22 A. Yes.

23 Q. And you were testifying about
24 your employment at Meta?

25 A. Yes.

CONFIDENTIAL

Page 24

1 Q. Can you tell me when it was
2 that you testified in court?

3 A. That would have been probably
4 in 2022, is my best guess. Unfortunately, I
5 don't remember the exact time frame.

6 Q. That's okay.

7 A. But it was in the post-COVID
8 period.

9 Q. And again, you said before, but
10 just to make sure I'm clear, which case was
11 that that you testified in court for?

12 A. That was the IRS tax case
13 against Meta.

14 Q. And what was the subject of
15 your testimony in court?

16 A. It was about our revenue
17 models. And actually, I apologize. I think
18 I'm getting the years incorrect. I think
19 this might have been earlier. I think this
20 might have been pre-COVID, so I'm struggling
21 a little bit with the exact timing, so I
22 apologize.

23 But it's the IRS case against
24 Meta.

25 Q. Okay. Shifting gears, I just

CONFIDENTIAL

Page 25

1 want to get some terminology clear.

2 So you understand that one of
3 the defendants in this case is a company
4 called Meta, right?

5 A. Yes.

6 Q. And Meta used to have a
7 different corporate name, Facebook, right?

8 A. Yes.

9 Q. So for consistency, I'm just
10 going to refer to this company as Meta
11 throughout this deposition, even if we're
12 talking about a time before Meta had a
13 different corporate name.

14 Is that okay?

15 A. Yes.

16 Q. And then if we want to talk
17 about the particular platforms, we can talk
18 about Facebook or Instagram.

19 Does that work?

20 A. Yes.

21 Q. Ms. Li, you're here today with
22 lawyers from Covington & Burling, right?

23 A. Yes.

24 Q. Are you represented by
25 Covington & Burling?

CONFIDENTIAL

Page 26

1 A. Yes.

2 Q. And you understand that
3 Covington represents Meta in this litigation
4 as well, right?

5 A. Yes.

6 Q. Meta is paying Covington for
7 its representation of you, right?

8 A. Yes.

9 Q. Did you meet with lawyers from
10 Covington in advance of this deposition?

11 A. Yes.

12 Q. How many times?

13 A. I'm -- I would say around four
14 times, but I'm not totally precisely sure.

15 Q. And on average, how long were
16 those meetings?

17 A. Two to three hours, I would
18 say.

19 Q. Which lawyers attended those
20 meetings?

21 A. I think effectively the three
22 lawyers from Covington who you see here.

23 Q. What are their names?

24 A. Phyllis Jones, and I'm going to
25 butcher everyone else's.

CONFIDENTIAL

Page 27

1 Q. It's not a memory test, it's
2 not important.

3 Was anyone from Meta present at
4 those meetings?

5 A. Typically, a member of the Meta
6 legal team would have been there.

7 Q. And were you shown documents in
8 those meetings?

9 A. Yes.

10 Q. How many documents were you
11 shown?

12 A. I would estimate around 20
13 documents.

14 Q. And did you review any other
15 documents outside of those meetings?

16 A. I mean, as --

17 Q. In preparation for your
18 deposition.

19 A. Oh. No.

20 Q. And did you talk to anyone at
21 Meta about this deposition?

22 A. No.

23 Q. Any former colleagues at Meta
24 that you talked to about this deposition?

25 A. No. I should say outside of

CONFIDENTIAL

Page 28

1 scheduling.

2 Q. Yes.

3 And, Ms. Li, just to be clear,
4 you're currently employed by Meta, right?

5 A. I am.

6 MS. O'NEILL: Okay. Let's look
7 at a document. We're going to look at
8 document C, and we'll mark this as
9 Exhibit 1.

10 THE WITNESS: Thank you.

11 (Whereupon, Meta-Li-1, LinkedIn
12 Profile, was marked for
13 identification.)

14 BY MS. O'NEILL:

15 Q. Ms. Li, do you recognize this
16 document?

17 A. This appears to be a printout
18 of my LinkedIn profile.

19 Q. And according to this profile,
20 you have worked at Meta for almost 17 years,
21 right?

22 A. Yes.

23 Q. That's the vast majority of
24 your career, right?

25 A. Yes.

CONFIDENTIAL

Page 29

1 Q. And you're currently Meta's
2 chief financial officer, right?

3 A. Yes.

4 Q. And you became CFO in 2022?

5 A. Yes.

6 Q. Can you tell me about your role
7 and responsibilities as CFO?

8 A. Sure. I mean, very briefly, I
9 oversee financial planning and management of
10 the company; that includes both financial
11 planning-type functions, such as forecasting
12 and budgeting for the company.

13 It includes financial
14 operations for the company, for example, the
15 accounting, treasury, tax-type functions;
16 overseeing the company's financial
17 disclosures, and, you know, our quarterly
18 financial reporting processes; overseeing our
19 internal audit function.

20 It's kind of a nutshell, maybe
21 recap of some of the core parts of my job.

22 Q. And so just to recap that, you
23 have overall responsibility for finance at
24 Meta, right?

25 A. Yes.

CONFIDENTIAL

Page 224

1 rereading this.

2 BY MS. O'NEILL:

3 Q. Sure.

4 So at the bottom of the first
5 page, Mr. Ginsberg notes that they're facing
6 scrutiny on Facebook and Instagram's impact
7 on well-being, especially around areas of
8 problematic use, addiction and teens.

9 A. That's what it says.

10 Q. So just to sum up again,
11 Mr. Ginsberg is requesting, in this e-mail,
12 additional employees to work on well-being
13 issues, right?

14 A. I mean, I don't remember the
15 details of this now from 2019, but I agree
16 that that is the reading of the e-mail, yeah.

17 Q. And that includes as related to
18 teens, right?

19 A. Yes.

20 Q. Okay. A little further down
21 the second page, we see Mr. Ginsberg's ask.

22 A. Uh-huh.

23 Q. His ask is for 17 HC (6 ENG) on
24 Blue, and 7 HC (1 ENG) for IG. Right?

25 A. Yes.

CONFIDENTIAL

Page 225

1 Q. And so that's for 17 employees,
2 including 6 engineers, for Facebook, right?

3 A. Yes.

4 Q. And seven employees, including
5 one engineer, for Instagram, right?

6 A. Yes.

7 Q. So a total of 24 employees?

8 A. Yes.

9 Q. On the next page, under
10 Landscape of Current Heads, we see that
11 Mr. Ginsberg noted that: Funding has been
12 limited so far in these areas.

13 Right?

14 A. That's what it says.

15 Q. Okay. So let's flip back to
16 the first page and look at your e-mail --

17 A. Yep.

18 Q. -- kind of in the middle.

19 A. Yes.

20 Q. You respond to Mr. Ginsberg and
21 you say: Following up on the review
22 yesterday - this was not funded.

23 Right?

24 A. In part, given the number of
25 open heads on Blue -- especially on Blue --

CONFIDENTIAL

Page 226

1 at the moment.

2 Q. Okay. But just to be clear,
3 you said: Following up on the review
4 yesterday - this was not funded.

5 Right?

6 A. Well, I think it would more be
7 clear: We didn't allocate sort of additional
8 contingency head count as part of this, but
9 clarified that Mark and Sheryl want them to
10 reprioritize other things in order to do this
11 work.

12 Q. Understood. But this
13 particular request for the 24 head count was
14 not funded, right?

15 A. The 24 head count were not
16 funded, but the request was for them to do
17 the work with existing head count that they
18 have.

19 MS. O'NEILL: I'll just move to
20 strike after "were not funded" as
21 nonresponsive.

22 BY MS. O'NEILL:

23 Q. You mentioned a review in this
24 e-mail. Is that the kind of review that we
25 were just talking about, the monthly head

CONFIDENTIAL

Page 227

1 count allocation review?

2 A. Yes.

3 Q. And who attended that meeting?

4 A. I don't recall who was in an
5 April 2019 meeting.

6 Q. Did Mr. Zuckerberg attend that
7 meeting?

8 A. I mean, I assume both Mark and
9 Sheryl were there because I conveyed
10 instructions from them.

11 Q. And did Mr. Zuckerberg make the
12 decision not to fund this request for 24 head
13 count?

14 A. Again, to be clear, the
15 decision was to not give 24 incremental head
16 count, but to ask the team to do this work
17 while reprioritizing other things.

18 Q. And that was Mr. Zuckerberg's
19 decision?

20 A. I mean, that was a -- I'm
21 pausing here because I don't recall exactly
22 what words were said in the meeting, but the
23 sort of decision that came out, which, you
24 know, Mark and Sheryl would have been part of
25 was to not grant the open heads but ask the

CONFIDENTIAL

Page 437

1 CERTIFICATE

2 I, MICHAEL E. MILLER, Fellow of
3 the Academy of Professional Reporters,
4 Registered Diplomate Reporter, Certified
5 Realtime Reporter, Certified Court Reporter
6 and Notary Public, do hereby certify that
prior to the commencement of the examination,
7 SUSAN LI was duly sworn by me to testify to
8 the truth, the whole truth and nothing but
9 the truth.

10 I DO FURTHER CERTIFY that the
foregoing is a verbatim transcript of the
11 testimony as taken stenographically by and
before me at the time, place and on the date
12 hereinbefore set forth, to the best of my
13 ability.

14 I DO FURTHER CERTIFY that pursuant
to FRCP Rule 30, signature of the witness was
15 not requested by the witness or other party
before the conclusion of the deposition.

16 I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney
17 nor counsel of any of the parties to this
action, and that I am neither a relative nor
18 employee of such attorney or counsel, and
that I am not financially interested in the

:

19 _____
MICHAEL E. MILLER, FAPR, RDR, CRR
20 Fellow of the Academy of Professional Reporters
NCRA Registered Diplomate Reporter
NCRA Certified Realtime Reporter
California CSR #13649

21
22 Dated: March 24, 2025
23
24
25