

AMENDED Exhibit 413

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

Samantha Kersul 30(b)(6)

1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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IN RE: SOCIAL MEDIA)
ADOLESCENT ADDICTION/PERSONAL)
INJURY PRODUCTS LIABILITY) Case No. 4:22:MD-
LITIGATION) 03047-YGR
MDL No. 3047

THIS DOCUMENT RELATES TO:)
ALL CASES)
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V O L U M E I

VIDEOTAPED 30(b)(6) DEPOSITION OF THE TIKTOK AND

BYTEDANCE ENTITIES, by and through their

Designated Representative,

SAMANTHA KERSUL

OLYMPIA, WASHINGTON

WEDNESDAY, JULY 30, 2025

8:56 A.M.

Job No.: 7474532

Pages: 1 - 56

Reported by: Leslie A. Todd, CSR No. 5129 and RPR

1 SAMANTHA KERSUL,

2 having first been duly sworn, was

3 examined and testified as follows:

4 EXAMINATION

5 BY MR. RYDER:

6 Q. Good morning. Can you please
7 state your full name for the record, and
8 spell your last name for the court reporter?

9 A. Sure. Samantha Diane Kersul,
10 K-E-R-S-U-L.

11 Q. Good morning, Ms. Kersul. I
12 know we spoke off the record briefly. My
13 name is Chris Ryder. I'm counsel for
14 plaintiffs. I'll be taking your deposition
15 today. You've been sworn in by the court
16 reporter, which means you are under oath. Do
17 you understand that?

18 A. Yes.

19 Q. And do you understand that you
20 are obligated to tell the truth to the best
21 of your ability?

22 A. Yes.

23 Q. Do you understand you're
24 testifying just as though you were sitting in
25 a courtroom before a judge or a jury?

1 A. No.

2 Q. Did you have any role in
3 collecting documents produced as part of this
4 litigation?

5 A. No.

6 Q. Did you request any materials
7 from other TikTok employees that were not
8 provided to you?

9 A. No.

10 Q. Did you request any materials
11 from other TikTok employees?

12 A. No.

13 Q. So you prepared with TikTok's
14 counsel, and spoke with Ms. Crimmins and
15 Mr. Ebenstein, and also reviewed documents
16 with TikTok's counsel.

17 Is there anything else you did
18 to prepare for the deposition today?

19 A. No.

20 MR. RYDER: Let's pull up tab
21 36, and mark this as Exhibit 2.

22 (Exhibit No. 2 was marked for
23 identification.)

24 BY MR. RYDER:

25 Q. Ms. Kersul, do you recognize

1 this document?

2 A. I do.

3 Q. And what is it?

4 A. This is my resume.

5 Q. Okay. And this is a copy of
6 your redacted resume that has your address
7 left off; is that correct?

8 A. Yes.

9 Q. Okay. I'll represent to you
10 that TikTok produced this as part of this
11 litigation for your deposition today. Do you
12 have any reason to dispute that?

13 A. No.

14 Q. Okay. How long have you worked
15 at TikTok?

16 A. Since January 10th, 2022.

17 Q. Okay. And what was your first
18 role when you joined TikTok?

19 A. I was the state government
20 affairs manager.

21 Q. And that is your current title
22 as well; is that correct?

23 A. Yes.

24 Q. So your job title has not
25 changed?

1 A. No.

2 Q. Have your job responsibilities
3 changed --

4 A. Yes.

5 Q. -- since you joined TikTok?

6 A. Yes.

7 Q. And how so?

8 A. Well, you know, it's evolved.

9 So I -- now, my region looks differently as
10 we've grown. So I oversee ten states instead
11 of the whole country. I oversee the
12 execution of our relationship with the
13 national PTA. I, you know, take on various
14 responsibilities for the team, including, you
15 know, serving as the point person with the
16 PMOs on the budget, and those sort of things.

17 Q. Okay. And you mentioned that
18 your region has grown. What is that
19 referring to?

20 A. Well, my -- our regions are the
21 states that we oversee. And so when I was
22 hired, I was the only state manager, so I had
23 the whole country. And then as we've grown
24 to a team of six, my region has shifted to
25 focus more on the ten states closer to me.

1 Q. Okay. And what is the region,
2 what states are covered -- well, strike that.

3 What is the region you now
4 cover?

5 A. So I cover the Northwest,
6 Mountain West, Alaska, and Hawaii.

7 Q. I don't want to quiz you, but
8 what are the ten states covered in your
9 region?

10 A. No problem. Alaska, Hawaii,
11 Washington, Oregon, Idaho, Montana, North and
12 South Dakota, Wyoming, and Colorado.

13 Q. I'm not going to count to ten,
14 but that was impressive. If you were to tell
15 somebody who didn't know what your main job
16 responsibilities were at TikTok, what would
17 you say?

18 A. Executing our state government
19 affairs strategy across the Pacific
20 Northwest, Mountain West, Alaska, and Hawaii.

21 Q. Okay.

22 A. That's how I would sum it up.

23 Q. And part of your job is
24 lobbying, correct?

25 A. Correct.

1 Q. And what does that entail?

2 A. I work with state government
3 officials, agencies, to talk about who we are
4 as a company, who we're not. You know, work
5 with them on policies that they are
6 considering. Those sorts of things.

7 Q. And you are a registered
8 lobbyist for TikTok; is that correct?

9 A. I am.

10 Q. How long have you been a
11 registered lobbyist for TikTok?

12 A. I've been a registered lobbyist
13 in various states, depending on where I've
14 been engaging, since I started in January of
15 2022.

16 Q. And how many states are you a
17 registered lobbyist for TikTok in?

18 A. That's a challenging question,
19 because I -- my region has shifted. And so
20 sometimes I might still turn up on a lobbying
21 report, even if I'm not currently lobbying in
22 that state. So I'm not actually sure what
23 the exact number is right now.

24 Q. Do you know whether you're a
25 registered lobbyist in more than ten states

1 for TikTok?

2 A. I think I might be, yes. I
3 should be a registered lobbyist in my ten
4 states, but also, you know, a handful of
5 other states that I've since handed over.

6 Q. And that would be the ten
7 states you identified earlier in your region?

8 A. Right. And then, you know,
9 some others that I more recently covered, but
10 now go with another manager.

11 Q. Okay. And do you do any
12 lobbying with the federal government as well?

13 A. I don't. We have a federal
14 team for that.

15 Q. So your role is confined as a
16 lobbyist in the ten states in your region; is
17 that correct?

18 A. Yeah, that's where -- where I'm
19 focused.

20 Q. And what are some of the causes
21 that you've lobbied on TikTok's behalf for?

22 A. Sure.

23 MR. GREEN: Object to the form.

24 You can answer.

25 THE WITNESS: Yeah, I lobby on

1 a number of issues, including data
2 privacy, teen online safety. I'm
3 trying to think, there's so many.
4 E-commerce is a new one. Various
5 issues. Anything that really comes up
6 that impacts the company, where a
7 legislator may ask for our input or,
8 you know, what we're already doing, so
9 that they could understand the issue
10 as they engage in writing the policy.

11 BY MR. RYDER:

12 Q. And have you lobbied against
13 legislation that would require companies like
14 TikTok to verify the age of all of its users?

15 MR. GREEN: Object to form.
16 Beyond the scope of the deposition.
17 But to the extent you can answer in
18 your personal capacity, go ahead.

19 THE WITNESS: I have not
20 formally opposed any legislation.
21 What was the specific bill, though,
22 that you were referring to?

23 BY MR. RYDER:

24 Q. Well, I'll show a document in a
25 second, but you mentioned you've not formally

1 opposed any legislation. What do you mean by
2 formally opposed?

3 A. Well, there's a difference
4 between engaging on legislation that you
5 might have concerns with -- you know, there's
6 a lot of details in bills that sometimes get
7 overlooked -- and then actually going and
8 opposing legislation, and, you know, telling
9 a legislator that we're going to testify
10 against it.

11 Q. Okay. Have you personally
12 testified against any legislation in your
13 role at TikTok?

14 A. No.

15 Q. Have you helped prepare any
16 others to testify against legislation in your
17 job at TikTok?

18 A. I have provided feedback to
19 trade associations that share concerns with
20 legislation.

21 Q. And what trade associations
22 have you provided feedback to?

23 A. Trade associations we no longer
24 belong to, but that would include NetChoice,
25 and the State Privacy & Security Coalition.

1 MR. GREEN: Thank you. I'm
2 looking at the document. I just want
3 to lodge an objection. I don't see
4 anything in this document within the
5 scope of the context that the notice
6 of deposition provides. So I would
7 object as outside the scope, and
8 instruct Ms. Kersul to answer
9 questions related to this document in
10 her personal capacity, to the extent
11 she can.

12 MR. RYDER: I'll note for the
13 record, I have yet to ask a question
14 about the substance of the document.

15 MR. GREEN: Okay.

16 MR. RYDER: And we'll get to
17 that.

18 BY MR. RYDER:

19 Q. So, Ms. Kersul, you see a
20 document in front of you titled U.S. TikTok
21 March/April OKRs, correct?

22 A. I do.

23 Q. And TikTok produced this document
24 as part of this litigation. Do you have any
25 reason to dispute that?

1 A. No.

2 Q. Okay. And TikTok produced this
3 as part of Julia Yan's custodial file. Do you
4 have any reason to dispute that?

5 A. No.

6 Q. And the document is dated April
7 19th, 2019. Do you have any reason to dispute
8 that?

9 A. No, I do not.

10 Q. Okay. And do you know who Julia
11 Yan is?

12 A. I don't know.

13 Q. Have you heard that name before?

14 A. It sounds familiar, but I can't
15 recall.

16 Q. If I represented she is the head
17 of growth at TikTok, do you have any reason to
18 dispute that?

19 MR. GREEN: Object to the form.

20 THE WITNESS: Quite -- quite
21 possibly. I -- I --

22 MR. RYDER: I'll withdraw the
23 question.

24 BY MR. RYDER:

25 Q. It's fair to say, you don't --

1 you don't know her or her background, correct?

2 A. No, I don't know her
3 personally. I don't know her title.

4 Q. Okay. And you did not speak with
5 her in preparing for your deposition today,
6 correct?

7 A. No.

8 Q. Okay. And if you'll look at the
9 second document I handed you, we will mark this
10 as Exhibit 8.

11 (Exhibit No. 8 was marked for
12 identification.)

13 BY MR. RYDER:

14 Q. This should also have the title
15 of U.S. TikTok March/April OKRs. Do you see
16 that?

17 A. Mm-hmm, yes.

18 Q. And then if you go to the last
19 page, there is a declaration and certification
20 of translation. Do you see that?

21 A. Yes.

22 Q. Okay. So I'll represent to you
23 that both that translation page and the
24 remainder of this document were produced to us
25 as a certified English copy of the other

1 exhibit we were looking at.

2 A. Mm-hmm.

3 Q. Do you have any reason to dispute
4 that, sitting here today?

5 A. No.

6 Q. Okay.

7 MR. RYDER: I'll note, counsel,
8 certainly my understanding is as long
9 as we produced the metadata for the
10 first sheet, that's how we've been
11 handling it in other depositions.

12 MR. GREEN: Then what? You
13 said as long as you produced the
14 metadata, then --

15 MR. RYDER: Actually, strike
16 that. I'll strike that. I have no
17 question.

18 MR. GREEN: Since we're going
19 -- for the record, I lodge the same
20 objection to Exhibit 8, and questions
21 related to it, as Exhibit 7.

22 MR. RYDER: Sure. And I'll
23 note that's a standing objection over
24 both documents, to the extent we're
25 flip-flopping between the other one.

1 MR. RYDER: Sorry, this is
2 Exhibit 8. This is the translated
3 copy.

4 BY MR. RYDER:

5 Q. Ms. Kersul, if you go to page 2,
6 you should see a bold -- about halfway through
7 the page, with a number 2. Do you see that?

8 A. I do.

9 Q. Okay. And the second OKR listed
10 says, "Drive market growth through user,
11 content and product diversification/
12 generalization: Generalization of the
13 population, content, and gameplay."

14 Did I read that correctly?

15 A. Yes. Yes.

16 Q. Okay. And underneath the note,
17 the objective is to "Attract and retain users
18 with proven high engagement to have a healthier
19 age composition." Do you see that?

20 A. Yes.

21 Q. And then there are some --
22 there's some points below that say, "KR." Do
23 you see that?

24 A. Yes.

25 Q. And KR is a key result, correct?

1 A. Yes.

2 Q. And KR 1 says, "Attract teen male
3 users," correct?

4 A. That's what that says, yes.

5 Q. And if we go two lines beneath
6 that, it notes, "Key population groups to
7 introduce high school boys, game and emoticon
8 enthusiasts." Did I read that correctly?

9 A. I'm sorry, this text is kind of
10 difficult to read. So I'm trying to --

11 Q. Sure. Yeah, if you go one line
12 above KR 2, it starts with "Key population."

13 A. I see it. Yes.

14 Q. And it says that "Key population
15 groups to introduce."

16 A. Yes.

17 Q. Are -- and then it lists "High
18 school boys, game and emoticon enthusiasts,"
19 correct?

20 A. That's what that says.

21 Q. So in 2019, a key result for
22 TikTok to drive growth was to attract teen male
23 users, correct?

24 MR. GREEN: Consistent with the
25 standing objection I've had, I do

1 MR. GREEN: Same objection.

2 THE WITNESS: For this quarter
3 in 2019, that's what she drafted,
4 right? But that's the limit of my
5 understanding. And, you know, any
6 other -- you know, her pursuing this
7 is beyond anything I would know.

8 BY MR. RYDER:

9 Q. And if we could actually go back
10 to that same page we were just on, the second
11 page. If we go one line beneath KR 1, it
12 starts with "Marketing Programs." Do you see
13 that?

14 A. Yes.

15 Q. So going back up, right, it notes
16 that the key result number 1 is to attract teen
17 male users, correct?

18 A. I see that.

19 Q. And if we go to the edge of that
20 first line, it states, "Through marketing
21 programs and UG/ALGO cold start tests." Did I
22 read that correctly?

23 A. You read that correctly.

24 Q. And these are the methods through
25 which Ms. Yan was proposing TikTok attract teen

1 and we will mark this as exhibit -- I believe
2 we're on 9.

3 (Exhibit No. 9 was marked for
4 identification.)

5 BY MR. RYDER:

6 Q. Ms. Kersul, you should have in
7 front of you a document entitled U.S. Product
8 Design UR. Do you see that?

9 A. I do.

10 Q. And TikTok produced this document
11 as part of this litigation. Do you have any
12 reason to dispute that?

13 A. No.

14 Q. And this is a Lark chat, correct?

15 A. It appears to be a Lark chat.

16 Q. And I believe we discussed this
17 last time, but Lark is a messenger application
18 that TikTok employees -- TikTok employees use
19 to communicate with each other at work,
20 correct?

21 A. More or less. It's sort of
22 more inclusive than that, but yes.

23 Q. Okay. Employees can also share
24 documents --

25 A. Yes.

1 Q. -- over it at work as well,
2 right?

3 A. Right, yes.

4 Q. And for messages, it's kind of
5 similar to what other folks might use as Slack
6 or Teams, correct?

7 A. Correct.

8 Q. Okay. And so the title, then, of
9 this Lark chat would be U.S. Product Design UR,
10 correct?

11 A. Yes.

12 Q. Okay. And if we look at the
13 first message sent in the chat, it's dated
14 June 12th, 2019. Do you see that?

15 A. I do.

16 Q. Okay. And if we look at some of
17 the names listed, these would be the
18 participants in this Lark chat, correct?

19 A. Correct.

20 Q. So the first name we see is --
21 and I will apologize for some of my
22 pronunciations, is that a [REDACTED] Do you
23 see that?

24 A. Yes.

25 Q. And then beneath, we see a second

1 message sent by Alex Zhu. Do you see that?

2 A. Yes.

3 Q. And Alex Zhu use is the
4 co-founder of Musical.ly, correct?

5 A. I believe so, yes.

6 Q. And he then later became
7 president of TikTok, and TikTok's head of
8 product, correct?

9 A. To my understanding, yes.

10 Q. Okay. And have you ever met
11 Mr. Zhu?

12 A. No.

13 Q. Okay. You are familiar with his
14 name?

15 A. Yes.

16 Q. Okay. Have you ever met
17 Mr. Zhang?

18 A. No.

19 Q. Okay. Did you speak with either
20 of them in preparing for your deposition today?

21 A. No.

22 Q. Have you -- well, strike that.
23 Did you review this document in
24 preparing for your deposition today?

25 A. No.

1 Q. And I want to direct your
2 attention to the bottom of page 2. So this is
3 the Bates ending 0623.

4 A. Okay.

5 Q. And do you see a message, it
6 starts -- I was getting confused by myself.

7 Do you see there's just the name
8 of the individual who sent the message at the
9 very bottom, this is Alex Zhu, and this was
10 sent on June 12th, at 2:02:49? Do you see that
11 at the very bottom?

12 A. I do see that.

13 Q. And then the actual substance of
14 the message spills on to the next page.

15 A. Yes.

16 Q. Do you see that?

17 A. Yep. Yes.

18 Q. And Mr. Zhu writes, "High
19 schoolers - we know a high schooler is a core
20 audience of our platform and their perceptions
21 on the platform vary a lot (by gender, by
22 grade, and by school). Need to do more
23 research."

24 Did I read that correctly?

25 A. You read that correctly.

1 Q. And that indicates he also would
2 have participated in this chat or seen that
3 message, correct?

4 MR. GREEN: Object to the form.

5 THE WITNESS: Sometimes people
6 are tagged who aren't in groups, so
7 I'm assuming so, but I don't -- I
8 can't know for sure.

9 BY MR. RYDER:

10 Q. You don't know for sure?

11 A. I can't know that.

12 Q. Okay. I appreciate that. We can
13 set that exhibit aside.

14 MR. RYDER: And let's pull up
15 tab 5. We'll mark this as Exhibit 10.

16 (Exhibit No. 10 was marked for
17 identification.)

18 THE WITNESS: Thank you.

19 BY MR. RYDER:

20 Q. And, Ms. Kersul, you should have
21 a document in front of you entitled High School
22 Research. Do you see that?

23 A. I see that.

24 Q. And the Bates ends in 02609790 on
25 the first page. Do you see that?

1 A. Yes.

2 Q. And TikTok produced this document
3 as part of this litigation. Do you have any
4 reason to dispute that?

5 A. No.

6 Q. The metadata TikTok produced says
7 this document was created December 13th, 2019.
8 Do you have any reason to dispute that?

9 A. Nope, that's what it says.

10 Q. Okay. And did you review this
11 document in preparing for your deposition
12 today?

13 A. I did not.

14 Q. Okay. And the custodian listed
15 is Drew Kirchhoff. Do you have any reason to
16 dispute that?

17 A. No.

18 Q. We spoke about him a little bit
19 earlier, do you recall that?

20 A. I think so, yes.

21 Q. And you were unaware of what his
22 role at TikTok is?

23 A. Yes.

24 Q. Or was, correct?

25 A. Correct.

1 MR. GREEN: Object to the form.

2 THE WITNESS: I would just need
3 some more time with this to be able to
4 answer that accurately. I just don't
5 know.

6 BY MR. RYDER:

7 Q. Let's go to page 3 of the
8 document. This is the Bates that's going to be
9 ending in 9792.

10 A. Okay, I'm there.

11 Q. And in the second paragraph, it
12 states, "We would like to see if this cluster
13 is really mainstream, and whether the popular
14 kids in high school are actually using TikTok,"
15 correct?

16 A. That's an -- that's accurate on
17 the statement, yeah.

18 Q. Okay. And then it goes on to
19 say, "We would like to better understand how
20 mainstream TikTok is in high school, and
21 whether or not all high schoolers are using
22 TikTok or just specific niche groups."

23 Did I read that correctly?

24 A. You read that correctly.

25 Q. The final sentence says, "What's

1 provided by Mr. Ebenstein that addressed
2 TikTok's relationship with the National PTA?

3 A. I believe so.

4 Q. Okay. From the testimony you
5 reviewed, do you have any reason to dispute or
6 disagree with any -- any of Mr. Ebenstein's
7 testimony about TikTok's relationship with the
8 National PTA?

9 A. No.

10 Q. Okay.

11 MR. RYDER: Let's pull up tab
12 11, and we'll mark this as Exhibit 12.

13 (Exhibit No. 12 was marked for
14 identification.)

15 BY MR. RYDER:

16 Q. Ms. Kersul, you should have in
17 front of you a document titled TikTok Tips For
18 Parents Handbook. Distribution: Local High
19 School PTAs.

20 A. I see that.

21 Q. Is that correct? Okay. For the
22 record, the Bates in the bottom right ends in
23 08377053.

24 Do you see that?

25 A. Yes.

1 Q. Okay. And TikTok produced this
2 document as part of this litigation. Do you
3 have any reason to dispute that?

4 A. No.

5 Q. And the metadata TikTok produced
6 says this document came from Eric Ebenstein's
7 custodial file. Do you have any reason to
8 dispute that?

9 A. No.

10 Q. The metadata also says that the
11 document was created July 20th, 2021. Do you
12 have any reason to dispute that?

13 A. No.

14 Q. And have you seen this document
15 before?

16 A. I actually have not seen this
17 document.

18 Q. Okay. So you've not seen or
19 reviewed this document in preparing for this
20 deposition, correct?

21 A. No.

22 Q. Have you seen other documents
23 relating to the TikTok Tips For Parents
24 Handbook?

25 A. Yes.

1 Q. Okay. And you're familiar with
2 the TikTok Tips For Parents Handbook, correct?

3 A. Yes, it's had a couple
4 different names, but yes.

5 Q. Okay. And what -- what other
6 names has that -- has the TikTok Tips For
7 Parents Handbook gone by?

8 A. I can't tell you exactly, but
9 it's basically, you know, a guide for
10 parents. We've had a guide for educators,
11 those sorts of things. But, yes, same --
12 same context.

13 Q. Okay. And the contents of the
14 documents are all --

15 A. Yes.

16 Q. -- similar, correct?

17 A. Yes.

18 Q. Okay. Do you know what the
19 current iteration of the Tips For Parents
20 Handbook is called?

21 A. I would -- I would have to go
22 back to be a hundred percent sure, but it's
23 easy to find.

24 Q. Okay, that's fair. It's not a
25 memory competition, so that's okay.

1 A. Sure. And available online,
2 and we bring them to conferences and things.

3 Q. Okay. Does TikTok distribute
4 this guide directly or is it distributed
5 through the National PTA?

6 A. When we do -- so both. A
7 little bit of both. And we're currently
8 trying to work on how to more effectively do
9 this, but printing is expensive. But we go
10 to certain events with the National PTA,
11 where we spotlight a school, and we have a
12 booth there, where we're talking about how to
13 stay safe online.

14 And we provide copies of the
15 Parents Guide. And the PTA is there as well,
16 the National PTA and the local PTA are both
17 there. So it's their event. We just show up
18 and provide resources.

19 Q. Okay. Are there any other
20 channels through which TikTok distributes the
21 TikTok For Parents Guide?

22 A. Yes. Well, I mean, I've
23 brought them with me to different
24 conferences. We have them available.
25 Legislators often like these guides as well,

1 MR. RYDER: And I want to jump
2 in there on scope, and push back on --

3 MR. GREEN: Can you repeat the
4 question?

5 MR. RYDER: Yeah.

6 BY MR. RYDER:

7 Q. As part of any outreach to
8 schools or school districts, has TikTok ever
9 communicated that using TikTok may be
10 addictive?

11 A. Not to my knowledge, no.

12 Q. And when you say knowledge, are
13 you speaking in your personal capacity or in
14 your capacity as a corporate designee?

15 A. I'm speaking as TikTok.

16 Q. Okay. And as part of any
17 outreach to schools or school districts, has
18 TikTok ever communicated that using TikTok may
19 be associated with compulsive use?

20 A. No.

21 Q. As part of any outreach to
22 schools or school districts, has TikTok ever
23 communicated that using TikTok may result in
24 excessive use that could be harmful?

25 MR. GREEN: Object to the form.

1 THE WITNESS: No.

2 BY MR. RYDER:

3 Q. As part of any outreach to
4 schools or school districts, has TikTok ever
5 communicated that using TikTok may be harmful
6 to the mental health of school-aged children?

7 MR. GREEN: Object to the form.

8 THE WITNESS: Not -- not that I
9 can recall.

10 BY MR. RYDER:

11 Q. Okay. And again, just for
12 clarity of the record, you're speaking in your
13 --

14 A. I'm speaking as TikTok.

15 Q. Okay. Thank you. As part of any
16 outreach to schools or school districts, has
17 TikTok ever communicated that using TikTok may
18 be associated with an increased risk of
19 depression in school-aged children?

20 MR. GREEN: Object to the form.

21 THE WITNESS: No.

22 BY MR. RYDER:

23 Q. As part of any outreach to
24 schools or school districts, has TikTok ever
25 communicated that using TikTok may be

1 associated with an increased risk of anxiety in
2 school-aged children?

3 MR. GREEN: Object to the form.

4 THE WITNESS: No.

5 BY MR. RYDER:

6 Q. As part of any outreach to
7 schools or school districts, has TikTok ever
8 communicated that using TikTok may be
9 associated with an increased risk of
10 suicidality in school-aged children?

11 MR. GREEN: Object to the form.

12 THE WITNESS: No, but I will --

13 I would like to say that, you know,
14 because these things we take so
15 seriously, you know, we do incorporate
16 digital wellness, and having a healthy
17 online experience that doesn't just
18 start or stop on our platform as part
19 of sort of that curriculum that we do
20 talk about with parents and educators.

21 BY MR. RYDER:

22 Q. And, Ms. Kersul, I'll move to
23 strike that testimony as nonresponsive to my
24 question. Certainly if you have additional
25 testimony you want to provide, you'll be able

1 to do so with your counsel on redirect.

2 MR. GREEN: And I object to the
3 objection or motion, whichever one it
4 was.

5 MR. RYDER: Objection and
6 motion are noted.

7 BY MR. RYDER:

8 Q. As part of any outreach to
9 schools or school districts, has TikTok ever
10 communicated that using TikTok may be
11 associated with an increased risk of self-harm
12 in school-aged children?

13 MR. GREEN: Object to the form.

14 THE WITNESS: No, and we take
15 that very seriously.

16 BY MR. RYDER:

17 Q. As part of any outreach to
18 schools or school districts, has TikTok ever
19 communicated that using TikTok may be
20 associated with an increased risk of eating
21 disorders in school-aged children?

22 MR. GREEN: Object to the form.

23 THE WITNESS: No. And we also
24 take that very seriously, and provide
25 resources on our platform.

1 BY MR. RYDER:

2 Q. As part of any outreach to
3 schools or school districts, has TikTok ever
4 communicated that using TikTok may be
5 associated with an increased risk of body
6 dysmorphia in school-aged children?

7 A. No.

8 MR. GREEN: Object to the form.

9 You can answer --

10 THE WITNESS: No. No.

11 BY MR. RYDER:

12 Q. As part of any outreach to
13 schools or school districts, has TikTok ever
14 communicated that using TikTok may be harmful
15 to the mental health of school-aged children?

16 MR. GREEN: Object to the form.

17 THE WITNESS: No. And the
18 reason I think it's important to say
19 that these things are in our guides is
20 because you had said, in our outreach
21 to schools, but through the National
22 PTA, we're distributing resources on
23 how to address these very real and
24 troubling issues.

25 And that is, you know, a

1 preventative measure that we're taking
2 because these things that you're
3 listing are all violative of our
4 community guidelines, and something we
5 take seriously to protect teens on
6 TikTok, so --

7 BY MR. RYDER:

8 Q. As part of any outreach to
9 schools or school districts, has TikTok ever
10 communicated that schools may be harmed by
11 student TikTok use?

12 MR. GREEN: Object to the form.

13 THE WITNESS: No.

14 BY MR. RYDER:

15 Q. As part of any outreach to
16 schools or school districts, has TikTok ever
17 communicated that using TikTok during school
18 hours can lead to disruption in the classroom?

19 MR. GREEN: Object to the form.

20 THE WITNESS: No.

21 MR. GREEN: And by the way, can
22 I just for efficiency sake, can I have
23 a standing objection to this line of
24 questions?

25 MR. RYDER: The standing

1 objection is noted.

2 MR. GREEN: Thank you, sir.

3 BY MR. RYDER:

4 Q. As part of any outreach to
5 schools or school districts, has TikTok ever
6 communicated that using TikTok during school
7 hours can distract students?

8 A. No.

9 Q. As part of any outreach to
10 schools or school districts, has TikTok ever
11 communicated that using TikTok during school
12 hours can distract teachers?

13 A. No.

14 Q. As part of any outreach to
15 schools or school districts, has TikTok ever
16 communicated that students can receive TikTok
17 notifications during school hours?

18 A. Can you repeat that?

19 Q. Happy to.

20 As part of any outreach to
21 schools or school districts, has TikTok ever
22 communicated that students can receive TikTok
23 notifications during school hours?

24 A. No.

25 Q. As part of any outreach to

1 schools or school districts, has TikTok ever
2 communicated that students can post on TikTok
3 during school hours?

4 A. Not to my knowledge, no.

5 Q. And in preparing for your
6 deposition today, did you review any documents
7 bearing on your answers to my -- to those -- to
8 this series of questions?

9 MR. GREEN: Object to the form,
10 the predicate of the question.

11 THE WITNESS: I reviewed so
12 many documents, I'm not sure if those
13 were specific to any of the documents
14 I reviewed in preparation. I don't
15 know.

16 BY MR. RYDER:

17 Q. Do you know roughly how many
18 documents you reviewed in preparing for your
19 deposition?

20 A. I -- I could not -- I cannot
21 tell you. I just don't know.

22 Q. Did you review more than a
23 hundred documents in preparing for your
24 deposition?

25 A. No, not more than a hundred.

1 to prepare to testify about this topic?

2 A. I went over the -- you know,
3 sort of the scope of the deposition to
4 understand. And again, I spoke with Eric
5 Ebenstein, and I reviewed, you know, some
6 documents of previous agreements.

7 Q. Okay. So TikTok had agreements
8 with the National PTA, correct?

9 A. Yes.

10 Q. And in reviewing Mr. Ebenstein's
11 deposition transcript, did you come across any
12 testimony regarding TikTok's agreements with
13 the National PTA?

14 A. I -- I can't recall exactly
15 what he said to me, and what I read.

16 Q. Okay. And what agreements does
17 TikTok have with the National PTA?

18 A. Well, we have an agreement
19 that, you know, goes over the scope of our
20 relationship with them, and the way that, you
21 know, we execute that relationship.

22 Q. Okay. And what is the scope of
23 TikTok's relationship with the National PTA?

24 A. Well, right now, we -- we give
25 what are called Create With Kindness grants.

1 So most of the money that we're giving is
2 going directly to schools across the country,
3 where those schools can put into place sort
4 of what you had referred to earlier as a
5 trust and safety night, or a digital wellness
6 night. So they can talk about online safety,
7 and then use that money to put towards the
8 event.

9 And then we also do sort of
10 flagship or marquee events, is what we call
11 them. And those are spread throughout the
12 school year. And those are a little higher
13 dollar events to execute, but that involves
14 the National PTA also coming. TikTok will
15 show up. And also, you know, just to be
16 there to have a student panel, and all kinds
17 of things, where, you know, we're really
18 driving home the importance of digital online
19 safety.

20 Q. And you referenced higher dollar
21 events. What did you mean by that?

22 A. Meaning the grants are for -- I
23 believe right now, they're \$3,500 -- 3,000 or
24 \$3,500. And then the marquee events are
25 closer to 15 to \$20,000.

1 Q. And is that money that TikTok is
2 paying?

3 A. We give this -- all this money,
4 a hundred percent of this money is to the
5 National PTA. And the National PTA then
6 allocates it, how they see fit.

7 Q. Okay. And how long has TikTok
8 had a formal relationship with the National
9 PTA?

10 A. Our formal relationship began
11 in 2019.

12 Q. And it's still ongoing today,
13 correct?

14 A. It is.

15 Q. Okay. And does TikTok have
16 annual agreements it signs with the National
17 PTA about the work it does with them?

18 A. Yes.

19 Q. Okay. Beyond any grant money,
20 does TikTok pay the National PTA as part of its
21 agreements with the National PTA?

22 A. We don't have -- well, I think
23 some of the money does go towards their, you
24 know, operations to actually execute some of
25 the events, because these marquee events are

1 hosted by the National PTA.

2 So, you know, how they allocate
3 those dollars is a little bit up to them, as
4 long as the event is executed, right? But
5 we're not paying them. We're mostly -- we're
6 paying for, you know, certain things in the
7 contract to be executed.

8 Q. Okay. And do you recall seeing
9 any testimony from Mr. Ebenstein on TikTok's
10 payment of any funds to the National PTA?

11 A. I don't recall.

12 Is there something specific
13 that I can speak to?

14 Q. Just to be clear, you don't --
15 sitting here today, you don't recall seeing any
16 of Mr. Ebenstein's testimony touching on --

17 A. How the money is being spent or
18 how --

19 Q. I'll strike the question. I'll
20 strike the question.

21 A. Okay. I'm not -- sorry, I'm
22 not understanding the question.

23 Q. No, that's okay. I'll strike the
24 question. I'll withdraw it.

25 Did TikTok have any agreements

1 THE WITNESS: Well, we do that
2 with family pairing. We allow a
3 parent to set those parameters for
4 their teens. What we do as a
5 platform, you know, is another story.
6 I'm not sure. But we do already allow
7 what you're suggesting. We allow
8 every parent to make that
9 determination for their teen.

10 BY MR. RYDER:

11 Q. Okay. And that's an individual
12 determination parents can make through family
13 pairing, not a platform-wide decision made as a
14 default setting, correct?

15 A. That is correct. And that's
16 why we work with the National PTA, so that we
17 can make sure parents are aware of these
18 trust and safety features.

19 Q. Okay.

20 A. And digital wellness features.

21 Q. And TikTok has never implemented
22 any default setting that prevents kids from
23 accessing TikTok during the school day,
24 correct?

25 A. Correct.

1 Q. Okay. So since 2018, TikTok has
2 not implemented any default setting that
3 prevents kids from accessing TikTok during
4 school hours, correct?

5 MR. GREEN: Same objection.

6 THE WITNESS: That is correct.

7 And that's -- you know, again, there's
8 a lot of factors that I listed off
9 earlier, that make it a feasibility
10 issue.

11 MR. RYDER: Let's pull up tab
12 14, and we'll mark this as Exhibit 13.

13 (Exhibit No. 13 was marked for
14 identification.)

15 BY MR. RYDER:

16 Q. And, Ms. Kersul, you should have
17 in front of you a document entitled Options for
18 Changes to Push Notifications for Younger
19 Users.

20 Do you see that?

21 A. I do.

22 Q. And for the record, the Bates is
23 ending in 06098751. Do you see that in the
24 bottom right corner on the first page?

25 A. Yep.

1 Q. Okay. And TikTok produced this
2 document as part of this litigation. Do you
3 have any reason to dispute that?

4 A. No.

5 Q. Okay. And the metadata TikTok
6 produced says this document was created
7 August 26th, 2020. Do you have any reason to
8 dispute that?

9 A. No.

10 Q. Okay. And then if you go to the
11 last page of the document, this is going to be
12 the Bates ending in 8756, there's a sign off on
13 the very end, [REDACTED]. Do you see that?

14 A. I do.

15 Q. Okay. And do you know who [REDACTED]
16 [REDACTED] is?

17 A. I don't.

18 Q. Do you know whether or not they
19 were a TikTok employee?

20 A. I don't -- I'm not -- I'm
21 assuming so, but I don't know.

22 Q. Okay. And have you seen this
23 document before?

24 A. I might have, but I'm having a
25 hard time recalling right at this moment,

1 so --

2 Q. Okay. Do you know whether or not
3 you would have seen this document in your
4 ordinary work at TikTok or in preparing for
5 this deposition?

6 A. This was a couple of years
7 before I started, so I -- I probably would
8 have only seen it in the deposition prep. We
9 didn't have push notifications at night when
10 I started, and I don't know of any changes
11 that have been made since I started.

12 Q. Okay. And do you see the
13 background section on the very first page of
14 the exhibit?

15 A. Yes.

16 Q. Okay. And it notes, "There is
17 significant concern among policymakers,
18 parents, and the media about the impact of
19 screens on young people's wellbeing." Did I
20 read that correctly?

21 A. Yes.

22 Q. And TikTok was aware of these
23 concerns, correct?

24 A. They were aware that
25 policymakers, yeah, had concerns.

1 Q. Okay. And it notes policymakers,
2 parents, and the media, correct?

3 A. Yes. Parents and the media,
4 okay.

5 Q. Okay. And at the end of the
6 paragraph, it states that "One of our
7 conclusions was that when assessing and
8 addressing TikTok's potential wellbeing
9 impacts, we should consider not just how long
10 children are using TikTok for, but also when in
11 the day they are doing so."

12 Did I read that correctly?

13 A. Yes.

14 Q. Okay. And then if we go down two
15 paragraphs, this is going to be a very short
16 paragraph starting "in addition." The document
17 notes, "It seems intuitive that use of TikTok
18 during the school day could risk influencing
19 educational outcomes." Did I read that
20 correctly?

21 A. Yes.

22 Q. And what does risk influencing
23 educational outcomes mean?

24 A. I'm reading the same document
25 as you. I -- I'm -- I don't want to

1 hear you.

2 A. I could probably find it. I
3 just -- yeah, I didn't speak with anybody
4 about when that went into effect.

5 Q. Okay. And did you review any
6 documents outlining policy changes to when push
7 notifications are provided in preparing for
8 your deposition today?

9 A. I might have. I would have to
10 think about it. But I mean, I can't recall
11 specifically what documents I looked at
12 regarding push notifications.

13 Q. Okay. And in looking at this
14 document, TikTok is considering changing when
15 notifications are sent, right?

16 A. Right.

17 Q. Okay. And if we go to the bottom
18 of page 2, you'll see we kind of have this
19 weird spillover with headings. And the
20 substance, we see there is a heading that says,
21 "Desired Outcomes." Do you see that?

22 A. Yep.

23 Q. Okay. And then if we go on to
24 the next page, this is Bates ending in 8753,
25 there's a series of desired outcomes listed.

1 Do you see that? This is at the very top of
2 the page.

3 A. Yes.

4 Q. Okay. And the first desired
5 outcome listed is to "Reduce risk to young
6 users of TikTok use displacing sleep time and
7 interfering with the school day." Do you see
8 that?

9 A. Yes.

10 Q. Okay. The -- and is that still a
11 desired outcome? Strike that.

12 Is that still one of TikTok's
13 desired outcomes?

14 A. I would say, of course, having
15 a healthy relationship with the platform is a
16 desired outcome of ours for all users,
17 including -- or especially under 18, so yes.

18 Q. And the second desired outcome is
19 to "Increase credibility of our efforts to
20 position TikTok as an industry leader in minor
21 protection." Did I read that correctly?

22 A. Yes.

23 Q. And is that still one of TikTok's
24 desired outcomes?

25 A. Yes.

1 Q. Okay. So by not reducing the
2 number of notifications during the day, TikTok
3 could protect its daily average user count and
4 retention metrics, correct?

5 MR. GREEN: Object to the form,
6 and the predicate behind it.

7 THE WITNESS: That's what this
8 says -- yes, that's what this document
9 says.

10 BY MR. RYDER:

11 Q. Okay. And then there are also
12 some cons listed below for the "do nothing"
13 option, correct?

14 A. Yes.

15 Q. Okay. And the first con is that
16 "Sending young users notifications up until
17 midnight risks negatively affecting their sleep
18 and therefore their health and wellbeing."

19 Did I read that correctly?

20 A. Yes.

21 Q. And is that -- would that con
22 still be true today?

23 A. Yes, and our policies reflect
24 that.

25 Q. Okay. And then the second con

1 listed is, "there is also a risk of interfering
2 with their study at school."

3 Is that correct?

4 A. That's what is listed in this
5 document, yes.

6 Q. Okay. And then the third con
7 listed says, "We may face pressure to adjust
8 the status quo when the age appropriate design
9 code comes into force in 2021. Waiting until
10 that point" -- pardon me. Let me drink some
11 water, and take that one again.

12 The third con listed states, "We
13 may face pressure to adjust the status quo when
14 the age appropriate design code comes into
15 force in 2021. Waiting until that point would
16 put us in a reactive position and miss the
17 opportunity for positive messaging around the
18 change." Did I read that correctly?

19 A. You read that correctly, and a
20 number of our provisions around ADC, we were,
21 in fact, compliant before the law came out
22 into effect, so --

23 Q. And what was the age appropriate
24 design code?

25 A. It's basically a guiding --

1 well, this one was out of the EU set of
2 principles, essentially, which companies
3 needed to comply when they were developing
4 new products and considering, you know, the
5 benefits or the risks to younger users.

6 And so, you know, out of that
7 came a lot of provisions, like family
8 pairing. We were the first company to have
9 family pairing, for example. But that -- it
10 started in the EU, and now it's in the United
11 States, or it's in the courts, but it's in
12 the United States. But we're already doing
13 it anyway.

14 Q. Okay. And then the summary notes
15 underneath of the "do nothing" approach is "Not
16 recommended." It said it "Does not comply with
17 the TikTok platform principle to put our users
18 first"; is that correct?

19 A. Yes.

20 Q. And is that still a TikTok
21 platform principle?

22 A. Yes.

23 MR. GREEN: I'm not trying to
24 interrupt you. Maybe when this
25 document is done, when you get to a

1 answered that question.

2 BY MR. RYDER:

3 Q. And what was your answer to that
4 question?

5 A. I -- we were developing and
6 having these -- we were having these
7 conversations, and would have to develop it,
8 as we did with the push notifications at
9 night.

10 Q. So TikTok did have the ability to
11 impose limits on push notifications sent to
12 kids under 18 during the school day in 2020,
13 correct?

14 A. During -- we had the ability to
15 impose limits for under 18 during specific
16 hours.

17 Q. Okay. And I want to -- I want to
18 go back to -- and this is page 8755 -- there's
19 the second con listed that says "There is also
20 a risk of interfering with their study at
21 school." Do you remember seeing that?

22 A. Yes.

23 Q. In 2020, did TikTok tell students
24 or their parents that sending notifications
25 during the school day may pose a risk of

1 interfering with study at school?

2 A. No, not to my knowledge.

3 Q. At any point since 2020, has
4 TikTok told students or their parents that
5 TikTok notifications may pose a risk of
6 interfering with study at school?

7 A. Not to my knowledge.

8 Q. Okay. At any point since 2020,
9 has TikTok told teachers or school
10 administrators that TikTok notifications may
11 pose a risk of interfering with study at
12 school?

13 A. Not to my knowledge.

14 Q. Has TikTok ever told the National
15 PTA that TikTok notifications may pose a risk
16 of interfering with study at school?

17 A. Not to my knowledge.

18 Q. And just to clarify on the "not
19 to my knowledge" in those last couple of
20 answers, is that --

21 A. TikTok.

22 MR. RYDER: Okay. Thank you.
23 Let's take a break and go off the record.

24 THE VIDEOGRAPHER: The time is
25 now 12:37 p.m., and we are now off the

1 identification.)

2 THE WITNESS: Thank you.

3 BY MR. RYDER:

4 Q. And Ms. Kersul, I just handed you
5 a document with the title "MS + PM push
6 notification restrictions for teens."

7 Do you see that?

8 A. I see that.

9 Q. The Lark chat, for the record, in
10 the bottom right ends in 07915057.

11 Do you see that?

12 A. Yes.

13 Q. Okay. And TikTok produced this
14 document as part of this litigation. Do you
15 have any reason to dispute that?

16 A. No.

17 Q. Okay. And if we look at the very
18 first message in the chat sent by someone with
19 a -- Mandarin characters, do you see that?

20 A. I do.

21 Q. Okay. It's sent on January 12,
22 2023, correct?

23 A. Yes.

24 Q. We can see from this very first
25 message that Christina Crimmins invited Jordan

1 Furlong, [REDACTED], [REDACTED]

2 another name in Mandarin characters, and [REDACTED]

3 [REDACTED] to this chat, correct?

4 A. Yes.

5 Q. And I know we've spoken about
6 Ms. Crimmins and Mr. Furlong. Do you know who

7 [REDACTED] is?

8 A. No.

9 Q. Okay. And are you familiar with
10 the name [REDACTED]?

11 A. I'm not.

12 Q. Okay. And what about [REDACTED]

13 [REDACTED]

14 A. Yes.

15 Q. And what is his role at TikTok?

16 A. Again, I don't know anybody's
17 title apparently. But he is somebody who has
18 worked very closely with product on trust and
19 safety.

20 Q. Okay. And do you know what the
21 name is in Mandarin characters?

22 A. I don't know that name, no.

23 Q. Okay. That makes two of us.

24 And have you seen this Lark chat
25 before?

1 A. It looks familiar. Yes, I
2 believe I have. Yes.

3 Q. Okay. And did you see this
4 document in preparing for your deposition
5 today?

6 A. Yes.

7 Q. Okay. And did you speak to any
8 of the individuals listed in the first message
9 you participated in this chat?

10 A. Only Christina Crimmins.

11 Q. Okay. Did you speak to
12 Ms. Crimmins about this particular Lark chat?

13 A. I believe this was part of a
14 larger conversation.

15 Q. Okay. And what was that
16 conversation -- strike that.

17 Was that conversation about
18 limits placed on notifications for users during
19 the school day?

20 A. Our conversation was really --
21 one moment. I'm just reading here.

22 Yeah, around conversations that
23 we had -- that the company has had and her
24 team has had around placing push
25 notifications on the platform during the

1 school day and -- as well as other digital
2 wellness features.

3 Q. Okay.

4 A. Yeah.

5 Q. Actually, I want to zoom back out
6 just to the title briefly. MS refers to minor
7 safety, correct?

8 A. That's my understanding.

9 Q. Okay. And then does PM refer to
10 project manager or project management?

11 A. I actually don't know.

12 Q. Okay. And if we look at the
13 first substantive message, so after all these
14 individuals are invited, we see a message on
15 the first page from Christina Crimmins sent on
16 January 12, 2023.

17 Do you see that?

18 A. I do.

19 Q. And in the second paragraph of
20 her message, she states, "I think GR is
21 interested in a broad swath disabling of all
22 push notifications from approximately 9:00 a.m.
23 to 3:00 p.m. for teens. (Today's discussion
24 mentioning a 5 percent drop in DAU.)"

25 Did I read that correctly?

1 A. Yes.

2 Q. And what does GR refer to?

3 A. Government relations.

4 Q. Okay. So she's saying that
5 TikTok's government relations team is
6 interested in a broad swath disabling, correct?

7 A. That is what she is saying,
8 yeah.

9 Q. Okay. And, again, DAU refers to
10 daily active users, correct?

11 A. Yes.

12 Q. Okay. And she goes on to state
13 that she's brainstorming a more nuanced
14 approach that still grants us the, quote,
15 TikTok has disabled push notifications to teens
16 during the school day, end quote, headline,
17 correct?

18 A. Yes.

19 Q. And was that something that was
20 important to TikTok at that time?

21 MR. GREEN: Object to the form.

22 THE WITNESS: Well, I know that
23 this is something -- this is a
24 conversation that -- or cell phone use
25 in general in schools has come up

1 across the country, and that is why GR
2 had -- brought this up as an internal
3 conversation. And so our conversation
4 was an -- sort of an exploratory
5 question on is that something that
6 would make sense to do.

7 So when we talk about it being
8 a priority for TikTok, you know, as
9 things come up, we explore them and we
10 talk about them and to see what the
11 feasibility is. And that's what our,
12 you know, approach to Christina's team
13 was.

14 BY MR. RYDER:

15 Q. Okay.

16 A. Yeah.

17 Q. And here she indicates that the
18 government relations team is the one raising
19 this issue or seeing if these -- if the broad
20 swath disabling of notifications is possible,
21 correct?

22 A. Correct.

23 Q. Okay. And this is then members
24 of other teams discussing whether or not that's
25 feasible or what the implications of those

1 limits would be, correct?

2 A. Correct.

3 Q. Okay. And then she lists three
4 approaches down beneath saying, "A first
5 conceptual pass at a balanced approach."

6 Do you see that?

7 A. Yes.

8 Q. Okay. And the first item listed
9 is to outright disable all limited reach push
10 notifications during school hours, correct?

11 A. Yes.

12 Q. And what are the limited-reach
13 push notifications?

14 A. I'm not exactly sure what we're
15 considering. We have different kinds of push
16 notifications, though. You know, we even
17 have Amber Alerts on the platform which would
18 be a push notification. So I'm not sure
19 which notifications are in that particular
20 bucket, though. I assume -- let me read the
21 whole thing.

22 Right. I -- I'm not sure what
23 we determine is limited reach, strong reach,
24 or must reach. But it would absolutely be
25 associated with the severity or the

1 importance of the notification. But I don't
2 know how we define that.

3 Q. Okay.

4 A. It looks like we have
5 definitions available in this link.

6 Q. Okay. And so you -- you didn't
7 discuss with Ms. Crimmins what --

8 A. I did not discuss that
9 particular part of it, no, no.

10 Q. -- these types of -- what reach
11 notifications were, correct?

12 A. Right.

13 Q. Okay. The second then notes to
14 default strong-reach push notifications after
15 school hours with option to opt in, correct?

16 A. Right.

17 Q. And then the third is to leave,
18 quote, must-reach push notifications as is,
19 correct?

20 A. Correct.

21 Q. Okay. Then on the bottom of the
22 second page, Ms. Crimmins writes -- do you
23 see the very last page -- I'll read the last
24 message she sends on the second page. This is
25 at -- it starts with "@[REDACTED]"

1 A. Yes.

2 Q. She says, "Out of a discussion
3 with Shou re: teen protections, we need to get
4 more concrete with a proposal on an approach to
5 restrict push notifications during school hours
6 for teens, trying to slow down the commitments
7 so we can get a true assessment of impact."

8 Did I read that correctly?

9 A. Yes.

10 Q. And Shou refers to TikTok's CEO,
11 Chew Shou, correct?

12 A. Correct.

13 Q. So Ms. Crimmins is indicating
14 that she had spoken with Mr. Shou regarding
15 restricting push notifications during school,
16 correct?

17 A. Yes.

18 Q. And TikTok was slowing down any
19 commitment to restricting push notifications
20 before it could get a, quote, true assessment
21 of the impact, correct?

22 MR. GREEN: Object to the form
23 of the question.

24 THE WITNESS: That's what this
25 says.

1 Q. -- 5063. [REDACTED] says, "Hi
2 Jordan. Glad I can help. There is no other
3 issue with this feature. The only reason we
4 didn't develop it is because of the priority."

5 Did I read that correctly?

6 A. You did read that correctly.

7 Q. And he's referring to the ability
8 to limit push notifications during the school
9 day, correct?

10 A. Right.

11 MR. GREEN: Object to the form.

12 BY MR. RYDER:

13 Q. So TikTok had the technical
14 capability to mute push notifications during
15 school hours for kids at this point in time,
16 correct?

17 A. According to this.

18 Q. And the reason he identifies --
19 strike that.

20 The reason TikTok did not limit
21 or mute push notifications during school hours,
22 as [REDACTED] identifies, is that it was not a
23 priority, correct?

24 MR. GREEN: Object to the form
25 of the question.

(Exhibit No. 18 was marked for
identification.)

MR. RYDER: This is another
hardy document.

THE WITNESS: Thanks.

MR. GREEN: Is it 18?

MR. RYDER: Correct.

BY MR. RYDER:

Q. And Ms. Kersul, I just handed you
a document bearing the Bates stamp ending
06477967; is that correct?

A. Yes.

Q. Okay. And the document states,
"Project M. Teen protection weekly syncs,"
correct?

A. Yes.

Q. Okay. And TikTok produced this
document as part of this litigation. Do you
have any reason to dispute that?

A. No.

Q. And the metadata TikTok produced
says this document came from the custodial file
of both Christina Crimmins, Eric Ebenstein, and
Jordan Furlong.

Do you have any reason to dispute

1 that?

2 A. No.

3 Q. The metadata also states the
4 document was created March 29, 2023. Do you
5 have any reason to dispute that?

6 A. No.

7 Q. Okay. And then if we go to the
8 front page, the face of the document itself
9 references that it was updated on March 29th,
10 correct?

11 A. Yes.

12 Q. Okay. And have you seen this
13 document before?

14 A. It's kind of printed
15 interestingly, so I'm -- I'm not sure if I
16 have or not.

17 Q. Okay.

18 A. It's big.

19 Q. It is.

20 And it's so big I'll direct your
21 attention to Page 75. This is Bates ending
22 8041. I'll also have it pulled up on the
23 screen if that's easier, but let me know --

24 A. 41?

25 Q. 8041, correct.

1 A. 8041. Gotcha. Okay.

2 Q. And there's a -- a chart on this
3 page.

4 Do you see that?

5 A. Yes.

6 Q. The top left entry states, "Push
7 notifications disabled at disruptive times for
8 teens."

9 Do you see that?

10 A. Yes.

11 Q. Okay. On the far right -- strike
12 that.

13 In the second entry to the right,
14 it notes there was an impact analysis about
15 disabling push notifications during school
16 hours for minors.

17 Do you see that?

18 A. I do.

19 Q. And the results of that impact
20 analysis were a loss of 0.03 percent to 0.05
21 percent DAU and no stay duration loss, correct?

22 A. Yes.

23 Q. And, again, DAU refers to daily
24 active users, correct?

25 A. Yes.

1 Q. So this means that disabling push
2 notifications for minors during the school day
3 dropped TikTok's daily active user count by .03
4 percent to .05 percent, right?

5 MR. GREEN: Object to the form.

6 THE WITNESS: It appears to be
7 true, according to this, yes.

8 BY MR. RYDER:

9 Q. Okay. And daily active user is
10 one of the metrics TikTok was concerned about
11 in limiting push notifications during the
12 school day, correct?

13 MR. GREEN: Object to the form.

14 THE WITNESS: I wouldn't say we
15 were concerned. I think it's one of
16 the factors that we looked at, in
17 addition to efficacy and feasibility
18 and other things. But that's one --
19 one piece, you know, of data. That's
20 one data point.

21 BY MR. RYDER:

22 Q. Okay. And, ultimately, the chart
23 says "not move forward," right?

24 A. Right.

25 Q. And so this means that TikTok did

1 not disable push notifications during school
2 hours for minors, correct?

3 A. That's what this says. Yes.

4 Q. And in part, TikTok did not
5 disable push notifications based on the finding
6 that it dropped its daily active user count to
7 .0 -- from .03 to .05 percent, correct?

8 A. I don't get that from this
9 document at all. This one little box here
10 doesn't tell us why that decision wasn't made
11 and why others were made.

12 But, no, it wasn't -- I'm -- in
13 isolation, anything to do with duration time.

14 Q. Well, there's not other factors
15 listed describing why this feature was not
16 moved forward, correct?

17 MR. GREEN: Object to the form.

18 THE WITNESS: Well, this is a
19 hyperlink to an actual doc for the
20 whole project. So without knowing
21 what that says, I wouldn't -- I
22 wouldn't be able to give you more
23 information. But I know that, you
24 know, based on how Lark docs work,
25 that this would give us, you know --

1 there's a whole sheet of information
2 that may or may not tell us more. But
3 this doesn't tell us enough to answer
4 your question.

5 BY MR. RYDER:

6 Q. And do you know whether you would
7 have reviewed the hyperlink document in
8 preparing for your deposition?

9 A. No. I'd have to see it.

10 Q. It's not a document, to your
11 knowledge, that you've seen today, correct?

12 MR. GREEN: Object to the form.

13 THE WITNESS: I would have to
14 see it. I don't recall.

15 BY MR. RYDER:

16 Q. Let's set that exhibit aside.
17 Let's pull up tab 20 and mark
18 this as Exhibit 19.

19 (Exhibit No. 19 was marked for
20 identification.)

21 BY MR. RYDER:

22 Q. Thank you.

23 And, Ms. Kersul, the document I
24 just handed you should be bearing the Bates
25 number on the bottom right, 00014343.

1 Do you see that?

2 A. I do.

3 Q. And this is a Lark chat, correct?

4 A. It is.

5 Q. And you can see on the first page
6 that Jordan Furlong is a participant in this
7 Lark chat, correct?

8 A. Mm-hmm. Yes.

9 Q. And then we also see another name
10 in Mandarin characters, correct?

11 A. Yes.

12 Q. And we see in Jordan's first
13 message, he sends -- he says, "Hey, [REDACTED]"
14 correct?

15 A. Yes.

16 Q. Okay. TikTok produced this
17 document as part of this litigation. Do you
18 have any reason to dispute that?

19 A. No.

20 Q. And this was produced as part of
21 Jordan Furlong's custodial file. Do you have
22 any reason to dispute that?

23 A. No.

24 Q. Okay. And we can see in the very
25 first page, that first message is dated

1 February 8, 2023, correct?

2 A. Yes.

3 Q. And then I want to direct your
4 attention to page 4. It's the Bates ending
5 4346.

6 And do you see a message that
7 Jordan sends on November 13th, 2023? It's kind
8 of the longer block post.

9 A. I do.

10 Q. Okay. And he states that TikTok
11 has been under investigation in the United
12 States for one and a half years; has recently
13 been prompted to solve various problem areas
14 related to the teen safety and wellbeing. One
15 of these specific areas of interest in screen
16 time addiction.

17 Did I read that correctly?

18 A. Yes.

19 Q. Okay. And then four bullet
20 points below, so this is the second last to the
21 bottom, Mr. Furlong notes, Defaulting on push
22 notification schedule during school -- during
23 common school times to prevent distraction,
24 correct?

25 A. Yes. I'm reading that and --

1 oh, okay. Yes. I understand it now. Yes.

2 Q. Okay. So at this point in time,
3 TikTok employees considered including -- strike
4 that.

5 At this point in time, TikTok
6 employees, including Mr. Furlong, were still
7 considering limiting push notifications sent
8 during the school day, correct?

9 A. It has been an ongoing
10 conversation, yes.

11 Q. And is it a conversation that's
12 still ongoing at TikTok?

13 A. Yes.

14 Q. Okay. And here Mr. Furlong
15 identifies the reason to limit those
16 notifications is to prevent distraction,
17 correct?

18 A. Yes.

19 Q. Okay. And is that still a basis
20 TikTok considers in assessing whether to limit
21 push notifications sent during the school day?

22 MR. GREEN: Object to the form
23 of the question.

24 THE WITNESS: There are a
25 number of reasons that it's an ongoing

1 discussion, mostly centered around,
2 you know, what schools and school
3 districts and individual communities
4 are doing and asking for, and what the
5 role of a technology company is in
6 that conversation.

7 BY MR. RYDER:

8 Q. What are some of the things that
9 TikTok has heard from schools and school
10 districts on limiting push notifications during
11 the school day?

12 A. Actually, most of the
13 conversations with -- that we've heard from
14 regulators and lawmakers and schools through
15 our activations with the National PTA aren't
16 so much around social media, but around cell
17 phone use in general, which is why they've
18 been turning -- you know, a lot of schools
19 have implemented policies at, you know, the
20 school district or the school level to
21 mitigate use overall. Most people I'm
22 talking to and have spoken with, including
23 lawmakers, are not targeting social media
24 companies or think it's an individual
25 app-by-app problem, but that it's more of an

1 issue with the use of the phone.

2 Q. So to clarify, TikTok has heard
3 from school districts, in part through the
4 National PTA, that technology use, writ large,
5 is a distraction for students during the school
6 day, correct?

7 MR. GREEN: Object to the form
8 of the question.

9 THE WITNESS: Not in part
10 through the PTA. Exclusively through
11 the PTA. All conversations that I've
12 had with parents or teachers or
13 schools is exclusively through the
14 National PTA. The National PTA has,
15 in fact, not taken an official
16 position on this particular issue
17 because it's so community focused,
18 which is part of why we can be so
19 confident that we are doing, you know,
20 a good job of -- through our family
21 pairing and making it highly
22 customizable so that families can make
23 decisions that are right for them.

24 We believe that's a more
25 holistic way of looking at this from

1 an app perspective. And then, of
2 course, if schools want to go further,
3 then they should feel free to do so.

4 BY MR. RYDER:

5 Q. Okay. Let's go to the next page.
6 This is the Bates ending in 143 -- sorry. This
7 is Bates ending 4347. Jordan sends a longer
8 message with a list of product ideas on the
9 bottom of the page.

10 Do you see that?

11 A. Yep.

12 Q. And these are product ideas for
13 limiting notifications during the school day,
14 correct?

15 A. Yes.

16 Q. The first idea he lists is only
17 send outside of school hours, 9:00 a.m. to 3:00
18 p.m., correct?

19 A. Yes.

20 Q. And there's a sub point under
21 that that says, "Maybe give users a choice to
22 receive during school hours or not. Maybe a
23 parent could control this via family pairing
24 too," correct?

25 A. Yes.

1 Q. And in 2023, TikTok did not
2 choose to only send notifications outside of
3 school hours, correct?

4 A. That is correct.

5 Q. And TikTok has not made a choice
6 to limit notifications outside of school hours
7 to date, correct?

8 MR. GREEN: Object to the form.

9 THE WITNESS: We have
10 implemented that through family
11 pairing and through an individual's
12 choice, so --

13 BY MR. RYDER:

14 Q. But not as a matter of default
15 setting, right?

16 A. Correct.

17 Q. Okay. The second option
18 Mr. Furlong lists is to batch push
19 notifications at 5 p.m., in parentheses,
20 correct?

21 A. Yes.

22 Q. And what does he mean by "batch
23 push notifications"?

24 A. Combining all push
25 notifications into one -- one package deal,

1 one notification.

2 Q. So users wouldn't receive
3 notifications for a set period of time, and
4 then would receive all of those push
5 notifications in a batch, and, by his example,
6 that would be at 5 p.m., correct?

7 A. Right. Right.

8 Q. Okay. And Mr. Furlong notes, in
9 sub point C there, that this could be the most
10 impactful, correct?

11 A. The -- yes. Yes.

12 Q. And has TikTok chosen to
13 implement -- well, strike that.

14 In 2023, did TikTok choose to
15 implement batched push notifications?

16 A. Not to my --

17 MR. GREEN: Objection.

18 THE WITNESS: Oh, I'm sorry.

19 MR. GREEN: Object to the form

20 of the question.

21 BY MR. RYDER:

22 Q. Go ahead.

23 A. Not to my knowledge.

24 Q. And to date, has TikTok chosen to
25 implement batched push notifications?

1 MR. GREEN: Object to the form
2 of the question.

3 THE WITNESS: I would have to
4 double check. I -- I'm -- can't be
5 sure. I don't think we have, but we
6 may have and I just don't know it.

7 BY MR. RYDER:

8 Q. And did you review any policies
9 regarding TikTok's -- well, strike that.

10 Did you review any policies
11 touching on batched push notifications in
12 preparing for your deposition today?

13 A. I review our policies almost on
14 a weekly basis for the rest of my job that
15 don't have anything to do with this
16 deposition, and I -- and I cannot remember,
17 so --

18 Q. Okay.

19 A. -- I just don't know.

20 Q. Okay. The third option listed is
21 to reduce the total number of push
22 notifications sent, correct?

23 A. Yes.

24 Q. And then it notes in parentheses,
25 current cap equals fifteen per day, promotional

1 six per day, correct?

2 A. Yes.

3 Q. And is that a cap that was in
4 place at that time -- well, strike that.

5 Has -- in 2023, did TikTok put a
6 cap on the total number of push notifications a
7 user could receive?

8 A. According to this, that is the
9 cap as of this comment that they make. I'm
10 not sure when exactly that cap was put into
11 place and if the cap has changed since.

12 Q. Okay. So sitting here to- -- as
13 of today, does TikTok have a cap on the total
14 number of push notifications sent to users?

15 A. I believe we do. I don't know
16 what that cap is by the number, though. But
17 I believe we do have a cap.

18 Q. And why did TikTok choose to put
19 a cap on the total number of push notifications
20 sent to users?

21 MR. GREEN: Object to the form.

22 It's outside the scope.

23 Go ahead and answer.

24 THE WITNESS: I would be
25 speculating, but I don't -- I don't

1 think it's a -- very popular to get
2 lots of notifications. People don't
3 like it. So I imagine we capped it to
4 keep users happy.

5 BY MR. RYDER:

6 Q. Okay. And we can set that
7 exhibit aside.

8 I think I just asked you when we
9 were looking at that last document whether
10 TikTok could have turned off push notifications
11 for kids during school hours as a default
12 setting in 2023. Correct, that I asked the
13 question?

14 A. Yes.

15 Q. Okay. And you answered that
16 TikTok had the technical ability to turn off
17 push notifications for kids under 18 during
18 2023, correct?

19 MR. GREEN: I object to the
20 extent it misstates the testimony and
21 it's been asked and answered.

22 Subject to that, you can answer
23 again if you can.

24 THE WITNESS: I -- I'm trying
25 to think back to what I -- I said.

1 I -- I don't know how to answer that
2 now.

3 BY MR. RYDER:

4 Q. I'll ask you a follow-up
5 question.

6 A. Okay.

7 Q. I'll withdraw the question.

8 A. I'm sorry.

9 Q. Sitting here today, could TikTok
10 -- strike that.

11 Does TikTok currently have the
12 technical ability to turn off push
13 notifications for kids under 18 during school
14 hours as a default setting?

15 MR. GREEN: Same objection.

16 THE WITNESS: TikTok has the
17 ability to set hours -- set parameters
18 around the hours for push
19 notifications for under 18, yes.

20 BY MR. RYDER:

21 Q. Okay. And I want to pivot
22 slightly. I know we've been talking about
23 things TikTok has considered or looked at in
24 the past. I want to briefly talk about any
25 innovations TikTok is currently considering.

1 Is TikTok currently considering
2 placing additional limits on push notifications
3 sent to kids under 18 during school hours?

4 A. The push notification
5 conversation is ongoing among various teams.

6 Q. And what changes are TikTok's
7 various teams considering in further limiting
8 push notifications sent to kids under 18 during
9 school hours?

10 A. I don't think I understand the
11 question.

12 What changes are we considering
13 around limiting push notifications other than
14 just turn -- for -- during certain hours,
15 just turning them off? Are you -- I'm --
16 I'm --

17 Q. So my question is more general.

18 A. Okay.

19 Q. I'd like to know -- I'd like the
20 jury to know what innovations or updates TikTok
21 is currently considering regarding push
22 notifications sent to kids during the school
23 day. So my -- my -- I'll phrase that as a
24 question.

25 What innovations or updates, if

1 any, is TikTok currently considering regarding
2 push notifications sent to kids during the
3 school day?

4 A. Okay. Yeah, I'm sorry. I
5 thought I had answered that because, you
6 know, it's an ongoing conversation where we
7 look at things like feasibility, the
8 efficacy, our -- you know, who is asking for
9 this, are those needs not being met by our
10 current -- current, you know, standards with
11 -- or family -- family pairing.

12 There's just a number of safety
13 features that we already have in place. And
14 part of the reason we're partnering with the
15 National PTA is to make sure that families
16 understand all the tools that are already
17 available to them, and the individual users
18 understand that too. So I don't know exactly
19 what specific innovations around push
20 notifications you're asking for, changes
21 you're asking about. But I do know it's an
22 ongoing conversation and that we're
23 continuously looking at this wholistically.
24 And right now we have very robust trust and
25 safety features in place.

1 A. Correct.

2 Q. Let's pull up tab 22 and mark
3 this as Exhibit 25 -- 26.

4 (Exhibit No. 26 was marked for
5 identification.)

6 BY MR. RYDER:

7 Q. And the document in front of you
8 should bear the Bates number on the bottom
9 ending in 00381606.

10 Do you see that?

11 A. Yes.

12 Q. The title of the document is
13 "Summary of Findings - TTN 30-Day Post-Launch
14 Feature Investigation."

15 Do you see that?

16 A. Yes.

17 Q. And do you know what TTN refers
18 to?

19 A. TikTok Now.

20 Q. And can you tell the jury what
21 TikTok Now is.

22 A. Well, it isn't anything
23 anymore. It was short-lived. It was
24 launched on TikTok as sort of a competitor
25 product to "BeReal," where a user would be

1 prompted to take a picture of whatever they
2 were doing in that moment for a period of
3 time, I believe it was an hour, and then it
4 would go away. But it didn't last, I think,
5 even a year. Maybe it lasted a year. So
6 it's no longer a thing.

7 Q. And TikTok produced this document
8 as part of this litigation. Do you have any
9 reason to dispute that?

10 MR. GREEN: Object to the form.

11 THE WITNESS: I don't have any
12 reason to dispute that.

13 BY MR. RYDER:

14 Q. Okay. And the custodians listed
15 in the metadata TikTok produced are Reagan
16 Maher and [REDACTED] correct?

17 A. Yes.

18 Q. And the date produced in the
19 metadata is August 4th, 2022, correct?

20 A. Yes.

21 Q. And then if we go to the first
22 page of the document itself, it notes that it
23 was updated on November 3rd, 2022, by Reagan
24 Maher, correct?

25 A. Yes.

1 Q. Okay. And have you seen this
2 document before?

3 A. I believe I have.

4 Q. Okay. And have you seen or
5 reviewed this document in preparing for your
6 deposition today?

7 A. Yes.

8 Q. Okay. And I'll direct your
9 attention to finding number 3, which is on
10 page 3, which is ending in the Bates 1608.

11 Do you see that?

12 A. Yes.

13 Q. And point 3 in bold states that,
14 parentheses -- in brackets, it says, "TikTok
15 Now posting patterns."

16 Do you see that?

17 A. Yeah.

18 Q. Next to it, it says, "TikTok Now,
19 L1/L2 users were posting during school hours
20 particularly in time zones on the West Coast
21 and in Hawaii," correct?

22 A. Yes. There it is. Yes.

23 Q. And so for this document, TikTok
24 was able to see when students were posting on
25 TikTok Now, correct?

1 A. Yes.

2 Q. And concluded that L1 and L2
3 users were posting during school hours,
4 correct?

5 A. Yes. And you've just pointed
6 out one of the reasons that TikTok Now is no
7 longer a thing. And -- it's very difficult
8 when you have six time zones in the country
9 to have a -- you know, everything geared
10 towards a one-hour time block in a day. It
11 just wasn't practical. So -- yes.

12 Q. And it notes that --

13 A. Because it would be dinner for
14 the East Coast, and it would be middle of the
15 school day maybe for someone in Hawaii.

16 Q. And to your point, TikTok also
17 can see that users were posting during school
18 hours in specific time zones, and it lists West
19 Coast and Hawaii, correct?

20 A. Sure. That's not a precise
21 geolocation, right. We collect geolocation
22 by IP address or, you know, proximity to,
23 like, a city. But -- so we would know if
24 somebody was on the West Coast or Central
25 Time Zone or -- or Mountain or whatever. My

1 point is is that when you have something like
2 this that doesn't exist anymore, what time
3 zone might work or make sense for the East
4 Coast just can't make sense for Alaska or
5 Hawaii or even -- or even the West Coast.

6 Q. And how is TikTok able to know
7 when students were posting during school hours?

8 A. Well, I don't know how they
9 collected data on Tik- -- for the TikTok Now
10 portion of the platform versus, you know,
11 what they do now. But I'm assuming they were
12 tracking metrics and just seeing the volume
13 that was coming in. I -- but I don't know
14 how that was categorized.

15 Q. Okay. And TikTok is also able to
16 determine what time zone a user is in, correct?

17 A. Yes. So we collect -- in the
18 United States, we collect your -- we know
19 your IP address, so, you know -- my app knows
20 I'm in Olympia, Washington, but it couldn't
21 send a car to pick me up. That's all I mean
22 is, you know, if you've got two neighboring
23 school districts, for example, they -- they
24 wouldn't know necessarily which school I'm
25 at.

1 Q. Okay. Let's go to the next page.
2 There's a numbered paragraph number 2.

3 Do you see that?

4 A. Yes, I see it. I see it.

5 Q. And it states that, "Although the
6 peak posting time generally falls outside local
7 school hours, we still observed significant
8 posting from L1/L2 users during school hours
9 (defined as 8:00 a.m. to 2:00 p.m.)," correct?

10 A. That's what that says.

11 Q. So, again, TikTok is able to see
12 when users are posting within that time frame,
13 correct?

14 A. Yes.

15 Q. Okay. The -- and here school
16 hours is defined as 8:00 a.m. to 2:00 p.m.,
17 correct?

18 A. Right. So we've been seeing
19 9:00 to 3:00, and now we see 8:00 to 2:00,
20 yes. Yes.

21 Q. And so to the extent that TikTok
22 is able to identify a time window, it can see
23 when users are posting within that window?

24 A. It appears we -- we can tell,
25 yes. But, as I said -- you know, okay, so we

1 can tell your age, you know, category, and we
2 can tell what time you're posting. But
3 getting very hyper- localized is the
4 challenge.

5 Q. Sure. Is it -- TikTok has to
6 paint with a broad brush when it's trying to
7 determine school hours and whether a user may
8 be posting during those school hours, correct?

9 A. Right. And where they're
10 posting from, right. So if they're home
11 sick, it's winter break, you know, maybe
12 they're on vacation with their family instead
13 of at school, I don't -- I don't know the
14 number of reasons that someone wouldn't be at
15 school during, you know, 9:00 to 3:00 or
16 10:00 to 2:00.

17 Q. Okay. And then it goes on to
18 say, "Specifically, we identified more than
19 190,000 TikTok Now posts" --

20 A. Uh-huh.

21 Q. -- "about 14 percent of the
22 population by L1 and L2 users on weekdays in
23 California and Texas," correct?

24 A. That's what that says, yes.

25 Q. And if we think back to some of

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