

AMENDED Exhibit 5

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

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: SOCIAL MEDIA ADOLESCENT | MDL No. 4:22-MD-3047-YGR
4 ADDICTION/PERSONAL INJURY |
5 PRODUCTS LIABILITY LITIGATION |
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE

8 COORDINATION PROCEEDING |
9 SPECIAL TITLE [RULE 3.400] |
10 SOCIAL MEDIA CASES | Lead Case for Filing
11 Purposes
12 22STCV21355

13 This Document Relates to:

14 STATE OF TENNESSEE, ex. Rel.
15 JONATHAN SKRMETTI, ATTORNEY
16 GENERAL and REPORTER,
17 v.
18 META PLATFORMS, INC., and
19 INSTAGRAM, LLC,
20 Case No. 23-1364-IV

21 VIDEOTAPED DEPOSITION OF NICK CLEGG
22 Volume 1

23 Taken on Behalf of the Plaintiffs

24 DATE TAKEN: Thursday, March 20, 2025
25 TIME: 9:22 a.m. - 7:29 p.m. GMT
26 PLACE: Covington & Burling LLP
27 22 Bishopsgate, 54th Floor
28 City of London, London EC2N 4BQ
29 United Kingdom

30 Examination of the witness stenographically reported by:
31 SUSAN D. WASILEWSKI, RPR, CRR, CMRS, CRC, FPR

32 - - -
33 GOLKOW, a Veritext Division
34 cs-golkow@veritext.com
35

1 A. Oh, sorry. Yes, it is. Yes.

2 Q. Okay. Mr. Clegg, you've worked at Meta for
3 six-and-a-half years, right?

4 A. I joined in October 2018, so just over,
5 yeah.

6 Q. And you've been President of Global Affairs
7 at Meta since March 2022?

8 A. Yes.

9 Q. Can you tell me about your role and
10 responsibilities?

11 A. My role -- my current role and
12 responsibilities or --

13 Q. That's right.

14 A. So as President, Global Affairs, I oversee
15 two main functions in the company: One, the policy
16 functions, what's broadly called policy functions,
17 and that covers everything from the content of the
18 company's policies on issues like content
19 moderation, but also how the company interacts with
20 law makers, governments, around the world; and then
21 secondly, and linked to that, also I oversee all the
22 teams that deal with the way in which the company
23 communicates to the outside world and responds to
24 communication from the outside world.

25 So I think in sort of the broadest sense, a

1 lot of my work has been loosely related to how the
2 company interacts with the outside world, responds
3 to societal concerns and perceptions and seeks to
4 understand and clearly seeks to also protect the
5 reputation of the company as a whole. So that is, I
6 think, in broad terms, my role.

7 Q. So that would include public relations,
8 right?

9 A. Public relations would fall under the policy
10 teams, yes.

11 Q. And did you have, I guess, and just to be
12 clear, you had overall responsibility for public
13 relations at the company?

14 A. So I had overall responsibility for all of
15 those areas that I mentioned, yes.

16 Q. And did you have any responsibility for
17 safety and well-being issues?

18 A. So in terms of the policies that the company
19 pursues, and not the product, nor the enforcement of
20 those policies but how those policies are crafted,
21 most especially what content is and is not allowed,
22 enshrined in the company's community standards, yes,
23 that fell under my overall authority.

24 Q. And what about age assurance or
25 verification, did that fall in your purview?

1 A. Again, as a matter of policy, where do you
2 set that age limit and so on, that would -- that
3 would fall under my -- under my -- under the remit
4 of my teams, yes.

5 Q. But as you just mentioned, you did not
6 oversee the development of products or features,
7 right, that was a different team?

8 A. That was a different -- yes. The company is
9 a large company with engineering teams, commercial
10 teams. It's an advertising business. In my area
11 it's sort the -- a lot of it is the external facing
12 but also, as I say, the internal adjudication on
13 what policies, where the line should be drawn and so
14 on, and, of course, all those teams seek to work
15 together and the executives overseeing them, myself
16 included, also seek to work together.

17 Q. Going back to this document, before you were
18 President of Global Affairs, you were Vice President
19 of Global Affairs, correct?

20 A. Yes.

21 Q. Was there any meaningful difference in those
22 two roles?

23 A. It was definitely a continuum. It was an
24 extrapolation of one to the other. I think it
25 evolved a little over time, partly because, like

1 with all companies, people come and go. So the COO,
2 Sheryl Sandberg, I think relative -- I can't
3 remember the precise date, relatively shortly after
4 I became President, Global Affairs, left the
5 company, so there were various things that she did
6 that I took over.

7 And also, when I arrived at the company,
8 my -- the formal reporting structure was such that I
9 reported to her, and after she left, I reported
10 directly to Mark Zuckerberg, and I think it's fair
11 to say that in general terms, after around that
12 point in early 2022, I probably calibrated my time a
13 little bit more -- to be a little bit more outward
14 facing rather than inward facing, yeah.

15 Q. And when you were vice president, you still
16 had overall responsibility for those two main
17 functions that you described earlier, policy and
18 communications?

19 A. Yes.

20 Q. You can put that document away for now.

21 Mr. Clegg, you're familiar with Molly
22 Russell, right?

23 A. I am.

24 Q. She was a UK teenager who died from
25 self-harm in 2019.

1 Q. I appreciate you providing context but just
2 want to focus on the questions that I'm asking, and
3 I appreciate that.

4 MS. O'NEILL: We can put this document away.
5 Let's move to Document 9, which we'll label
6 Exhibit 8, and this is META3047MDL-014-00053599.

7 (Meta - Clegg Exhibit 8 was marked for
8 identification.)

9 BY MS. O'NEILL:

10 Q. Mr. Clegg, do you recognize this document?

11 A. Yes.

12 Q. What is it?

13 A. It's a series of e-mails from late April --
14 late March, early April, 2020.

15 Q. And you were a participant in this e-mail
16 chain?

17 A. Yes, it looks like it. Can I just take a
18 minute to read it?

19 Q. Yes. Okay. This e-mail chain discusses
20 cosmetic surgery AR effects, right?

21 A. (Nodding head.)

22 Q. Is that augmented reality?

23 A. Yes, that's what AR stands for, yep.

24 Q. And in other words, these are filters that
25 mimic the effects of cosmetic surgery, right?

1 A. Yes.

2 Q. Looking at the last page, there's an e-mail
3 from Andy O'Connell, right?

4 A. There is.

5 Q. And Mr. O'Connell explains that at this time
6 the company was deciding whether to continue,
7 modify, or lift a temporary ban on these filters,
8 correct?

9 A. That's what it says, yes.

10 Q. And Mr. O'Connell also says that the
11 temporary ban was instituted in response to
12 "concerns about potential negative well-being
13 impacts (especially on minors)."

14 Right?

15 A. That's what it says.

16 Q. And that was your understanding of what was
17 happening, right?

18 A. It was my understanding that was the
19 decision that was needed to be made one way or the
20 other, yeah.

21 Q. And looking at the second page, there's an
22 e-mail from Mr. Zuckerberg, right?

23 A. Yes.

24 Q. Mr. Zuckerberg says that: "It has always
25 felt paternalistic to me that we've limited people's

1 ability to present themselves in these ways."

2 Right?

3 A. That's what it says.

4 Q. And he says there's -- he's seen or there is
5 no data "that suggests doing so is helpful or not
6 doing so is harmful."

7 Right?

8 A. That's what it says.

9 Q. And then he, on the next line, says he's
10 "generally supportive of finding a way to relax or
11 lift these bans."

12 Right?

13 A. That's what it says.

14 Q. And you disagreed with Mr. Zuckerberg,
15 right?

16 A. At the time I did, yes.

17 Q. And in fact, you wrote separately to
18 Ms. Sandberg on Page 1, right?

19 A. I did.

20 Q. And you told Ms. Sandberg that there are
21 multiple reasons why reversing the ban would be
22 unwise. Right?

23 A. I did.

24 Q. And you said those were -- there were
25 multiple reasons of principle and practice, right?

1 A. That's what it says.

2 Q. And what did you mean by that?

3 A. Well, I go on to explain in the e-mail that,
4 again, my role, amongst other things, was to seek to
5 protect the reputation of the company and to
6 anticipate external reactions, aside from and above
7 and beyond the merits or otherwise of the
8 substantive decision which was being discussed, and
9 I felt that reputationally it would be looked at
10 negatively by the press and others, so, as the
11 e-mail suggests, I was particularly focused on the
12 reputational aspects of this change.

13 Q. You were worried that if Meta did reverse
14 the ban, it would be seen as, as you put it,
15 "putting growth over responsibility," right?

16 A. That's part of my assumption of the way that
17 some people would -- critics of the company would
18 seek to describe it.

19 Q. And what do you mean by growth in this
20 context?

21 A. I wasn't really using a dictionary
22 definition. I was just assuming the way that I
23 think people would describe it. They would -- they
24 would seek to describe it, unfairly perhaps and
25 negatively no doubt, as a commercial move that was

1 driven by commercial and not other factors.

2 Q. In looking at the very last sentence of your
3 e-mail, you say: "We are perfectly within our
4 rights to take a precautionary approach on something
5 as complex and serious as young women's body image
6 and the dangers of cosmetic surgery."

7 Right?

8 A. That's what it says.

9 Q. Mr. Zuckerberg decided to reverse the ban,
10 right?

11 A. He was very focused on the issues of free
12 expression, whether prohibiting people -- and
13 remember, as Andy O'Connell's e-mail says, it was a
14 temporary ban at the time, so it was always going to
15 be looked at to being lifted, and as per Mark
16 Zuckerberg's e-mail, he was concerned about the
17 effect on free expression, the ability to use these
18 new tools, these new augmented reality tools, and he
19 hadn't seen data because the data was wholly
20 inconclusive about whether it was neg -- whether
21 these tools were negative or not. Clearly, at that
22 time technology was as it was. It's changed
23 enormously since and now it's ubiquitous across the
24 Internet with new generative AI tools.

25 Q. And I appreciate that context but I'm just

1 going to focus on the question. Mr. Zuckerberg
2 decided to reverse the temporary ban, correct?

3 A. The thing that remained in place at all
4 times was any promotion of -- through these AR
5 tools -- of cosmetic surgery and any use of these
6 tools to show sort of the traces of surgery on the
7 face. So it -- there were different -- there were
8 different nuances here. It wasn't just a -- it
9 wasn't just a yes-or-no choice. I can't remember
10 precisely but I remember there were a number of
11 options that were available and I would need to
12 refresh my memory. So I don't think it's a question
13 -- no, I don't think it was a question of just fully
14 reversing everything. I'm not sure if that was the
15 outcome.

16 Q. Okay.

17 A. And to be fair, Mark Zuckerberg's e-mail is
18 very clear. He says he wants to see -- he wants to
19 see more detail, he acknowledges it might be
20 difficult to relax the restrictions, he wants just
21 to see what the best plan might be.

22 Q. Okay. Let's look at another document that I
23 think will provide a little more context.

24 MS. O'NEILL: Document 10, and we'll mark
25 it, yeah, as Exhibit 9, and it is

1 META3047MDL-014-00053851.

2 (Meta - Clegg Exhibit 9 was marked for
3 identification.)

4 BY MS. O'NEILL:

5 Q. Mr. Clegg, do you recognize this document?

6 A. I do.

7 Q. This is a different branch of the e-mail
8 chain that we were just looking at, right?

9 A. It is.

10 Q. And it's from -- at least the top e-mail is
11 from May 8th, 2020?

12 A. Correct.

13 Q. Okay. And in the next e-mail down
14 Mr. Zuckerberg says: "I'm supportive of moving
15 forward with option 2 (lifting restrictions but not
16 promoting on IG)."

17 Correct?

18 A. That's what it says.

19 Q. Okay. So he's lifting restrictions on
20 cosmetic surgery filters but is still not promoting
21 them, correct?

22 A. That's what it says, yes.

23 Q. And that's your understanding of the
24 decision that was made?

25 A. I can't honestly remember the details of

1 option 2 that is referred to in that sentence, so
2 I'd need to look at -- I'm sure it has more details
3 that are alluded to here.

4 Q. You then forwarded this e-mail to [REDACTED]
5 [REDACTED], right?

6 A. I appear to, yes, sir.

7 Q. Who is Mr. [REDACTED]?

8 A. [REDACTED] was, at that time, my sort of
9 principal personal advisor with the company.

10 Q. You worked with Mr. [REDACTED] even before
11 Meta, right?

12 A. Oh, I did, yes, for many years, yeah.

13 Q. He's a trusted advisor of yours?

14 A. Yes, very much so.

15 MR. IMBROSCIO: Let her finish. I know
16 you --

17 THE WITNESS: Oh, sorry.

18 MR. IMBROSCIO: That's fine.

19 BY MS. O'NEILL:

20 Q. And in your e-mail to Mr. [REDACTED],
21 forwarding this e-mail from Mr. Zuckerberg, you said
22 "Ugh."

23 A. That's what it says.

24 Q. So you weren't happy with Mr. Zuckerberg's
25 decision at that time?

1 A. No. As per the previous correspondence, I
2 would have taken a more conservative approach.

3 Q. And others in the company were unhappy, too,
4 like Margaret Gould Stewart, right?

5 A. That's my recollection, yes.

6 Q. Okay. Let's look at another document on
7 this.

8 MS. O'NEILL: This is 11 and we'll mark it
9 as Exhibit 10, and it is
10 META3047MDL-014-00053863.

11 (Meta - Clegg Exhibit 10 was marked for
12 identification.)

13 BY MS. O'NEILL:

14 Q. Do you recognize this document?

15 A. I do.

16 Q. What is it?

17 A. Appears to be, I take it -- I don't think
18 it's an e-mail. I suppose it might be a internal
19 chat communication between myself and Margaret
20 Stuart in May -- mid May 2020.

21 Q. And these chats are a way that you
22 communicate with others at Meta?

23 A. Yes. It's a -- like all companies, we have
24 an internal chat system, yeah, so a Work Chat it's
25 called.

1 somewhat kind of misleading mythology around the
2 technology.

3 Q. And in the spirit of lifting the veil, and
4 for the benefit of a jury that may see this
5 deposition down the road, Meta's algorithm ranks --
6 selects -- selects and ranks and suggests content to
7 users; is that right?

8 A. Yes. If I may, I don't think it's a single
9 algorithm. It's an algorithmic technology, so there
10 are multiple algorithms which do a number of
11 different things, but you're right in saying that
12 one of the principal, but not only, functions is
13 quite simply to rank the order in which a user will
14 see content when they open Instagram or Facebook,
15 but it's not the only -- there is also -- obviously,
16 algorithms are a very, very powerful tool to
17 downrank or if not remove bad, nefarious content as
18 well. So it's both a -- it's both a sort of sword
19 and a shield, if I can put it like that.

20 Q. Okay. So it uplifts content and it
21 downranks content?

22 A. Amongst other things.

23 Q. And Meta's algorithm doesn't create content,
24 correct?

25 A. Not --

1 Q. Or its algorithms?

2 A. No.

3 Q. And Meta's algorithms don't change anything
4 that has been posted to Instagram or written on
5 Facebook, for instance, right?

6 MR. IMBROSCIO: Object to the form.

7 A. Change --

8 Q. Doesn't change content.

9 A. The content itself?

10 Q. That's right.

11 A. No. The algorithms are not -- they're not
12 -- they're not seeking to create content as such,
13 though I should stipulate that, of course, in the
14 age of generative AI, which wasn't really the case
15 then, things have changed significantly. There is
16 much more synthetic or hybrid content online and I
17 suspect that will continue dramatically.

18 So I think both the content -- the
19 composition of content on Instagram and Facebook
20 today is very different to what it was in 2021, and
21 I think it will become even more different as these
22 synthetic tools do -- they're not algorithms as such
23 but they're synthetic tools which generate content.

24 Q. So, but let's keep it focused to algorithms
25 and not make this more complicated than it needs to

1 be.

2 A. Yeah, sure. Sure.

3 Q. So the algorithms --

4 A. Yeah.

5 Q. -- do not themselves create content,
6 correct?

7 A. As a general -- as a general rule, that is
8 correct.

9 Q. And they don't change content, correct?

10 MR. IMBROSCIO: Just let her finish before
11 you begin, so the court reporter --

12 THE WITNESS: Sorry. It's a very
13 interesting line of questioning. That's why
14 I'm --

15 A. No, no, they don't.

16 Q. Okay. Now, Meta's algorithms recommend
17 reels or stories, those are two of the types of
18 content or surfaces on which content might be
19 recommended, correct?

20 A. Hm-hmm.

21 MR. IMBROSCIO: You have to answer audibly.

22 A. Yes.

23 Q. It -- and Meta's algorithms also recommend
24 users or accounts, correct, to other users, correct?

25 A. I'm not 100 percent -- I suppose you could

1 call that something which algorithms affect. You
2 mean things like people you may know and --

3 Q. (Nodding head.)

4 A. Yes.

5 Q. Okay. And Meta's algorithms also recommend
6 groups to users, correct?

7 A. Based on the groups you've already been a
8 part of and you seem to enjoy, yes.

9 Q. Okay. And so you mentioned people you may
10 know or PYMK.

11 A. Yeah.

12 Q. That's one of the recommendation systems,
13 correct?

14 A. That's one of the ways in which the system
15 would suggest, you know, would suggest people you
16 want to be connected with.

17 Q. Okay. Accounts you might follow or may
18 follow, that's another kind of recommendation,
19 correct?

20 A. Yes.

21 Q. And groups you should join, that would be
22 another recommendation system?

23 A. Yes.

24 Q. Okay. Okay. Let's turn to Page 3 of
25 Exhibit 43. Looking at the pulled-out quote about a

1 So let's turn to Document 15, Document 15 is
2 Exhibit 56, and it is METANMAG-007-00351828, and the
3 attachment is 830. The MDL number 050-00352023 and
4 025.

5 (Meta - Clegg Exhibit 56 was marked for
6 identification.)

7 BY MS. SINGER:

8 Q. Now, Mr. Clegg, this is an e-mail from you,
9 correct?

10 A. Yes.

11 Q. Okay. And it's dated 12/26/2022; is that
12 correct?

13 A. Yes.

14 Q. And it attaches the Instagram Youth
15 Well-being Phase 1 Assurance Audit report, correct?

16 A. Yes.

17 Q. Okay. So this was an audit report that you
18 were forwarding on --

19 A. Correct.

20 Q. -- to others at the company, correct?

21 A. Correct.

22 Q. Okay. So it seems that you were attentive
23 to this audit at least, correct?

24 A. Well, as the message suggests, I wanted to
25 make sure that it was on another team, in this case

1 the legal team's, radar screen, given the legal and
2 regulatory and other scrutiny on issues like this.

3 Q. Okay. And if you go halfway down the
4 e-mail, you can see the original e-mail circulating
5 the audit to you and others, correct?

6 A. I can't quite make it out now. It seems to
7 be to Anna Tchernina, who is the main "To" line, and
8 I can't see the -- I can't see myself on the CC line
9 but I clearly must have been on it.

10 Q. It definitely got to you, correct?

11 A. Yeah.

12 Q. Okay. All right. And so in that e-mail,
13 we're now at 828, it's addressed: "The Internal
14 Audit team has completed the IG Youth Well-being
15 Assurance Audit - Phase 1. This report is rated as
16 'Significant Improvements Needed' with 3 High, and
17 14 Medium risk observations."

18 Have I read that correctly?

19 A. Yes.

20 Q. Do you know if this audit, given the legal
21 and regulatory issues you just raised, was discussed
22 with Meta's board?

23 A. I don't know. I wouldn't know that, no.

24 Q. Okay.

25 A. Might have been. I've no idea.

1 Q. Okay. Now, you reviewed and forwarded this
2 audit as part of your official responsibilities at
3 Meta, correct?

4 A. Correct.

5 Q. And also in the course of Meta's regular
6 business, right?

7 A. Correct.

8 Q. Okay. And this is another audit report that
9 is attached to the e-mail, correct?

10 A. Correct.

11 Q. And this one I think we gave the title
12 "Instagram Youth Well-being Assurance Audit - Phase
13 1 Audit Report," if you look at 130 [sic], correct,
14 Bates Number 130?

15 A. Yes.

16 Q. Okay. And we're going to go to 833. You
17 can see this is under the heading of "Detailed
18 Results and Management Action Plans," correct?

19 A. Hm-hmm.

20 Q. Okay. And the business area is described as
21 limiting interactions, correct?

22 A. Yes.

23 Q. And the heading in the next column is -- in
24 the same row is "Inconsistent filtering of IIC
25 account recommendation," correct?

1 A. Yes.

2 Q. And that's rated as high?

3 A. Yes.

4 Q. Which you would agree likely indicates that
5 it's a high severity finding, correct?

6 A. It was a high priority finding, yes, yes.

7 Q. Okay. And it says here: "The IG Well-being
8 Teen --"

9 And by the way, IIC, just as a reminder,
10 Inappropriate Interactions with Children, correct?

11 A. Correct.

12 Q. "The IG Well-being Teen Safety team does not
13 always limit teen accounts from being recommended to
14 the IIC potential violators and vice versa."

15 Have I read that correctly?

16 A. You have.

17 Q. Okay. And then the asterisk after "IIC
18 potential violators" corresponds to a foot -- to an
19 asterisk at the bottom of that column, correct?

20 A. Yeah.

21 Q. Okay. It indicates that this -- the group
22 they're looking at is IIC Medium potential
23 violators, defined by the product team as users
24 above 18 without a verified tag, having one or more
25 Child Sexual Exploitation Violation in the past 90

1 days or a Community Integrity classifier for IIC
2 score greater than or equal to .3," correct?

3 A. Yes.

4 Q. So this is laying out kind of how Meta
5 defines that group of individuals, correct, or at
6 least how the audit team has?

7 A. Yeah, correct.

8 Q. Okay. And it says below: "For example, on
9 a sampled day tested, on the Accounts You May Follow
10 or (AYMF) surface --"

11 And just to pause there, that's one of the
12 recommendation systems that we've been talking
13 about, correct?

14 A. Yes.

15 Q. "-- IA identified: 1) 7.2 percent (or
16 approximately 1.4 million out of 19 -- out of
17 approximately 19 million) of potential violator
18 accounts in AYMf were recommended to at least one
19 teen."

20 Have I read that correctly?

21 A. You have.

22 Q. And that's in a single day, Mr. Clegg, is
23 that right?

24 A. It says here on a sampled day tested.

25 Q. Okay. But a sample day, one day?

1 A. I assume so, yeah.

2 Q. And so, just making sure that we're focused
3 on what this is communicating, in a single day AYS
4 -- AYMF, Accounts You May Follow, a recommendation
5 surface, recommended 1.4 million potential IIC
6 violators to a teenager on Meta's platform.

7 A. To at least one teen, that's what it says
8 here, yes.

9 Q. Okay. If that was extrapolated over a year,
10 and I know you won't like my math, but it helps me
11 right size, that would be 500 million matches
12 between potential IIC violators and teenagers on
13 this single surface.

14 MR. IMBROSCIO: Object to the form.

15 Q. Is that -- is that concerning -- well, is
16 that right? Does that order of magnitude seem right
17 to you?

18 MR. IMBROSCIO: Object to the form;
19 foundation.

20 A. I'm not sure whether you can extrapolate
21 from one day to 365, but if you care to do that, you
22 can.

23 Is it concerning? I mean, my response is
24 the same in all of this. This is the company doing
25 what it should do, is identifying areas that are

1 weak, weak of weaknesses. Some are less serious,
2 some are much more serious, this one included,
3 listing what the mitigation should be. There is a
4 very clear management action plan here, three steps
5 listing the two owners, two software engineers that
6 should act upon it, setting out a due date for
7 action.

8 Am I as concerned as anyone else would be by
9 these statistics? Of course. Am I relieved to see
10 that we had an internal audit system which was
11 taking these things seriously and rigorously and
12 setting out mitigating steps? Yes.

13 I can't, of course, because I don't know
14 what happened afterwards, know whether the software
15 engineers took the appropriate actions, but I'd much
16 rather this was identified as a problem rather than
17 brushed under the carpet.

18 Q. So long as it's fixed, right, Mr. Clegg?

19 A. That is the whole point of identifying
20 weaknesses, is to seek to make progress on all of
21 these issues. These are very, very complex systems
22 built at vast scale, billions of people using them
23 day in, day out. Hundreds of billions of pieces of
24 content are flowing across them every second of the
25 day. I think it's -- I think it's important that

1 the company looks carefully at how, you know, how
2 their systems are working and what needs to be
3 corrected, what needs to be strengthened, what needs
4 to be improved, yeah.

5 Q. And in terms of your forward-looking focus,
6 there are children on these platforms who have been
7 introduced to potential predators in the -- in the
8 period before this happened, correct?

9 MS. SINGER: Object to the form of the
10 question; argumentative, foundation. You can
11 answer.

12 A. I can only repeat what the auditors said,
13 that on a sample day they felt that there was 7.2
14 percent of potential violators -- I don't know what
15 potential violator means, whether they -- whether
16 they would act on that potential who were
17 recommended to at least one teen, nor do I know
18 whether the recommendations were acted on by the
19 teens. I can only repeat to you what this says
20 here, but I'm pleased that the auditors set it out
21 as clearly as they did and laid out the mitigating
22 steps they felt were necessary, the management
23 action plan and a due date by which those steps
24 should be implemented, and the owners which needed
25 to take those actions.

1 Q. And you mentioned, Mr. Clegg, that you don't
2 know if the teens acted on this recommendation. I
3 assume you'd agree that it's a problem --

4 A. Of course.

5 Q. -- whether or not a teen actually --

6 A. Of course.

7 Q. -- initiated the content? And I know you
8 also initiated the brushed under the carpet. Do you
9 know if Meta ever disclosed these findings to the
10 public?

11 A. I don't know.

12 Q. Let's go to the next finding or a next
13 finding on 834. This is under also "Limiting
14 Interactions," correct?

15 A. Yes.

16 Q. Okay. And it says: "Inconsistent follow
17 list hiding. The IG Well-being Teen Safety team
18 does not always hide teen accounts from IIC
19 potential violators and vice versa on the 'followers
20 and following' surface.

21 Are you following me, so to speak? Do you
22 see where I'm reading?

23 A. Yes, I see where you're reading, yes.

24 Q. Okay. And can you explain the "followers
25 and following" surface?

1 A. Not entirely, no. This is the first time
2 I've seen this. I just need to read it.

3 So this is obviously a surface on Instagram
4 where people can choose to follow each other.

5 Q. Okay. And if you read down at the next
6 paragraph, for example, on this particular day,
7 11/25/22, which I think was the day after
8 Thanksgiving: "IA observed that out of 2.5 million
9 IIC potential violators who viewed the follow list
10 surface, 37 percent," a little more than a third,
11 "924,000, were shown at least one unconnected teen
12 account."

13 Have I read that correctly?

14 A. You have.

15 Q. And that's also a high risk important
16 finding, is it not, Mr. Clegg?

17 A. Definitely.

18 Q. Okay. By the way, it's not -- it's not just
19 high risk to Meta, right, it's high risk to these
20 kids, correct?

21 A. Of course.

22 Q. So this audit, by the way, to go back to the
23 date, was circulated in December 2022, right?

24 A. Yeah.

25 Q. And if you go to Page 832, that first

1 substantive page of the audit?

2 A. Yeah.

3 Q. It reads under Objective: "Instagram (IG)
4 leadership has publicly committed to raising the
5 industry standards for helping protect youth
6 well-being and safety online. As part of this work,
7 in 2021 and 2022, IG announced a stricter approach
8 to cater recommendations and implement additional
9 processes for youth. The implementations focused on
10 further reducing the teens' exposure to
11 potential violating or sensitive content or accounts
12 in recommendation surfaces (e.g. Reels, Explore)."

13 Have I read that correctly?

14 A. Yes. Yep.

15 Q. Okay. So this reports that in 2021 and
16 2022, Instagram announces a stricter approach for
17 these recommendation surfaces, correct, these
18 recommendations?

19 A. It says here "announced a stricter approach
20 to cater recommendations and implement additional
21 --" I don't quite understand the formula of cater
22 recommendations, but yes, that seems to be the
23 spirit -- the purpose of that sentence, yeah.

24 Q. To protect kids from inappropriate content?

25 A. Yes. Yes.

1 Q. Okay. And so these findings in 2022
2 happened one to two years after Instagram announced
3 these changes, correct?

4 A. Well, it says here that the changes were
5 announced during 2021 and 2022.

6 Q. So, I'm sorry, a year.

7 A. Yeah, it's a rolling thing. I mean, if -- I
8 think there have been around 50-plus measures
9 announced by the company over the last several years
10 in this and related areas in terms of youth safety,
11 parental controls, blocking content between teens
12 and unconnected adults and so on. It's not a one
13 and done moment. It's been, I think -- I mean, if
14 you look over the last several years, there's almost
15 a month hasn't gone by where new measures haven't
16 been announced. So I don't know what specific
17 announcements in 2021 and 2022 are being referred to
18 by the internal audit team here.

19 Q. So -- but it is an announcement related to a
20 stricter approach on recommending kids to
21 inappropriate -- potentially inappropriate
22 interactors, correct?

23 A. Yes.

24 Q. Okay. And here in 2022, however many
25 recommendations have been rolled out since --

1 A. Yeah.

2 Q. -- we're finding more than a million kids on
3 a single day introduced to potential violators.

4 MR. IMBROSCIO: Object to the form.

5 A. The million, what's that referring to?
6 Sorry. Is that back to the --

7 Q. I'm sorry. A million potential violators
8 introduced to teens.

9 A. Sorry. Which is the million you're
10 referring to?

11 Q. On 833, the number we discussed, 1.4 million
12 of potential violator accounts were recommended to
13 at least one teen.

14 A. Yeah, according to the internal audit, yes,
15 exactly, on that day, on a sample day, yeah.

16 Q. And again, and just to be clear about this
17 testimony, that was occurring in the wake of Meta
18 having publicly announced --

19 A. Yeah.

20 Q. -- that it was making changes to this
21 process?

22 MR. IMBROSCIO: Object to the form.

23 A. Yes. I mean, you're making a point in sort
24 of similar but repeated fashion, which is that there
25 is a gap between how these things are rolled out

1 over time and you have an internal process, whether
2 it's from Antigone Davis or from the internal audit
3 team, making sure that people's feet are kept to the
4 fire and making sure that these things are
5 addressed, brought out into the open and acted upon.
6 That's the process that you can see in action here.
7 I think that's a fair description of what's going on
8 here.

9 Q. Okay. Let's move to Document 16.

10 THE WITNESS: Thank you.

11 (Meta - Clegg Exhibit 57 was marked for
12 identification.)

13 MS. SINGER: So Document 16 is Exhibit 57,
14 and it is METANMAG-002-02471121, and the MDL
15 Bates Number is 034-00504910.

16 BY MS. SINGER:

17 Q. So, Mr. Clegg, I'll represent that this was
18 produced from your documents.

19 MR. IMBROSCIO: What number --

20 MS. SINGER: It's on --

21 MR. IMBROSCIO: What is the number on there?

22 THE WITNESS: 57.

23 BY MS. SINGER:

24 Q. So, Mr. Clegg, if you'd like to take a
25 moment and look at it, just let me know when you're

1 ready.

2 A. Please.

3 Q. I'm only going to direct you to small pieces
4 of it, if that helps at all.

5 A. Okay.

6 Q. Okay. So this audit, this Phase 2 audit, is
7 dated September 2023. Do you see that?

8 A. I do.

9 Q. I know we don't have a cover e-mail but as I
10 represented, it came from your files. Do you have
11 any reason to believe you didn't receive this audit
12 report?

13 MR. IMBROSCIO: Objection.

14 A. I don't see the evidence here but I -- if --
15 you know, clearly these audit reports were
16 circulated to large numbers of people in the company
17 and since I was on previous e-mail chains, I'm
18 assuming I must have been on this distribution list
19 as well.

20 Q. Okay. And if you compare it, you'll see
21 that the team of auditors who prepared this audit
22 are the same as the team in the Phase 1 audit.

23 A. Okay.

24 Q. And you would expect that each of these
25 audits was produced with a level of skill and

1 independence -- I think you used the word
2 "dispassionate" -- to provide guidance to Meta's
3 executive leadership?

4 A. Yes.

5 Q. And these audits were prepared in the
6 regular course of Meta's business, correct?

7 A. Yes.

8 Q. Okay. And again, to situate ourselves in
9 timing, this September 2023 report is nine months
10 after what I will call the Christmas, the 12/26/22,
11 Phase 1 audit. You can check the dates on them just
12 to make sure you're with me.

13 A. Sure. Yeah.

14 Q. Okay. All right. And if you look at 123,
15 which is, again, the first substantive page of this
16 audit, it describes -- da da da -- it describes the
17 Phase 1 audit in the first paragraph -- I'm sorry,
18 the second paragraph: "In Q4 2022, Internal Audit
19 performed the IG Youth Well-being Phase 1 Assurance
20 Audit which focused on content integrity for teens
21 and interaction restriction controls between teens
22 and potential violators."

23 Do you see that?

24 A. Yeah.

25 Q. Okay. And that's the audit we just

1 reviewed, correct?

2 A. Yeah.

3 Q. "In Phase 2 we assessed the design and
4 operating effectiveness of the key controls related
5 to IG teen default restrictive settings, and IGD
6 private messaging restrictions between adults and
7 teens."

8 Have I read that correctly?

9 A. You have.

10 Q. All right. And if we look at --

11 A. But if I may, I think the final sentence,
12 the "In addition, the Internal Audit performed
13 remediation validations on the open observations
14 that were identified in the Phase 1 audit," is of
15 significance to understand whether these audits
16 actually have an effect, and the summary of findings
17 said that based on testing in July of '23, the teen
18 default settings for -- applied by default sensitive
19 control, content control, Tag Guide Reels Remix and
20 Mention, TGRM, were operating effectively and
21 management has remediated all the observations from
22 the Phase 1 audit.

23 I only mention that because, as we discussed
24 earlier, and as you rightly stressed, it's not just
25 the audit that's important, it's how it's acted

1 upon.

2 Q. So, Mr. Clegg, I'm going to move your -- to
3 strike your answer as not responsive to a question
4 but we'll come back to that.

5 A. It's responsive to the question about
6 whether acting upon these audits is significant or
7 not, which you asked me earlier.

8 Q. There was no question pending to you that
9 required that answer.

10 A. Oh, I see.

11 Q. But we will come back to the question of
12 whether they were effective.

13 So, let's look at Page 129. Oh, I'm sorry,
14 let's -- before we leave this page, in terms of the
15 consistent progress -- I'm starting to talk with an
16 accent. "Results Summary: Significant Improvements
17 Needed," is that the heading?

18 A. Yes.

19 Q. And the bottom bullet, under the Results
20 Summary: "Inconsistent one-on-one and group
21 messaging restrictions between teens and unconnected
22 adults, including High Risk Adults."

23 That's one of the findings of this audit?

24 A. Yeah.

25 Q. Okay. If we turn to 129, again under the

1 heading "Detailed Result and Management Action
2 Plans," you can see that Number 6 is "IGD Private
3 Messaging Restrictions." Are you with me?

4 A. Yeah.

5 Q. Okay. And remember, we talked about
6 Instagram Direct earlier in this examination,
7 correct?

8 A. Yes.

9 Q. Okay. So it says here: "Inconsistent
10 Private Messaging Restrictions Between Teens and
11 Unconnected Adults," and again, the audit defines
12 unconnected adults -- da da da.

13 MR. IMBROSCIO: Just --

14 Q. -- which is adults including -- "Adults
15 included in IGD messaging restriction testing are
16 above 21 years old, including high risk adults."

17 Do you see that asterisk note at the bottom
18 of the page?

19 A. Yeah.

20 Q. Okay. "The Messenger Well-being team does
21 not always prevent unconnected adults from
22 initiating one-on-one -- one-to-one threads with
23 teens on Instagram direct. As a result, teens may
24 be exposed to unsolicited contact from unknown
25 adults which may not fully meet Meta's external

1 commitment."

2 Have I read that correctly?

3 A. Yeah.

4 Q. It says with a double asterisk below: "Meta
5 made an external commitment in the IG Blog Post on
6 3/17/2021 that unconnected adults cannot initiate a
7 private one-on-one message with a teen on Instagram
8 Direct."

9 Have I read that correctly?

10 A. You have.

11 Q. And then returning to the third paragraph:
12 "For example, on June 10, 2023, Internal Audit
13 observed that out of 2.7 million new threads
14 initiated by an adult with a teen globally, 238,000,
15 or nine percent, were from unconnected adults."

16 Have I read that correctly?

17 A. You have.

18 Q. You would agree that this is a very
19 significant high risk finding, too, correct?

20 A. Correct.

21 Q. I won't -- I want to pause for a second,
22 because I'm a parent, you're a parent. This is
23 pretty frightening stuff, is it not, Mr. Clegg?

24 MR. IMBROSCIO: Hold on. Object to the form
25 of the question, both foundation and

1 argumentative. You can answer.

2 A. It's an audit about how adults and teens are
3 being connected when they shouldn't be, and I think
4 it's a very serious issue and I'm -- and I think
5 it's a good thing that it's tackled so scrupulously
6 by the audit team, and again, that they call out
7 that connection was clearly happening in a way that
8 it shouldn't have done, that was inconsistent with
9 the policies, and that they set out so clearly what
10 needed to be done to remedy that.

11 I mean, I note in the document that the IG
12 Messenger Well-being team had requested a 30-day --
13 this is the final bullet point -- a 30-day extension
14 to the standard 60-day remediation guideline for
15 high risk observations, which, again, suggests to me
16 that they were grappling with it but they were
17 finding it complex to do so.

18 Q. And, Mr. Clegg, I'm going to move to strike
19 that response as nonresponsive to the question and
20 I'm going to ask you the question again, which is as
21 a parent, is this a frightening finding?

22 MR. IMBROSCIO: Hold on. Object to the form
23 of the question; asked and answered,
24 argumentative. His answer was fully responsive.

25 A. I think my answer was fully responsive.

1 You're asking me for my subjective emotions when I'm
2 giving you the answer about -- which I think most
3 parents would find more interesting than my own
4 personal emotional reflections -- is do I feel this
5 is evidence of a company trying to identify
6 weaknesses in what it was -- in its platforms and
7 had a plan to deal with it. That, I think, for most
8 parents is more interesting and important to the
9 welfare of their children than asking me about what
10 my own emotions are about my own.

11 Q. So to the point that this would be
12 interesting to parents, did Meta disclose this
13 information to the public?

14 A. I don't know -- I don't know -- I don't know
15 whether these audit reports were disclosed.

16 Q. Do you recall ever seeing this
17 information disclosed publically by Meta?

18 A. Meta publishes vast amounts of information
19 on a dally basis. I don't monitor myself precisely
20 what was published, but this is an internal audit.
21 Like all companies, internal audits are run, as I
22 think it says at the offset, as a -- as a
23 confidential internal exercise.

24 Again, I think the point of these audits is
25 not to virtue signal but is to see whether the flaws

1 are being fearlessly identified, whether remedies
2 are being scrupulously set out, whether people are
3 being held responsible, and whether actions are
4 being taken to deal with these issues. That, I
5 think, is what most parents would think is something
6 that is incumbent upon a company like Meta.

7 So, again, I don't know about the Phase 3 of
8 this report. It seems to me it would be important
9 to know whether these gaps, and they are significant
10 gaps, were properly addressed or not.

11 Q. And here again, Mr. Clegg, we're at
12 September 2023, after announcements in 2021 and 2022
13 about more rigorous steps that Meta is taking,
14 correct?

15 A. Yes.

16 Q. Okay. So I want to go to the blog post that
17 was referenced in this internal audit. Remember we
18 just talked about at blog post on March 17th, 2021,
19 which is highlighted on the screen.

20 A. Oh, yeah.

21 Q. Okay. So that's Document 17, which we'll
22 mark as Exhibit 58.

23 MR. IMBROSCIO: Thank you.

24 (Meta - Clegg Exhibit 58 was marked for
25 identification.)

C E R T I F I C A T E

I, Susan D. Wasilewski, Registered Professional Reporter, Certified Realtime Reporter, Certified Manager of Reporting Services, Certified Realtime Captioner, and Florida Professional Reporter, hereby certify that the witness named herein appeared before me on Friday, March 21, 2025, and was duly sworn.

I FURTHER CERTIFY that I was authorized to and did stenographically report the examination of the witness named herein; that a review of the transcript was requested; and that the foregoing transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not related to or an employee of any of the parties, nor am I related to or an employee of any of the parties' attorneys or counsel connected with this action, nor am I financially interested in the outcome of this action.

WITNESS my hand this 10th of April, 2025.



Susan D. Wasilewski, RPR, CRR, CMRS, CRC, FPR