

AMENDED Exhibit 4

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

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA :MDL No.
ADOLESCENT ADDICTION/PERSONAL :4:22-md-3047-YGR
INJURY 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. for
:Filing Purposes
SOCIAL MEDIA CASES :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 :

T R A N S C R I P T of the
videotaped deposition of MARGARET GOULD
STEWART, taken at the offices of BAKER
BOTTS LLP, 30 Rockefeller Plaza, 44th
Floor, New York, New York, before
MARGARET M. REIHL, RPR, CRR, CCR-NJ and
Notary Public of New York, on October
21, 2024, commencing at 9:24 a.m.

— — —

1 Q. Okay. You can put those aside.
2 Ms. Stewart, did you use to work
3 for Meta?

4 A. I did.

5 Q. And how long did you work for
6 Meta?

7 A. Approximately ten years.

8 Q. Okay. And for most of the time
9 that you worked for Meta, was the company known
10 as Facebook?

11 A. Yes.

12 Q. Do you recall when Facebook
13 changed its name to Meta?

14 A. I believe it was in the -- they
15 announced it, I think, in October of; 21.

16 Q. Okay. And can we agree that I
17 use the term "Meta" in this deposition, I'm
18 referring to the company that used to be known
19 as Facebook?

20 A. Yes.

21 Q. Okay, thank you.

22 Let me ask you just another
23 housekeeping item. Is there any reason,
24 Ms. Stewart, that you feel you are not able to
25 give full and accurate testimony today?

1 A. No.

2 Q. Okay. I'd like to talk a little
3 bit about your professional experience.

4 Before you worked for Meta, did
5 you work for YouTube?

6 A. Yes.

7 Q. And what was your job there?

8 A. I was the head of global design
9 for YouTube.

10 Q. Okay. And do you recall
11 approximately the dates of that job?

12 A. I think it was 2009 to 2012.

13 Q. Okay. And before you were doing
14 that work for YouTube, did you have -- did you
15 work at Google?

16 A. Yes.

17 Q. Okay. And what was your job
18 there?

19 A. I was the head of design for
20 search and consumer products.

21 Q. And approximately when did you
22 start working at Google?

23 A. 2007.

24 Q. Okay. And before those few
25 jobs -- well, strike that.

1 Did these jobs that you had at
2 YouTube and at Google, did they involve design
3 and user experience?

4 A. Yes.

5 Q. And can you briefly tell the jury
6 what that means?

7 A. It means that I led the team that
8 researched and developed the user interfaces so
9 that when you use a website or an app, the
10 things that show on the screen and the
11 interactions that happen when you interact with
12 the products.

13 Q. Okay. Prior to working for
14 YouTube and Google, did you have other jobs that
15 involved these same issues?

16 A. Yes.

17 Q. And where were those jobs?

18 A. Previous to Google, I had worked
19 at Wachovia Bank for a couple of years leading
20 web design and usability. Prior to that, I
21 worked in a number of other technology
22 companies, including Lycos and Tripod.

23 Q. Okay. And all told, Ms. Stewart,
24 how many years have you spent dedicating your
25 professional life to design and user experience?

1 A. At this point 30ish years.

2 Q. Okay.

3 A. Yeah.

4 Q. And is it a job or a profession
5 that you feel passionately about?

6 A. Yes.

7 Q. Okay. So you told the jury you
8 worked at Meta for over ten years.

9 What year did you start working
10 at Meta?

11 A. 2012.

12 Q. And when did you leave?

13 A. 2022.

14 Q. And what was your first job at
15 Meta?

16 A. I was the director of product
17 design for the business side of the company.
18 And at that time that would have been ads,
19 products and pages.

20 Q. Okay. Now, in 2016 am I correct
21 that you were promoted to be a vice president at
22 Meta?

23 A. Correct.

24 Q. Okay. And what was your title?

25 A. Vice president of product design.

1 Q. Okay. Let me -- well, let me ask
2 you this:

3 In 2018 did your work as vice
4 president of product design take on a new
5 dimension?

6 A. It did. I initially started a
7 cross functional working group around tech
8 ethics. And then in, I believe it was January
9 of 2019, that was formalized into a team called
10 responsible innovation that I founded, and we
11 started to build a group of people and had
12 resources to work in that space.

13 Q. And when you say "that space," do
14 you mean tech ethics?

15 A. Responsible innovation. Yeah,
16 this was in addition to, at the time, still
17 leading product design teams for various areas
18 of the company.

19 Q. And one reminder that I'm going
20 to give you is that we have Madame Reporter here
21 who is writing down all the words that each of
22 us say -- I don't know how she does that -- but
23 to make her job easier, it's really important
24 that we try not to speak over each other. I
25 will likely do it and I'll try not to, but I

1 would also ask you not to do that as well, okay?

2 A. Yeah.

3 Q. Okay. So let me ask you this:
4 When you referenced "that space" in the answer
5 you previously gave me, did you mean tech
6 ethics?

7 MR. HALPERIN: Objection, asked
8 and answered.

9 THE WITNESS: Yes.

10 BY MS. WALSH:

11 Q. Okay. And what are tech ethics?

12 A. In my mind, it is fully exploring
13 the impact of the products. That's positive
14 impact but also potentially negative impact, and
15 having processes that help teams navigate those
16 challenges of when there may potentially be harm
17 created by the products that we build.

18 Q. Okay. And that's work that you
19 did at Meta for approximately three years?

20 A. Yes.

21 Q. And did you take that work
22 seriously?

23 A. Yes.

24 MS. WALSH: I would like to show
25 a demonstrative. And if I could have

1 the Elmo, please. Ms. Stewart, I'm
2 marking this as Exhibit 2 -- excuse
3 me -- Exhibit 3 to the deposition, and
4 what I've reflected here is a timeline
5 of part of your career at Meta.

6 (Document marked for
7 identification as Meta-Gould Stewart-003
8 was marked for identification and is
9 attached to the transcript.)

10 BY MS. WALSH:

11 Q. Do you see this?

12 A. Yes.

13 MR. HALPERIN: Do you have a copy
14 of Exhibit 3 for counsel?

15 BY MS. WALSH:

16 Q. And what I endeavor to represent
17 here are the years which you were working as a
18 vice president of product design and responsible
19 innovation?

20 A. Correct.

21 Q. And we may refer back to this
22 throughout your testimony to help the jury keep
23 track of timing of certain events. Okay.

24 Now, to give the jury a sense of
25 the work you were doing at Meta and, frankly,

1 also before Meta, I would like to show you your
2 LinkedIn profile.

3 A. Can I just make one comment about
4 that timeline, please?

5 Q. Certainly.

6 A. Some of what we discuss may
7 involve 2018. This was before the team was
8 formalized and the name was put on the team.
9 But in the year prior, you may see references to
10 something called the "ethics XFN," and that was
11 an exploratory working group that I was leading
12 during 2018 to explore what it might take to
13 create the team like responsible innovation.
14 And January of 2019 was when that team was
15 formalized and funded. Does that make sense?

16 Q. Yes.

17 So Ms. Stewart, is it the case
18 that even prior to 2019 and 2018, you were
19 working to promote tech ethics at Meta?

20 A. Correct.

21 Q. Okay. And that became a formal
22 part of your job in 2019, correct?

23 A. Correct.

24 MS. WALSH: Okay, thank you. So
25 let's take a look at your LinkedIn

1 profile, and we're going to mark that as
2 Exhibit 4 to your deposition.

3 (Document marked for
4 identification as Meta-Gould Stewart-4
5 was marked for identification and is
6 attached to the transcript.)

7 BY MS. WALSH:

8 Q. And do you recognize this to be a
9 current version of your LinkedIn profile?

10 A. I do except that in the interest
11 of clarifying some of these breakdowns, I did
12 make some edits recently, and I just want to
13 make sure that this is the most current version.
14 The reason, by the way, is because of the name
15 change, LinkedIn wanted to make it look like a
16 new job, but it was actually just a new name for
17 the company, which is why it's a little
18 confusing.

19 Q. Understood.

20 A. Is there a way to look at the one
21 that's live just so that I make sure that we're
22 looking at the most current version? I don't
23 know when this was pulled.

24 MS. WALSH: Could we go off the
25 record for a minute to take care of

1 that?

2 MR. HALPERIN: Sure.

3 THE VIDEOGRAPHER: The time is
4 9:40. We are off the record.

5 (Brief recess.)

6 THE VIDEOGRAPHER: The time right
7 now is 9:42 a.m. We are back on the
8 record.

9 BY MS. WALSH:

10 Q. So Ms. Stewart, we are looking at
11 a copy of your LinkedIn profile, and do you
12 understand this to be the most recent version of
13 your LinkedIn profile?

14 A. I do.

15 Q. Okay. And what I want to do is
16 direct your attention to the summary of your
17 professional experience and that very first
18 paragraph under "Summary," which we could blow
19 up on the screen maybe.

20 Does this -- does this summarize
21 the work experience that we just talked about
22 with the jury?

23 A. It does.

24 Q. Okay. And what this says is that
25 you spent -- at this time you had over 25 years

1 of experience leading design for some of the
2 most influential and consequential digital
3 products in the world, correct?

4 A. Yes.

5 Q. And that includes Google, YouTube
6 and Facebook, correct?

7 A. Correct.

8 Q. Okay. And the design practice
9 that you led at Facebook was a global
10 organization of over 400 design and research
11 practitioners; is that right?

12 A. Correct.

13 Q. Okay. I want to look now at
14 where you describe the work that you did on the
15 responsible innovation team that you mentioned.
16 And to do that, if we could go to the second
17 paragraph of this document, please, on the first
18 page.

19 And what this says, Ms. Stewart,
20 is "in her most recent role as vice president of
21 product design and responsible innovation at
22 Meta, Margaret founded and led the central
23 responsible innovation team at Meta/Facebook."

24 Did I read that correctly?

25 A. Yes.

1 Q. And does that describe the work
2 that you did at Meta?

3 A. Yes.

4 Q. And it explains that this team
5 partnered with product and team teams -- well,
6 let me start that over.

7 And what it explains is that this
8 team "partnered with product and teams across
9 Facebook to proactively surface and address
10 potential harms to people and society in all
11 company products for its community of over
12 3 billion users."

13 Did I read that correctly?

14 A. Yes.

15 Q. Okay. So let's unpack that for a
16 minute.

17 This responsible innovation team,
18 you are the one who started that team, right?

19 A. Correct.

20 Q. And you also led that team?

21 A. Yes.

22 Q. And based on what you described
23 here, tell us briefly what the mission of that
24 team was.

25 A. The mission of the team was to be

1 a central, in a sense, consulting service that
2 could partner with any and all teams across the
3 organization to help teams engage in various
4 processes to help them cultivate foresight
5 around how their product may impact people in
6 society, in positive ways but also in ways where
7 there could be potential harm and then to
8 partner with them to figure out how to mitigate
9 those potential harms.

10 Q. And when you were leading this
11 team, did you believe that was an important
12 thing to do, to try to proactively surface and
13 address potential harms?

14 A. Yes.

15 Q. Okay. You mentioned that at the
16 time you were leading this team -- and I'm sure
17 this number fluctuated over time -- but there
18 were billions of users of Facebook social media
19 apps; is that right?

20 A. Yes.

21 MS. WALSH: And I wanted to take
22 a look at -- and I'm going to show the
23 demonstrative for this. Let's take a
24 look at what those appears were at the
25 time, okay. And to do that, I'm going

1 to show you what we're going to mark as
2 Exhibit 5 to your deposition.

3 (Document marked for
4 identification as Meta-Gould Stewart-005
5 was marked for identification and is
6 attached to the transcript.)

7 BY MS. WALSH:

8 Q. Do you see that on the screen?

9 A. I can.

10 Q. Okay. And what we've depicted
11 here is that the company now known as Meta,
12 formerly known as Facebook, has a number of
13 different social media apps that it offers to
14 users, correct?

15 MR. HALPERIN: Object to form.

16 THE WITNESS: Yes.

17 BY MS. WALSH:

18 Q. Okay. And is one of those social
19 media apps Facebook?

20 A. Yes.

21 Q. And one is Messenger?

22 A. Yes.

23 Q. And there's also Instagram,
24 correct?

25 A. Yes.

1 Q. And there's also WhatsApp,
2 correct?

3 A. Yes.

4 Q. And you mentioned to the jury
5 that the responsible innovation team was a
6 central team.

7 Does that mean that the work you
8 were doing related to all of the social media
9 apps that Meta offered?

10 A. It potentially could. We did
11 not -- we partnered -- we had the opportunity to
12 partner with all of them. In my recollection,
13 I'm not sure we had any specific engagements
14 with WhatsApp. We did do work with, I believe,
15 the other three apps.

16 Q. Okay. And we talked about just a
17 moment ago that when you were doing this work,
18 there were billions of users of these apps,
19 correct?

20 A. Yes.

21 Q. And among those billions of
22 users, were some of those users kids?

23 MR. HALPERIN: Object to form.

24 BY MS. WALSH:

25 Q. Strike that. I will redo that.

1 Among these billions of users,
2 were some of these users teenagers?

3 A. Yes.

4 Q. Okay. And in the work you were
5 doing in responsible innovation to work to
6 proactively surface and address potential harms
7 that could be caused by these apps, was one of
8 the things you were concerned about potential
9 harms to teenagers using these apps?

10 MR. HALPERIN: Object to form.

11 THE WITNESS: There were a lot of
12 issues that we were engaged in, so I
13 would not say that it was -- it
14 certainly was not the single issue, and
15 I also wouldn't say that it was the main
16 focus of the team.

17 BY MS. WALSH:

18 Q. Okay.

19 A. But there was a specific issue
20 that came up related to youth safety that I
21 ended up getting involved in.

22 Q. Okay. And was that issue
23 cosmetic surgery effects?

24 A. Yes.

25 Q. Okay. And that was an issue that

1 your team looked at because of the potential
2 harms that cosmetic surgery effects could create
3 for teenagers?

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

6 THE WITNESS: Yes, it felt like a
7 good example of the kind of thing that
8 the team and I wanted to help with.

9 BY MS. WALSH:

10 Q. Okay. Let me ask you this,
11 Ms. Stewart, do you have kids?

12 A. I do.

13 Q. Okay. And at the time that you
14 were working on this issue of cosmetic surgery
15 effects, were your kids teenagers?

16 A. They were.

17 Q. And how many kids do you have?

18 A. I have three.

19 Q. Okay. And boys, girls?

20 A. I have a boy, my middle child is
21 nonbinary, and my youngest is a girl.

22 Q. As a mother of three kids, was
23 that the perspectives that you had from being a
24 mom, is that something that had an effect on how
25 you approached issues on the responsible

1 innovation team?

2 MR. HALPERIN: Object to form.

3 THE WITNESS: Yes, I feel that
4 raising teenagers during that team
5 period gave me a perspective on why we
6 needed to be looking at this issue
7 because of my personal proximity to it.

8 BY MS. WALSH:

9 Q. Okay. And we'll talk about that
10 a little bit more a little bit later in your
11 testimony, but during this time when you were
12 working on this issue of cosmetic surgery
13 effects, were you one of the few executives at
14 Meta who had teenaged kids, the few senior
15 executives who had teenage kids?

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

18 THE WITNESS: As far as I know,
19 there were a handful of executives who
20 had teenage kids. Many of the
21 executives did not have children or had
22 young children.

23 MS. WALSH: Okay. So I want to
24 talk in more detail now about cosmetic
25 surgery effects, okay. And I want to

1 let you know that the focus of the
2 questions that I'm going to ask you are
3 about cosmetic surgery effects, okay.

4 So the jury has heard a little
5 bit about cosmetic effects, but to give
6 them a better sense of what exactly
7 these are, I'd like to show you an
8 exhibit that we're going to mark as 6.

9 (Document marked for
10 identification as Meta-Gould Stewart-006
11 was marked for identification and is
12 attached to the transcript.)

13 BY MS. WALSH:

14 Q. Take a minute to familiarize
15 yourself and let me know when you're ready.

16 A. (Witness reviews document.)
17 Okay.

18 Q. Do you recognize this document?

19 A. I do.

20 Q. And what is this document?

21 A. This is a document that was
22 prepared in advance or as a part of formalizing
23 a policy proposal around whether we would lift a
24 temporary ban on what the policy team referred
25 to as "cosmetic surgery effects."

1 Q. And could you estimate around
2 when this document would have been created?

3 A. I want to say somewhere in 2019,
4 I believe.

5 Q. Okay. And at the time when you
6 were working in responsible innovation and you
7 were focused on this issue of cosmetic surgery
8 effects, would you have reviewed this document?

9 A. Yes.

10 Q. Okay. So we're going to spend
11 some more time on this document, but for now if
12 you could flip to page 3, please.

13 A. Yes.

14 Q. And I want to direct your
15 attention to the bottom of the page and the
16 photographs that were in the red columns?

17 A. Sorry, the red? It's black and
18 white printout. Okay, I'm looking at the
19 screen, and I see the colors.

20 Q. Yes, okay. Are these examples of
21 the type of cosmetic surgery effects that were
22 part of the subject of the work that you were
23 doing in responsible innovation?

24 A. Yes.

25 Q. Okay. And what the document

1 shows is that the effect on the left-hand side
2 was to enlarge the eyes of the young woman in
3 the photograph, correct?

4 A. Yes.

5 Q. Okay. And on the right, the
6 effects that were imposed on this young woman's
7 photograph were to slim her nose and enlarge her
8 lips; is that correct?

9 A. Yes.

10 Q. And to your understanding, based
11 on the work that you were doing at Meta at the
12 time, are these sorts of effects the type of
13 things that can only be achieved through plastic
14 surgery?

15 MR. HALPERIN: Object to form.

16 THE WITNESS: Well, let me -- may
17 I back up for just a second?

18 BY MS. WALSH:

19 Q. Please.

20 A. The whole scope of these effects
21 were taken into account as we were forming this
22 policy because we were trying to figure out what
23 effects were the ones that we were concerned
24 based on our own work and also advice we were
25 getting from outside experts that could

1 potentially be harmful and, also, definitions
2 that could be used by policy to consider as
3 effects were coming in of what they would allow
4 or disallow.

5 So this chart is trying to create
6 some categories that could then be used for the
7 people who are reviewing effects to say this is
8 allowed, this is not.

9 Q. I see.

10 A. And so can you rephrase because I
11 want to circle back to the question, but maybe
12 you can rephrase it or you can restate it.

13 Q. Sure. Yeah.

14 So these effects, these photos
15 that we're looking at right now, I see on the
16 document that they're -- at the top of the
17 column they're called "cosmetic surgery
18 effects," right?

19 MR. HALPERIN: Object to form,
20 misstates the document.

21 BY MS. WALSH:

22 Q. And is that an indication that
23 these -- the effects that are imposed on the
24 photographs of these two young women, that these
25 are effects that could only be achieved through

1 cosmetic surgery?

2 A. Yes.

3 Q. Okay. Let's turn to the next
4 page, and I'd like to focus on the top-left
5 corner, please. Are these also, to your
6 understanding -- strike that.

7 To your understanding, do these
8 pictures reflect photographs of young women that
9 have been -- that have a cosmetic surgery effect
10 applied to them?

11 A. Yes.

12 Q. And we see one where this young
13 woman's lips have been enlarged, correct?

14 A. Mm-hmm.

15 THE COURT REPORTER: Is that yes?

16 THE WITNESS: Sorry, yes.

17 BY MS. WALSH:

18 Q. Another one where the women's
19 lips have been enlarged and her nose has been
20 slimmed, correct?

21 A. Yes.

22 Q. And then finally one where the
23 woman's eyes have been enlarged and her chin has
24 been slimmed, correct?

25 A. Yes.

1 Q. Okay. So these also are the
2 effects that have been imposed on the
3 photographs that these young women are effects
4 that could only be achieved through plastic
5 surgery; is that right?

6 MR. HALPERIN: Object to form.

7 THE WITNESS: Yes.

8 MS. WALSH: So with that
9 background, I would like to show you and
10 mark as Exhibit 7 a demonstrative. It's
11 a summary of what we just looked at.

12 (Document marked for
13 identification as Meta-Gould Stewart-007
14 was marked for identification and is
15 attached to the transcript.)

16 BY MS. WALSH:

17 Q. Ms. Stewart, does the
18 demonstrative that I'm showing you now reflect
19 examples of the types of cosmetic surgery
20 effects that were available for people using
21 Facebook to impose on their photographs when you
22 were working on this issue?

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

25 MS. WALSH: Strike that.

1 BY MS. WALSH:

2 Q. Ms. Stewart, I'm showing you a
3 demonstrative titled "cosmetic surgery effects."
4 Do you see that?

5 A. Yes.

6 Q. And to your understanding, each
7 of these photographs, do they reflect the use of
8 a cosmetic surgery effect?

9 A. They do.

10 Q. In one example the woman's eyes
11 have been enlarged, correct?

12 A. Yes.

13 Q. And in another her lips have been
14 enlarged, correct?

15 A. Yes.

16 Q. On the right-hand side we see a
17 young woman whose eyes have been enlarged and
18 her chin has been slimmed, correct?

19 A. Yes.

20 Q. In the middle we see a woman
21 whose lips have been enlarged, and she's added
22 freckles; is that right?

23 A. Yes.

24 Q. In another we see a woman whose
25 nose has been slimmed and her lips have been

1 enlarged, correct?

2 A. Yes.

3 Q. And to your understanding,
4 Ms. Stewart, all of these pictures, all of the
5 effects that have been imposed on these
6 photographs, are these all effects that in real
7 life could only be achieved through plastic
8 surgery?

9 MR. HALPERIN: Object to form.

10 THE WITNESS: I would say that
11 part of what made this tricky to define
12 is that if you were dealing with an
13 expert makeup artist who could do like
14 extremely sophisticated theatrical make
15 up, you could technically achieve some
16 of these things like making the borders
17 of your lips larger in a theatrical way.
18 But I think the way that we were
19 defining it was for the average person
20 and their makeup skills, that they would
21 not be able to achieve these effects,
22 that it would actually have to be
23 through cosmetic surgery.

24 BY MS. WALSH:

25 Q. Okay. So Ms. Stewart, each of

1 these pictures and the effects that have been
2 imposed on them, for the average woman these are
3 effects that could only be achieved through
4 plastic surgery; is that right?

5 MR. HALPERIN: Objection, asked
6 and answered.

7 THE WITNESS: That is what we
8 believed, yes.

9 BY MS. WALSH:

10 Q. Okay. Let me ask you this,
11 Ms. Stewart: Do these effects sometimes go by
12 different or -- strike that.

13 When you were working on this
14 issue at Meta, were these effects, did they
15 sometimes go by different names?

16 A. Yes. Both inside the company and
17 outside the company, sometimes you would see
18 them referred to as "beautification filters."
19 We tried to avoid that because it felt like it
20 was an example of the problem that these effects
21 might produce.

22 Q. I'm going to put "beautification"
23 in quotes, how about that?

24 A. That's right, yes.

25 MR. HALPERIN: Do you know, we

1 can't see that.

2 MS. WALSH: Sorry, apologies.

3 BY MS. WALSH:

4 Q. Okay. Anything else that you
5 recall them being referred to as?

6 A. I think there may be a term of
7 "selfie manipulation," although I will say that
8 is an extremely broad term that would refer to
9 any manipulation of the selfie photo, and I
10 think that cosmetic surgery and beautification
11 get closer to the topic that we were referring
12 to.

13 Q. Okay. But these are, indeed,
14 examples of selfie manipulation?

15 A. Yes.

16 Q. What about the term "augmented
17 reality"?

18 A. That is also an extremely broad
19 technical term of introducing effects, usually
20 in some kind of view port, of a camera or lenses
21 that you're looking through where effects may be
22 introduced into your environment, but that's an
23 extremely broad category of things.

24 Q. Okay. But are each of these
25 photographs an example of augmented reality?

1 A. Yes, they can be, yes.

2 Q. Keeping these photographs, these
3 selfie manipulations and cosmetic surgery
4 effects in mind, let me ask you this,
5 Ms. Stewart: When you were working at Meta as
6 the head of responsible innovation, were you
7 concerned that the existence of cosmetic surgery
8 effects like these could contribute to a teenage
9 girl's mental health issues?

10 MR. HALPERIN: Obstacle.

11 THE WITNESS: Yes.

12 BY MS. WALSH:

13 Q. And given that concern, did you
14 consult with mental health experts outside of
15 Meta to better understand the impacts that
16 cosmetic surgery effects like these could have
17 on a teenager?

18 MR. HALPERIN: Object to form.

19 THE WITNESS: We consulted with
20 experts. I would have to review the
21 specific experts to see if they were
22 specifically mental health experts or
23 academics doing research in this area or
24 a combination of those.

25 BY MS. WALSH:

1 Q. Okay.

2 A. But we did consult extensively
3 with outside experts in this area.

4 Q. Okay. And whether they were
5 academics or mental health experts, can you
6 summarize for the jury what you learned from
7 these outside experts that you consulted about
8 the potential impacts of these cosmetic surgery
9 effects?

10 MR. HALPERIN: Object to form.

11 THE WITNESS: My recollection is
12 that the significant majority of them
13 confirmed our hypothesis that these had
14 the potential to be very harmful, in
15 particular to young people, and some of
16 them specifically called out young
17 women.

18 BY MS. WALSH:

19 Q. And can you briefly describe what
20 you learned from consulting these folks about
21 why these could be harmful to young people and,
22 in particular, young women?

23 MR. HALPERIN: Object to form.

24 THE WITNESS: My recollection,
25 and I would need to reread the documents

1 to get specific, but that the sense of
2 negative comparison, so how I look
3 versus how other people look, or the
4 naturalistic presentation of myself
5 versus the augmented, manipulated,
6 affected view of myself over time, would
7 feed into anxiety, body dysmorphia,
8 depression related to one's appearance.

9 BY MS. WALSH:

10 Q. And to unpack that a little bit
11 for the jury, were you concerned about how it
12 could affect a teenage girl to have filters
13 repeatedly applied to her own image?

14 MR. HALPERIN: Object to form,
15 misstates the testimony.

16 THE WITNESS: Yes. My concern --
17 and I should state I'm not an expert in
18 youth safety or youth mental health.

19 BY MS. WALSH:

20 Q. Okay.

21 A. But based on my own experience as
22 a human using these things and also as a parent
23 of teenagers, you know, looking to make sure
24 that the technology they're using is -- is
25 beneficial to them, my concern was that if a

1 product was encouraging or proactively
2 presenting opportunities to in quote "improve
3 your appearance," that over time logically that
4 would send a message to anyone that their
5 appearance naturalistically was not okay as it
6 is, and that that -- that's a concern for all
7 people, but it's particularly concerning to
8 minors who are going through a vulnerable period
9 in their lives through adolescence.

10 Q. Now, based on these -- strike
11 that.

12 So these concerns you've just
13 described, these were based in part on input
14 that the company received from outside experts;
15 is that right?

16 A. Yes, yes.

17 Q. And this concern was based also
18 on your experience as a mom of teenagers?

19 A. Yes. And not to minimize people
20 who disagreed with this, but I also felt like it
21 was a bit common sense that if you constantly
22 were told that you needed to improve your
23 appearance, that that tells you that your
24 appearance is not okay.

25 Q. Ms. Stewart, so based on these

1 concerns, did you, as head of responsible
2 innovation, undertake an effort to have cosmetic
3 surgery effects like these banned from Meta's
4 social media apps?

5 MR. HALPERIN: Object to form.

6 THE WITNESS: So what I will say
7 is this initiative around this policy
8 was instigated and led by the policy
9 product team.

10 BY MS. WALSH:

11 Q. Okay.

12 A. But they -- my recollection is
13 that they reached out to me because of my role
14 in tech ethics at the company because there
15 wasn't another single, logical owner for this
16 topic on the product side to help them form the
17 policy and then align -- socialize it with and
18 align the product teams to be open to
19 maintaining this ban and better defining the
20 guidelines around what was allowed and what was
21 not allowed when it came to camera effects.

22 Q. Okay. So just to break that down
23 and make sure the jury understands, was it
24 people in -- who were in charge of policy for
25 these products who originally came to you and

1 said we are concerned about these cosmetic
2 surgery effects, and we think we should do
3 something about them?

4 MR. HALPERIN: Object to form,
5 misstates testimony.

6 THE WITNESS: Yes.

7 BY MS. WALSH:

8 Q. And what role did they ask you to
9 play in that?

10 A. They asked me to help shape the
11 policy but also to socialize it with product
12 leaders with whom I had strong ties. Because
13 this policy -- because we had cameras in
14 multiple products, that our goal was to see if
15 we could get to a uniform policy across what we
16 would call the family of apps, as opposed to
17 Instagram having its own policy and then
18 Facebook and Messenger, to have a consistent
19 policy and to help them align the product teams
20 around that.

21 Q. Okay. And so the idea -- and
22 we're going back to Exhibit 5 now -- was to try
23 to have a consistent policy across the family of
24 apps that Meta offered?

25 A. Correct.

1 Q. And we're showing the jury those
2 apps now?

3 A. Correct.

4 Q. Okay.

5 A. I should say -- if you could
6 bring the family of apps back?

7 Q. Sure.

8 A. I don't believe that it was --
9 it's not shown here, but the reality labs team
10 was actually where some of these effects were
11 being developed in a team called Spark AR.

12 Q. Okay.

13 A. So even though there wasn't an
14 app with a camera, that organization was a part
15 of these discussions too because we knew in
16 future years between VR head sets and augmented
17 reality experiences that this policy would
18 effect those products as they came to market as
19 well.

20 Q. Okay, understood.

21 Now, did there, in fact, as a
22 result of the efforts that were instigated
23 originally by people in product policy and that
24 you led, did there come to be -- was there a
25 temporary ban placed on cosmetic surgery effects

1 such as these?

2 A. There was. And my recollection
3 is that -- I would have to look up when this
4 happened, but when the Spark AR platform, which
5 is a developer platform that allows outside
6 designers and engineers to develop effects that
7 might be offered on the platform, when that
8 opened up, we saw there were a set of filters
9 that were created. And we're seeing, as I
10 recall, fairly high usage that were quite
11 extreme in nature around cosmetic surgery, much
12 more direct than what we're looking at in this
13 exhibit on cosmetic surgery effects. They
14 actually were filters that outlined nip and tuck
15 diagramming on people's faces, and this was very
16 concerning and something that I think there was
17 fair unanimity about in the company that we did
18 not want those things.

19 And so there was a temporary ban
20 put on -- and I don't recall what the scope
21 of -- exactly what the scope of the temporary
22 ban was but around cosmetic surgery filters so
23 that the team in policy presumably working with
24 product could have the time to research how
25 pervasive these were, how much usage they were

1 getting and get outside advice on how we might
2 approach whether or not we would allow these.

3 And at a certain point, we had to
4 revisit whether that ban would be -- sorry, I
5 don't know if you want to -- okay, there was a
6 certain point at which once that temporary ban
7 was put into place by policy, that we had to
8 decide if we were going to continue that ban for
9 another period of time, lift it or make it
10 permanent.

11 Q. Okay. So, Ms. Stewart, let me --
12 I'm going to move to strike that as
13 nonresponsive --

14 A. Okay.

15 Q. -- which is okay.

16 A. Yeah.

17 Q. But let me just ask a question
18 which is: Did there come a time when cosmetic
19 surgery effects, including ones like these, were
20 temporarily banned?

21 A. Yes.

22 Q. And do you recall the date or the
23 approximate date when that would have been?

24 A. I -- my pandemic brain often
25 mixes up '19, '20, '21, so I literally may be a

1 year off on this. I think it may have been the
2 fall of 2019.

3 Q. Okay.

4 A. But I'm sure it's documented
5 somewhere.

6 Q. So is your best recollection,
7 Ms. Stewart, that this temporary ban that we
8 just talked about was instituted some time in
9 the fall of 2019?

10 A. I believe so.

11 Q. Okay. I'm going to add this to
12 our timeline.

13 And later was there a decision
14 to --

15 A. It may have been 2020. I
16 apologize but, yeah, okay, go ahead.

17 Q. Okay. Later did -- this is your
18 best recollection, correct?

19 A. Yeah.

20 Q. Okay. Later was there a decision
21 made to lift that ban?

22 A. There was.

23 Q. And can you recall approximately
24 when that would have been?

25 A. I believe that would have been in

1 the spring of 2021.

2 Q. Okay. Well, let me ask you
3 this -- hold on one second.

4 MS. WALSH: I'm going to show you
5 what's going to be marked as Exhibit 8
6 to your deposition.

7 (Document marked for
8 identification as Meta-Gould Stewart-008
9 was marked for identification and is
10 attached to the transcript.)

11 BY MS. WALSH:

12 Q. Here you go.

13 A. Thank you.

14 Q. And take a look at that.

15 And, Ms. Stewart, does looking at
16 that document refresh your recollection that
17 there was a decision made to lift the temporary
18 ban on cosmetic surgery effects as when it
19 happened?

20 A. It does.

21 Q. And when did that happen?

22 A. The decision to lift the ban was
23 communicated in May of 2020.

24 Q. Okay. You can put that document
25 aside for now.

1 know when you're ready.

2 A. (Witness reviews document.)

3 That's why I'm confused. It's
4 also included in Exhibit 8 because my e-mail to
5 Mark was, I think, a part of that same thread,
6 but that's great, yeah.

7 Q. Okay. So have you got Exhibit 11
8 in front of you?

9 A. I do.

10 Q. Okay, great.

11 And having looked at this, do you
12 recognize this e-mail?

13 A. Yes.

14 Q. Okay. And is this an e-mail
15 chain that includes e-mails that you sent or
16 that you received while you were working at
17 Meta?

18 A. Yes.

19 Q. And did you receive these e-mails
20 as part of the work that you were doing at Meta?

21 A. Yes.

22 Q. Okay. And it's your
23 understanding that these e-mails that you're
24 looking at were -- when they were sent, they
25 were sent by Meta employees as part of the work

1 they were doing at Meta?

2 A. Yes.

3 Q. Okay. So let's flip to the
4 e-mail that starts the chain, please, it's on
5 the very last page.

6 A. Yes.

7 Q. And if you -- and this is an
8 e-mail from Andy McDonnell -- sorry, this is an
9 e-mail from Andy O'Connell, correct?

10 A. Yes.

11 Q. Sent on March 26, 2020, right?

12 A. Yes.

13 Q. And it's sent to Mark Zuckerberg
14 and a number of other -- fair to say, senior
15 executives at the company?

16 MR. HALPERIN: Object to form.

17 THE WITNESS: Yes.

18 BY MS. WALSH:

19 Q. You understand the people who are
20 highlighted on the exhibit in front of you to be
21 senior executives at Meta?

22 A. Yes.

23 Q. And the subject is "Pre-read on
24 cosmetic surgery AR effects."

25 Do you see that?

1 A. Yes.

2 Q. And it says "next Thursday"?

3 A. Yes.

4 Q. And what Andy O'Connell says to
5 Mark is "Mark, next Thursday we are meeting to
6 decide whether we should continue, modify or
7 lift the temporary ban on cosmetic surgery AR
8 effects that we instituted in October 2019."

9 Do you see that?

10 A. Yes.

11 Q. Okay. And does that confirm your
12 recollection that that temporary ban --

13 A. Yes.

14 Q. -- went into place in the fall of
15 2019?

16 A. Yes, it does.

17 Q. Okay. Now, it says a pre-read --
18 well, strike that.

19 It goes on to say and explains,
20 does it not, that this temporary ban was put
21 into place "in response to expert and press
22 concerns about potential negative well-being
23 impacts (especially on minors)."

24 Do you see that?

25 A. Yes.

1 Q. Okay. And is that consistent
2 with your understanding of why the temporary ban
3 on cosmetic surgery effects was put into place
4 on October of 2019?

5 A. Yes.

6 Q. Okay. It then says "the pre-read
7 is attached."

8 Do you see that?

9 A. Yes.

10 Q. What is a pre-read?

11 A. A pre-read is a briefing document
12 that's prepared for executives in advance of a
13 meeting or review, presumably in this case
14 because a decision needs to be made. And in
15 order for the conversation to be robust and
16 productive and lead to an informed decision, we
17 would provide an executive group with that
18 report in advance of the meeting so that they
19 can review and all come in with the same
20 information.

21 Q. Okay. And this particular
22 pre-read was intended to provide, among others,
23 Mr. Zuckerberg important information related to
24 this decision about lifting the ban, correct?

25 A. Yes.

1 Q. And you received the pre-read as
2 well, correct?

3 A. Yes.

4 Q. And would you have been -- had
5 some involvement in providing information for
6 the pre-read or creating the pre-read?

7 A. Yes, I worked with the policy
8 team. The policy team led and owned the
9 ultimate responsibility for preparing that
10 document since this was a policy question, but I
11 was involved in giving feedback on it.

12 Q. Okay. So let's take a look at
13 the pre-read. And that is Exhibit 6. You
14 should have in front of you.

15 A. Yes.

16 Q. And it says at the top "Cosmetic
17 surgery effects (A/C privilege)."

18 Do you see that?

19 A. Yes.

20 Q. And "A/C privilege" means
21 attorney-client privilege?

22 MR. HALPERIN: Object to form.

23 THE WITNESS: Yes.

24 BY MS. WALSH:

25 Q. Okay. Did you put that label,

1 "A/C privileged" on this document?

2 A. No.

3 Q. Do you happen to know who did?

4 MR. HALPERIN: Object to
5 foundation.

6 THE WITNESS: Again, policy team
7 had the ultimate ownership of the
8 document, so they would have decided
9 whether or not it needed to be
10 attorney-client privilege.

11 BY MS. WALSH:

12 Q. Okay. Let me ask you a question,
13 if we could go back for one minute to Exhibit
14 11. And if you look at the folks that
15 Mr. O'Connell sent this pre-read to, to your
16 understanding are any of those people lawyers?

17 MR. HALPERIN: Object to form,
18 foundation.

19 THE WITNESS: I would not be able
20 to -- to my knowledge, I do not believe
21 any of them were in the role of attorney
22 within the company, although some of
23 them may have legal training, but I
24 can't be completely certain.

25 BY MS. WALSH:

1 Q. So you know, for example, or do
2 you know that Joel Kaplan has a law degree?

3 A. He very well may.

4 Q. But he doesn't act as a lawyer
5 for the company, does he?

6 A. He did not at the time, no.

7 Q. He's involved in lobbying?

8 A. In lobbying, yeah.

9 Q. Okay. Did you ever work with
10 Mr. Kaplan?

11 A. No, not directly.

12 Q. Okay. Let's go back to Exhibit
13 6, please.

14 If we go down to "Decision needed
15 and options."

16 Do you see that?

17 A. Yes.

18 Q. And at the top it says "Should we
19 continue, modify or lift the ban on cosmetic
20 surgery AR effects," right?

21 A. Yes.

22 Q. And is "AR" a reference to
23 augmented reality?

24 A. Yes.

25 Q. Okay. And it explains that that

1 ban was "instituted in October of 2019,"
2 correct?

3 A. Yes.

4 Q. And, again, it notes that the ban
5 was "in response to expert and press concerns
6 about potential negative well-being impacts
7 (especially on minors)," right?

8 A. Yes.

9 Q. Okay. And we'll talk about the
10 different options in a moment, but let's go down
11 now to the section "Key considerations."

12 And these key considerations, are
13 these -- when you referred earlier to the
14 important information that the senior executives
15 were -- that you hoped that they would consider
16 before making this decision, are the key
17 considerations some of those things?

18 MR. HALPERIN: Object to form.

19 THE WITNESS: Yes.

20 BY MS. WALSH:

21 Q. And the very first key
22 consideration is well-being and safety concerns,
23 right?

24 A. Yes.

25 Q. And it says "There is not yet

1 robust causal evidence about the relationship
2 between cosmetic surgery AR effects and
3 well-being," right?

4 A. Yes.

5 Q. But it says "However, experts
6 from around the world, APAC included" -- and let
7 me pause there for a minute. What is APAC?

8 A. That would be -- I believe it
9 stands for Asia Pacific, and I'm embarrassed to
10 say I cannot remember what the last two acronyms
11 stand for, but it refers to that region of the
12 world.

13 Q. Okay. So this says, "However,
14 experts from around the world" -- including
15 experts from APAC, which is the Asian Pacific
16 region -- "generally agree that these
17 effects" -- meaning cosmetic surgery effects --
18 "are cause for concern for mental health and
19 well-being, especially amongst vulnerable
20 populations (females, youth, those with a
21 history of mental health concerns, et cetera.)"

22 Do you see that?

23 A. Yes.

24 Q. And that's consistent with some
25 of the information we've already looked at

1 regarding input the company obtained from
2 outside experts, right?

3 MR. HALPERIN: Object to form.

4 THE WITNESS: Yes.

5 BY MS. WALSH:

6 Q. And you seem -- and we can
7 underline "youth" and you understand that to
8 include teenagers?

9 A. Yes.

10 Q. And teenage girls, right?

11 A. Yes.

12 Q. Okay. And then it says
13 "Additionally, academic research on related
14 topics (e.g." -- or for example, "well-being
15 impacts of seeing 'ideal' images in media) gives
16 us cause for concern."

17 Do you see that?

18 A. Yes.

19 Q. Okay. And again, this was on the
20 very first page of the pre-read that was
21 provided to Mark Zuckerberg, correct?

22 A. Yes, yes.

23 Q. And Joel Kaplan and the other
24 people that we saw in that e-mail, right?

25 A. Yes.

1 Q. Now, it says "See appendix for
2 additional information."

3 Do you see that the very bottom?

4 A. Yes, yes.

5 Q. So let's flip back to page 7.

6 A. Yes.

7 Q. And I want to focus in particular
8 on the description of what you all learned
9 from -- strike that.

10 Is it your understanding that
11 people within Facebook actually communicated
12 directly with outside experts from around the
13 world about these cosmetic surgery effects?

14 A. Yes.

15 Q. And I want to focus on what Mr.
16 Zuckerberg and others were told about the
17 results of that outreach. And what it says is
18 "To augment this review of research, we
19 consulted 21 independent experts around the
20 world. Here is a summary of our findings."

21 And, Ms. Stewart, would you mind
22 reading the first bullet point, please?

23 A. "These extreme cosmetic surgery
24 effects can have severe impacts on both the
25 individuals using the effects and those viewing

1 the images."

2 Q. And, Ms. Stewart, when we talked
3 in the beginning of your testimony about these
4 concerns, is this consistent with the concerns
5 that you intuitively and as a matter of common
6 sense and as a mom had about these concerns
7 about cosmetic surgery effects?

8 A. Yes, and I would say that I'm not
9 sure that they would have to be extreme cosmetic
10 surgery effects to have long-term implications,
11 because depending on how you would define -- if
12 you defined "extreme" as the nip tuck, that's
13 obvious. But some of the ones we were looking
14 to have in scope of this, don't, to me, seem
15 extreme in the way that I think the average
16 person might define.

17 MR. HALPERIN: Objection, move to
18 strike as nonresponsive.

19 BY MS. WALSH:

20 Q. So were you -- thank you for
21 helping to explain that.

22 And when you said you don't think
23 that the effects need to be extreme to have
24 these harmful effects, are these cosmetic
25 surgery effects -- none of these actually

1 reflect surgery lines or --

2 A. Correct.

3 Q. But do you nonetheless believe
4 that viewing of these and applying these to one
5 own's photograph can have harmful effects?

6 A. Yes, and constantly viewing other
7 people's manipulated images but not -- actually,
8 the research bears up that whether or not you
9 know that they've been manipulated, they can
10 have a negative effect. But I just wanted to
11 point that out because depending on -- they
12 don't provide a definition of what "extreme"
13 means, and I just did not want for it to be
14 understood that we were limiting to it the nip
15 and tuck.

16 Q. Understood, yeah, okay.

17 I'll read the next bullet.

18 "Children are particularly vulnerable, however,
19 many others are vulnerable as well: those with a
20 history of mental health challenges, eating
21 disorders, et cetera."

22 Do you see that?

23 A. Yes.

24 Q. And was there a concern that
25 people who may have already had mental health

1 challenges, including around eating disorders
2 and so forth, that their exposure to these
3 cosmetic surgery effects, that it could make
4 those problems worse for them?

5 MR. HALPERIN: Object to form.

6 THE WITNESS: Yes.

7 BY MS. WALSH:

8 Q. And then it says "Generally,
9 stakeholders support making a distinction
10 between effects achieved via makeup versus those
11 that can only be achieved via cosmetic surgery,
12 though no line will be perfect."

13 Do you see that?

14 A. Yes.

15 Q. And was your -- was your view
16 that -- did you hold a view when you worked at
17 Meta that effects that allowed a person to apply
18 makeup to their selfie image, that those should
19 be banned?

20 A. No.

21 Q. Okay. In your view, that was
22 okay?

23 A. I think that you can go to
24 extremes of trying to protect people, and it
25 seemed like testing how mascara might look on

1 you seemed like in a different class of risk
2 than changing the shape of someone's face.

3 Q. Okay. So that was a line that
4 you drew in your view of this issue while you
5 were at Meta?

6 A. Well, the policy team, again,
7 really was driving the shaping of the policy,
8 and I had input and gave feedback. But, yes, I
9 agreed with that distinction because when you're
10 developing these policies, it is surprisingly
11 difficult to come up with definitions that can
12 then be operationalized. And what I mean by
13 that is there's a group of people that are going
14 to be reviewing effects that are being submitted
15 to go into the platform.

16 Q. Right.

17 A. And you have to have a good
18 enough definition that the people doing those
19 judgment calls can make the call with decent
20 accuracy. And I think what we decided was the
21 standard makeup effects are something that most
22 of the reviewers would be able to understand and
23 seemed both to our instincts but also the expert
24 advice less potentially harmful than effects
25 that implied that, you know, you should change

1 the shape of your face, in ways that would
2 mostly only be done by cosmetic surgery.

3 Q. Okay. I noticed that you made
4 the point that the policy team was really
5 driving the shaping of these policies, and you
6 were having input, correct?

7 A. Yes.

8 Q. And am I right, Ms. Stewart, this
9 issue of concerns about cosmetic surgery
10 effects, you were not alone in this -- having
11 these concerns at Meta?

12 MR. HALPERIN: Object to form and
13 foundation.

14 THE WITNESS: No, I was not.

15 BY MS. WALSH:

16 Q. Okay. We'll come back to that in
17 just a minute. But for now let's continue with
18 the pre-read that was provided to Mr. Zuckerberg
19 and others. And if we could down to the next
20 paragraph starting with "Note."

21 And it says "Note: after the
22 policy development process in November, an
23 additional round of outreach was done with nine
24 experts from APAC and MENA, and these
25 stakeholders reiterated the dangers these

1 filters have in advancing unrealistic beauty
2 standards and impacting mental health and body
3 image."

4 Do you see that?

5 A. Yes.

6 Q. And it says "their feedback was
7 consistent with prior stakeholder feedback."

8 Do you see that?

9 A. Yes.

10 Q. And APAC and MENA refer to other
11 geographical areas outside the United States; is
12 that right?

13 A. Yes, MENA is, I believe, Middle
14 East and North Africa.

15 Q. And in putting together the
16 information that would be provided to Mark
17 Zuckerberg and others on this issue, was it
18 important to you to get views from people in
19 different parts of the world?

20 A. Very much so because we have -- a
21 very large percentage of people who use the
22 company's products were outside the United
23 States, and we tried to check ourselves on our
24 American bias around these issues, many issues,
25 not just this one, so it was extremely important

1 to make sure that what we engaged in
2 consequential decision-making, that we
3 approached that from a global point of view.

4 Q. Okay.

5 A. And one other thing I will say is
6 that this was particularly important because
7 these effects were disproportionately popular in
8 certain parts of Asia.

9 Q. Okay.

10 A. And, so it was important for us
11 to talk to experts in those markets and to study
12 the effect of like the existence of these but
13 also because these effects were extremely
14 popular there, and so it would have a
15 disproportionate impact on the user base within
16 those countries.

17 Q. Okay. Would you say that this
18 process of understanding the issue of cosmetic
19 surgery effects and the potential harms, that
20 you were sort of Western-centric and just
21 focused on the US?

22 MR. HALPERIN: Object to form.

23 THE WITNESS: I don't see us as
24 having certainly intentionally
25 American-centric, but this was coming

1 out of the Menlo Park office, and so we
2 always have to recognize that we don't
3 necessarily have the representation
4 within the team to reflect all of the
5 global perspectives that are mirrored --
6 that exist within our user base. And
7 so -- but when we got feedback that
8 there were concerns that the Literature
9 Review may not be as global in
10 perspective as it needed to be, that was
11 welcomed feedback. And so we then
12 did -- or the policy team did another
13 round of expert interviews as you see,
14 but the feedback came back in mirroring
15 the first round.

16 BY MS. WALSH:

17 Q. Okay. And that's the reference
18 to the additional, roundabout outreach -- we can
19 underline this -- the additional round of
20 outreach done with nine experts from APAC and
21 MENA; correct?

22 A. That is correct.

23 Q. Meaning the Asia Pacific region
24 and the Middle East, correct?

25 A. Yes.

1 Q. And the feedback that came back
2 there was that filters used by people in those
3 areas, it could also impact mental health and
4 body image, correct?

5 A. Yes.

6 Q. In fact, the feedback that you
7 got when you made sure to have this global
8 perspective, it was consistent with the feedback
9 that you got from the original set of excerpts,
10 correct?

11 MR. HALPERIN: Object to form.

12 THE WITNESS: Yes.

13 BY MS. WALSH:

14 Q. Okay. Let's flip to the next
15 page, and about halfway down there's a reference
16 to "Competitiveness/growth - additional
17 information."

18 You see that?

19 A. Yes.

20 MS. WALSH: And we could
21 highlight "competitiveness/growth."

22 BY MS. WALSH:

23 Q. This was also part of the
24 information that was provided to Mr. Zuckerberg
25 before he made the decision to lift the ban --

1 strike that.

2 This is also -- this is part of
3 the information that was provided to Mr.
4 Zuckerberg before he made the decision to lift
5 the ban on cosmetic surgery effects, correct?

6 A. Yes.

7 Q. And it says "Adoption of AR" --
8 augmented reality -- "effects have grown
9 significantly since we launched 3P effects last
10 half."

11 Do you see that?

12 A. Yes.

13 Q. And the graph below, to your
14 understanding, depicts that significant growth,
15 correct?

16 A. Yes. Although, to be fair, it
17 was starting from a launch point of view, so
18 it's natural to assume that there's not going to
19 be a lot of usage before the product exists.

20 Q. Fair enough.

21 A. But this is a healthy growth
22 curve.

23 Q. Okay. Let's flip forward to page
24 10, and in particular "additional data and
25 resources."

1 Do you see that?

2 A. Yes.

3 Q. And this was also part of the
4 information that was provided to Mr. Zuckerberg
5 before he made the decision to lift the ban on
6 cosmetic surgery effects, right?

7 A. Yes.

8 Q. And it says "AR usage overview
9 (MAP)."

10 Do you see that?

11 A. Yes. Hold on just a second.
12 This just came undone.

13 MS. WALSH: Could we go off the
14 record for a second?

15 THE VIDEOGRAPHER: The time right
16 now is 11:21 a.m. We are off the
17 record.

18 (Pause.)

19 THE VIDEOGRAPHER: The time right
20 now is 11:22 a.m. We are back on the
21 record.

22 BY MS. WALSH:

23 Q. Okay, Ms. Stewart, now we're
24 looking at a section of this pre-read document
25 that was provided to Mr. Zuckerberg called

1 "Additional data and resources."

2 Do you see that?

3 A. Yes.

4 Q. And underneath that it says "AR
5 usage overview" and in parentheses "MAP."

6 Do you see that?

7 A. Yes.

8 Q. And do you understand what "MAP"
9 is a reference to?

10 A. It usually references monthly
11 active people using the product.

12 Q. Okay. And in this case, it
13 appears that this is referring to people who are
14 using augmented reality, correct?

15 A. That is how I read the diagram.

16 Q. Okay. And for Instagram, it's
17 328.99 million, correct?

18 A. Yes.

19 Q. And it's your understanding that
20 augmented reality was used quite a bit on
21 Instagram?

22 A. Yes, although it's important to
23 note that these numbers by Meta scale are not --
24 we have billions of people using the product, so
25 it would have to be in relation to something

1 else for me to say is this high or low. But
2 it's not small numbers. I will say that, yeah.

3 Q. Okay. But any measure,
4 328 million people is a lot of people?

5 A. Yes.

6 Q. Okay. And that's overall AR
7 usage, correct?

8 A. I wouldn't be able to say.

9 Q. Oh, okay. Well, let's flip
10 forward to the next page. And if we look down
11 to the part that talks about "FaceWarp."

12 Do you see that?

13 A. Yes.

14 Q. And FaceWarp, is that a category
15 of AR effect that would include cosmetic surgery
16 effects?

17 A. That is what it seems to
18 indicate, yes.

19 Q. So "FaceWarp (any effect that
20 distorts the face that includes, but is not
21 limited to, cosmetic surgery effects) are
22 responsible for about 25% of third-party effect
23 try-ons and 35% of stories impressions."

24 Do you see that?

25 A. Yes.

1 Q. And then if you look down to the
2 second bullet point, it says "All FaceWarp live
3 effects, at least 20% of try-ons come from
4 cosmetic surgery effects and mainly have been
5 published before policy introduction."

6 Do you see that?

7 A. Yes.

8 Q. And this is describing
9 quantitatively how much these cosmetic surgery
10 effects were represented among AR usage by users
11 of the Meta apps, correct?

12 A. Yes.

13 Q. If you look at these graphs,
14 these are also showing FaceWarp usage as a
15 percentage of AR usage, correct?

16 A. I believe that's what it is.

17 Q. Okay. If you look at the title
18 of these graphs.

19 A. Yes.

20 Q. And you see the little key that
21 shows what the blue and the orange represent?

22 A. Yes.

23 Q. And blue is non teen and orange
24 is teen, correct.

25 A. Yes.

1 Q. So this document was specifically
2 calling out how much teenagers were using these
3 face warps, correct?

4 A. Yes.

5 Q. And in each of the graphs that
6 are given, does it show that these were being
7 used more by teenagers than by non teenagers?

8 MR. HALPERIN: Object to form.

9 THE WITNESS: It looks like in
10 some cases that is -- that is the case.

11 BY MS. WALSH:

12 Q. In general, in each of these
13 graphs, the orange line, which is for teenagers,
14 is generally above the blue line, correct?

15 MR. HALPERIN: Objection, asked
16 and answered.

17 THE WITNESS: Yes.

18 BY MS. WALSH:

19 Q. And this is also information that
20 was provided to Mr. Zuckerberg before he made
21 the decision to lift the ban on cosmetic surgery
22 effects, correct?

23 A. Yes. I do want to point out that
24 this looks like it's the total of FaceWarp
25 usage, not the ones that are specifically

1 categorized as cosmetic surgery effects.

2 Q. Fair enough, okay.

3 But we know that a portion of the
4 FaceWarp effects --

5 A. Yes.

6 Q. -- are cosmetic surgery, correct?

7 A. Yes.

8 Q. So all of this information was
9 provided to Mr. Zuckerberg before he made the
10 decision to lift the ban in May of 2020?

11 A. Yes.

12 Q. And I've written on here "2018
13 discussions about cosmetic surgery effects."

14 The discussions that you were
15 having with people in the company within 2018,
16 did they relate to cosmetic surgery effects?

17 MR. HALPERIN: Objection,
18 misstates testimony.

19 THE WITNESS: So based on the
20 Exhibit 9, there were conversations,
21 early conversations going on because of
22 explorations that the team -- the teams
23 were doing in the AR space around camera
24 filters, that there was a researcher --
25 I believe what happened was that there

1 was a researcher who was trying to get
2 ahead of this to influence some
3 guardrails around that work.

4 BY MS. WALSH:

5 Q. Okay. So is it accurate to say,
6 as we do on this chart, that discussions about
7 cosmetic surgery effects and their potential
8 harms began as early as 2018, to your knowledge?

9 A. Yes, yes.

10 Q. And then in late 2019, cosmetic
11 surgery effects were temporarily banned,
12 correct?

13 A. Yes.

14 Q. But then in May 2020, Mr.
15 Zuckerberg made a decision to lift the ban on
16 cosmetic surgery effects, correct?

17 A. Yes.

18 Q. Okay. So does this demonstrative
19 accurately reflect the dates and events that
20 we've been discussing?

21 A. I believe so.

22 Q. Ms. Stewart, were you the only
23 senior executive who believed -- well, strike
24 that.

25 To your knowledge, were you the

1 at that. Thank you for bringing that up.

2 So we know that each of these
3 three gentlemen, none of whom had teenagers at
4 the time, wanted to lift the ban. And if we
5 look back, we know that from the pre-read. So
6 if we can take a look at that under "Decision
7 needed and options."

8 So option 1 was to continue the
9 temporary ban, correct?

10 A. Yes.

11 Q. And in agreement with that,
12 Policy and Comms and responsible innovation
13 team, that was your recommendation, correct?

14 A. Yes.

15 Q. And what the pre-read to Mr.
16 Zuckerberg explained was that the pros of that
17 option was it "mitigates well-being concerns; no
18 PR/regulatory risk," correct?

19 A. Yes.

20 Q. And PR is press relations,
21 correct?

22 A. Public relations.

23 Q. Public relations. Okay.

24 And the cons that were
25 acknowledged in this document of lifting the ban

1 was that it would limit growth, limit voice and
2 innovation, and then it was arguably
3 Western-centric.

4 Do you see that?

5 A. Yes.

6 Q. And do you believe that the
7 lift -- that continuing the ban would be
8 Western-centric?

9 A. I think that there was more
10 concern about this issue in America and Europe
11 than there was in Asia publicly, that there was
12 more regulatory rumbling about it. But I don't
13 think that that means that the recommendation
14 itself was Western-centric. I feel like we
15 tried hard to bring in a global perspective,
16 both through our in-country policy team members
17 but also the experts that we consulted with.

18 Q. Option 2 was "lift the ban but
19 remove these effects from IG recommendation
20 surfaces."

21 Do you see that?

22 A. Yes.

23 Q. And in support of that option
24 were the Facebook app -- were Facebook app and
25 Instagram, correct?

1 A. Yes.

2 Q. Also Spark AR, which you
3 mentioned earlier, correct?

4 A. Yes. Messenger.

5 Q. And messenger.

6 Now, when it says "but remove
7 these effects from IG recommendation surfaces,"
8 explain to the jury what that means.

9 A. So this gets to an important
10 point of how people discover these effects.
11 There's a gallery of effects that you can look
12 through. Say you want to take, you know, do
13 something fun with your photo, and you want to
14 go into the gallery and peruse and say oh, maybe
15 I'll do this, maybe I'll do this. That is one
16 way to access one of these effects. But a much
17 more common way is that you see an image that
18 someone has manipulated with the effect, and you
19 say oh, I like the effect on this particular
20 photo, what this is effect and let me try it.
21 And that's where the virality of these effects
22 is much more seen, is through that discovery by
23 seeing usage of it, you know, out in the wild as
24 opposed to a curated set of effects that the
25 company recommends to people who go into like a

1 gallery space.

2 Q. Okay.

3 A. And I don't have the specific
4 numbers, but we know that most of the discovery
5 and certainly virality, in particular through
6 influencers on the platform, was a much larger
7 percentage of how things were discovered than in
8 the gallery itself.

9 Q. Okay.

10 A. So it's good to not include them
11 in the recommendations gallery, but the question
12 was would that be sufficient to protect, in
13 particular minors, since that's not usually how
14 they're finding them in the first place.

15 Q. I see. So let's see if I can
16 break that down a little bit.

17 In your view and the view of
18 Policy and Comms, lifting the ban but removing
19 the affects from the IG recommendation services,
20 that was not enough to mitigate and protect
21 against the harms that these cosmetic surgery
22 effects could have on kids?

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

25 THE WITNESS: It was good, but in

1 my mind not sufficient.

2 BY MS. WALSH:

3 Q. Okay. Let's look --

4 A. Let me be clear. The lifting the
5 ban part wasn't good in my opinion. Removing
6 the effects from the recommendation services was
7 not the sufficient step to take to protect
8 minors.

9 Q. Okay. And is that, in fact,
10 explained in -- right underneath this option
11 where it says cons "still notable well-being
12 risk (since recs are marginal source of
13 virality)."

14 A. Yes.

15 Q. And what means, Ms. Stewart, is
16 that removing these effects from the IG
17 recommendation service would not prevent kids
18 from being exposed to them and using them
19 themselves, correct?

20 MR. HALPERIN: Object to form.

21 THE WITNESS: No.

22 BY MS. WALSH:

23 Q. Now, the pros of this option 2 is
24 "fosters voice and innovation."

25 Do you see that?

1 A. Yes.

2 Q. And "lower impact to growth."

3 Do you see that?

4 A. Yes, yes.

5 Q. Okay. And what do you understand
6 "growth" to be a reference to?

7 A. It is like the market share, in,
8 you know, in terms of the popularity of these
9 effects, that if they can still be discovered
10 through virality, then we don't see as much
11 diminished growth because they're still
12 accessible to people.

13 Q. And does "growth" mean growth in
14 the number of people, including teenagers, who
15 are using the app and how much they're using it?

16 MR. HALPERIN: Object to form,
17 asked and answered.

18 THE WITNESS: That's usually the
19 definition.

20 BY MS. WALSH:

21 Q. Yeah?

22 A. Yes.

23 Q. The final option, option 3 is
24 "lift the ban," correct?

25 A. Yes.

1 Q. And Boz, Mr. Bosworth and Spark
2 AR, that was the recommendation there, correct?

3 A. Yes, as well as from Messenger
4 and the internationalization team.

5 Q. Okay. So just to be clear, Spark
6 AR, Messenger and the internationalization team,
7 that's what they recommended. As we see above,
8 they said they could live with option 2 if they
9 had to, right?

10 MR. HALPERIN: Object to form,
11 misstates the document.

12 THE WITNESS: Yes.

13 BY MS. WALSH:

14 Q. And the cons of this approach,
15 just straight up lifting the ban, the highest
16 well-being risk, correct?

17 A. Yes.

18 Q. Possible bad PR, correct?

19 A. Yes.

20 Q. And the pros were "fosters voice
21 and innovation; lowest impact to growth",
22 correct, and according to this document,
23 "supports regional perspectives," right?

24 A. Yes.

25 Q. Okay. Ms. Stewart, for each of

1 these options, we see references to growth,
2 correct?

3 A. Yes.

4 Q. And for option 1, and if we could
5 circle this, the downside of option 1, which was
6 continuing the temporary ban was that it would
7 limit growth, correct?

8 MR. HALPERIN: Object to form,
9 misstates the document.

10 THE WITNESS: Yes.

11 BY MS. WALSH:

12 Q. Okay. For option 1, which is the
13 one you supported, which was continuing the
14 temporary ban?

15 A. Yes.

16 Q. The con that is listed was
17 "limits growth," correct?

18 MR. HALPERIN: Same objection.

19 THE WITNESS: Yes.

20 BY MS. WALSH:

21 Q. And by that, that we mean growth
22 in how many people are using the Meta social
23 media apps and how much they're using it,
24 correct?

25 A. Yes.

1 Q. And option 2, which is --
2 involves lifting the ban, one of the pros was
3 "lower impact to growth" --

4 MS. WALSH: If you could circle
5 limits growth cons above.

6 BY MS. WALSH:

7 Q. And then number 3, which was
8 lifting the ban entirely, one of the pros was
9 "lowest impact to growth".

10 Do you see that?

11 A. Yes.

12 Q. Okay. So is it the case, Ms.
13 Stewart, that the impact on growth, meaning how
14 many people are using Instagram and Facebook,
15 how often they're using it, that this was a
16 major consideration in making this decision?

17 MR. HALPERIN: Object to form,
18 calls for speculation.

19 BY MS. WALSH:

20 Q. To your knowledge?

21 A. To my knowledge, yes, although I
22 will say that there is also a strongly-held
23 principle around not limiting people in terms of
24 what they can communicate and how they present
25 themselves.

1 Q. Let me stop you there.

2 And is that -- when you say that,
3 is that reflected in fostering voice?

4 A. Fosters voice.

5 Q. Okay.

6 A. I think -- I just want to present
7 that these decisions always have tensions.

8 Q. Yes.

9 A. And so it's about what you are
10 deciding to optimize for.

11 Q. Right.

12 A. And this is kind of a classic
13 thing of people seem to want this, so there's
14 market demand. Meta as a company believes in
15 prioritizing voice, you know, as like a very
16 primary principle of how they make decisions,
17 and they want to promote innovation in the
18 third-party developer space to allow people to
19 experiment and develop new things. That's where
20 the "fosters voice and innovation" comes in.

21 I think what this overview
22 represents is a disagreement on when safety and
23 well-being should be prioritized over voice and
24 growth.

25 Q. Okay. Let me ask you this:

1 You've identified the different considerations
2 that were at play in making this decision,
3 correct?

4 A. Yes.

5 Q. And one of them was voice, right,
6 correct?

7 A. Yes.

8 Q. One of them was innovation,
9 correct?

10 A. Yes.

11 Q. One of them was growth too,
12 right?

13 A. Yes, yes.

14 Q. And "growth" means how many
15 people are using these social media apps and how
16 often they're using them, correct?

17 MR. HALPERIN: Object to form.

18 THE WITNESS: Yes.

19 BY MS. WALSH:

20 Q. And that consideration weighed in
21 favor of lifting the ban, correct?

22 A. Yes.

23 Q. Okay. The other consideration
24 that was at play here was the well-being and
25 safety of teenagers using these platforms,

1 correct?

2 A. Correct.

3 Q. And we saw in the prior documents
4 that it was teenagers who tended, for the most
5 part, to be using these AR effects more than
6 anybody else, correct?

7 MR. HALPERIN: Object to form.

8 THE WITNESS: Correct.

9 BY MS. WALSH:

10 Q. And am I right, Ms. Stewart, that
11 in your view, this was a situation where you
12 felt strongly that the company should be
13 prioritizing the health and safety and
14 well-being of kids and teenagers using these
15 products, correct?

16 A. Yes, yes.

17 Q. And is it your view that the
18 decision failed to prioritize -- strike that.

19 Is it your view that the decision
20 that was made was one that didn't prioritize or
21 put first the well-being of teenagers and kids
22 using these apps?

23 MR. HALPERIN: Object to form.

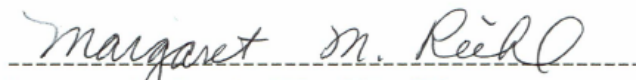
24 THE WITNESS: Yes.

25 BY MS. WALSH:

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