

AMENDED Exhibit 740

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

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

MDL No. 3047

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

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Case No. 4:22-MD-3047-YGR

MDL No. 3047

- - - - -X
IN RE: SOCIAL MEDIA ADOLESCENT :
ADDICTION/PERSONAL INJURY :
PRODUCTS LIABILITY LITIGATION :
- - - - -X

THIS DOCUMENT RELATES TO:
ALL ACTIONS

- - - - -X

Videotaped deposition of KATHRYN KURTZ taken at
the offices of Wilson Sonsini Goodrich & Rosati,
1301 Avenue of the Americas, New York, New York,
before Clifford Edwards, Certified Shorthand
Reporter and Notary Public, in and for the State of
New York on March 28, 2025, at 9:30 a.m. ET.

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

2
3 ON BEHALF OF THE PERSONAL INJURY PLAINTIFFS AND
4 SCHOOL DISTRICTS:

5 Jennifer Scullion, Esq.
6 Emma DeGroff
7 SEEGER WEISS LLP
8 55 Challenger Road
9 Ridgefield Park, NJ 07660
10 212-584-0700
11 jscullion@seegerweiss.com

12 Jade A. Haileselassie, Esq.
13 MOTLEY RICE LLC
14 28 Bridgeside Blvd.
15 Mt. Pleasant, South Carolina 29464
16 843.216.9043
17 jhaileselassie@motleyrice.com

18 ON BEHALF OF DEFENDANT GOOGLE/YOUTUBE:

19 Ashley W. Hardin, Esq.
20 Joseph S. Sandoval-Bushur, Esq.
21 Annie E. Showalter, Esq.
22 WILLIAMS & CONNOLLY LLP
23 680 Maine Avenue SW
24 Washington DC 20024
25 202-434-5960
ahardin@wc.com
jsandoval-bushur@wc.com
Ashowalter@wc.com

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

(continued)

ON BEHALF OF THE DEFENDANT TIKTOK INC. AND
BYTEDANCE INC.:

Kevin J. White, Esq. (via Zoom)
GIBSON, DUNN & CRUTCHER LLP
310 University Avenue
Palo Alto, CA 94301-1744
650.849.5300
kwhite@gibsondunn.com

Eleanor Klemsz, Esq. (via Zoom)
FAEGRE DRINKER BIDDLE & REATH LLP
300 N. Meridian Street, Suite 2500
Indianapolis, Indiana 46204
317.237.1446
eleanor.klemsz@faegredrinker.com

ON BEHALF OF THE DEFENDANTS META PLATFORMS, INC.;
FACEBOOK HOLDINGS, LLC; FACEBOOK OPERATIONS, LLC;
FACEBOOK PAYMENTS, INC.; FACEBOOK TECHNOLOGIES, LLC;
INSTAGRAM, LLC; AND SICULUS, INC.:

Eben S. Flaster, Esq. (via Zoom)
SHOOK, HARDY & BACON L.L.P.
Two Commerce Square
2001 Market St., Suite 3000
Philadelphia, PA 19103
215.278.2555
eflaster@shb.com

Kayla I. Solomon, Esq. (via Zoom)
SHOOK, HARDY & BACON L.L.P.
The Plaza In Clayton
190 Carondelet Plaza, Suite 1350
St. Louis, MO 63105
314.690.0200
ksolomon@shb.com

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

2 (continued)

3

4 ON BEHALF OF THE DEFENDANT SNAP INC.:

5 Garrett Solberg, Esq. (via Zoom)

MUNGER, TOLLES & OLSON LLP

6 350 South Grand Avenue

50th Floor

7 Los Angeles, CA 90071-3426

(213) 683-9100

8 Garrett.Solberg@mto.com

9

10 ALSO PRESENT:

11 Danny Ortega, Videographer

12 Matt MacMurchy, Document Technician

13 Demarron Berkley, Esq., Google/YouTube

14 Dee Lambert (via Zoom)

15 Kristina McVay (via Zoom)

16

17

18

19

20

21

22

23

24

25

Page 9

1 THE VIDEOGRAPHER: We are now on the
2 record.

3 My name is Danny Ortega and I'm the
4 legal videographer for Golkow Litigation
5 Services. Today's date is March 28th,
6 2025 and the time is 9:35 a.m.

7 This video deposition is being held
8 at 1301 Avenue of the Americas, New York,
9 New York in the matter of Social -- In
10 Re: Social Media Adolescence Addiction
11 Personal Injury Products Liability
12 Litigation.

13 The deponent today is Katie Kurtz.
14 All counsel will be noted on the
15 stenographic record.

16 The court reporter today is Cliff
17 Edwards and will now swear in the
18 witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KATHRYN KURTZ

having first been duly sworn, deposed and testified
as follows:

DIRECT EXAMINATION

BY MS. SCULLION:

Q Good morning, Ms. Kurtz.

A Good morning.

Q My name is Jennifer Scullion and I
represent the plaintiffs, school districts, as well
as students and families in this litigation.

Do you understand that?

A Yes.

Q Okay. Great.

And, Ms. Kurtz, I understand you are
appearing here today as a corporate representative
on behalf of YouTube LLC; is that correct?

A Yes.

Q As well as on behalf of Google LLC; is
that correct?

A Yes.

Q And just to be clear, YouTube is part of
Google; is that right?

A Yes.

1 Q Okay.

2 A YouTube is owned by Google.

3 MS. SCULLION: Okay. Can we hand
4 out Exhibit 97, please?

5 Okay. This is going to be a little
6 bit tricky getting it over the --

7 COURT REPORTER: Is this a
8 newly-marked --

9 MS. SCULLION: Yes.

10 (Whereupon, Exhibit
11 Google/YouTube-Kurtz 30(b)(6) - 97,
12 Defendant YouTube and Google's
13 Objections and Responses to
14 Plaintiff's Notice of Oral and
15 Videotaped Deposition, was marked for
16 identification.)

17 MS. SCULLION: So we are marking the
18 exhibits in the order in which we have
19 them.

20 BY MS. SCULLION:

21 Q So, Ms. Kurtz, you've been handed what's
22 been marked as Exhibit No. 97.

23 Do you recognize this as a copy of the
24 notice -- I'm sorry -- of Defendant YouTube and
25 Google's objections and responses to Plaintiff's

Page 12

1 notice of oral and videotaped deposition pursuant to
2 Rule 30(b)(6) for the school districts and students?

3 A I -- I understand that -- that this is a
4 legal document and I'm not -- I have not seen it
5 before.

6 Q Okay.

7 MS. SCULLION: Let's mark as
8 Exhibit 98, please.

9 Thank you.

10 Thanks.

11 (Whereupon, Exhibit
12 Google/YouTube-Kurtz 30(b)(6) - 98,
13 Agreed Topics for March 28, 2025
14 YouTube 30(b)(6) Deposition, was
15 marked for identification.)

16 BY MS. SCULLION:

17 Q Let me hand you what's been marked as
18 Exhibit 98.

19 So just to sort of set the table her,e,
20 do you understand that you are appearing as the
21 corporate representative on certain agreed topics
22 for the deposition today?

23 A Yes.

24 Q Okay. And I understand you say you
25 haven't seen Exhibit 97.

1 Have you seen Exhibit 98 before?

2 A Yes.

3 Q Okay. And do you understand that
4 Exhibit 98 is a list of the agreed topics for
5 today's deposition?

6 MS. HARDIN: I'll just state for the
7 record that Exhibit 98 is a list of
8 agreed topics, but also subject to the
9 objections that we made in Exhibit 97.

10 You may answer, Ms. Kurtz.

11 MS. SCULLION: Correct.

12 A Yes.

13 BY MS. SCULLION:

14 Q Okay. And are you prepared, in fact, to
15 testify today on behalf of both YouTube and Google
16 on each of the topics identified in Exhibit 98?

17 A Yes.

18 Q All right. And just to, again, give us
19 some -- some -- some background, could you explain
20 what your current position is with Google or
21 YouTube?

22 A My current position is I work at YouTube
23 as the global lead of youth and learning
24 partnerships.

25 Q Okay. And when did you first join

1 YouTube?

2 A I joined YouTube in January of 2019.

3 Q Had you worked for YouTube before that at
4 any point?

5 A No.

6 Q Had you worked for Google at any point
7 before that?

8 A No.

9 Q All right. In terms of the agreed topics
10 for today's deposition, do you have some personal
11 knowledge with respect to those topics as a result
12 of your position as global lead of youth and
13 partnerships?

14 A Yes.

15 Q Okay. But do you understand that these
16 topics, in fact, extend back beyond January 2019,
17 some parts?

18 A Yes.

19 Q And you are prepared, though, to testify
20 on behalf of YouTube and Google with respect to
21 those topics for the period before January 2019;
22 correct?

23 A Yes.

24 MS. HARDIN: Objection to form. The
25 scope is 2015 forward.

1 MS. SCULLION: I apologize. I
2 didn't -- I didn't mean to -- to say
3 anything different from that.

4 BY MS. SCULLION:

5 Q But I'm just saying, you understand you
6 are going to testify today about things that
7 happened before you joined YouTube?

8 A Yes.

9 Q Okay. Great. And did you do anything to
10 prepare yourself in order to testify on today's
11 topics?

12 A Yes.

13 Q What did you do?

14 A I spoke to some of my colleagues at
15 YouTube. I spoke to some of my colleagues at the
16 Google Workspace for Education team, and I spoke to
17 my attorneys.

18 Q Okay. You said your colleagues at
19 YouTube, as well as the Google Workspace for
20 Education team?

21 A (The witness nods head.)

22 Q Okay. Who at --

23 MS. HARDIN: I'm sorry, you have to
24 give a verbal answer --

25 THE WITNESS: Yes.

Page 16

1 MS. HARDIN: -- for the court
2 reporter.

3 A Yes. Yes.

4 BY MS. SCULLION:

5 Q Who at YouTube did you speak with?

6 A I spoke with Cristos Goodrow, VP of
7 engineering. I spoke with Raj Iyengar, product
8 manager. I spoke with Tanaya Kasavana in YouTube
9 marketing, and I spoke with Jonathan Katzman,
10 product director.

11 Q When you say Jonathan Katzman is a
12 product director, for which product?

13 A For learning.

14 Q So within YouTube, learning is considered
15 to be a product; is that right?

16 A Is --

17 MS. HARDIN: Objection to form.
18 You may answer.

19 A Within -- within YouTube, learning is
20 considered a content vertical.

21 BY MS. SCULLION:

22 Q Okay. And we'll get back to -- in a
23 minute to what a vertical means.

24 Anyone else within YouTube that you spoke
25 with to prepare for today's deposition?

1 A No.

2 Q And from -- for the Google Workspace for
3 Education team, who did you speak with there?

4 A I spoke with [REDACTED] of -- in
5 product. I spoke with [REDACTED] in
6 marketing, I spoke with [REDACTED]
7 [sic] in the program management team. I spoke with
8 [REDACTED], also in the product management team.

9 Q And for -- starting with [REDACTED], do
10 you know which product she's on the management team
11 for?

12 MS. HARDIN: Objection to form.

13 A Mary Spence works on the Google Workspace
14 for Education team.

15 BY MS. SCULLION:

16 Q Okay. Got it. And, I'm sorry, I -- I
17 went too quickly.

18 Is it [REDACTED] you also spoke with?

19 A [REDACTED] --

20 Q Or do I have the wrong name? Hold on.

21 [REDACTED]

22 A [REDACTED].

23 Q She's also part of the Google Workspace
24 for Education product team?

25 A She works on the -- on the program

1 management team --

2 Q Okay.

3 A -- not the product management team.

4 Q I apologize. I miswrote. Okay.

5 And what -- what is the program
6 management team? How is that different from the
7 product management team?

8 A The program management team is working
9 with the users, the end users, of the Google
10 Workspace for Education team, not -- not defining
11 the product.

12 Q Okay. And when it comes to Google
13 Workspace for Education end users, those would
14 include school districts?

15 MS. HARDIN: Objection as to form.

16 BY MS. SCULLION:

17 Q Is that right?

18 A Yes.

19 Q Okay. Do -- are students also end users
20 of the Google Workspace for Education?

21 MS. HARDIN: Objection. Form.

22 A The Google -- the Google Workspace for
23 Education Suite of tools is -- is a suite of tools
24 that's used by schools, administrators, teachers,
25 and students as a delivery mechanism for educational

1 content and productivity tools.

2 BY MS. SCULLION:

3 Q Got it.

4 But you referred to [REDACTED] working
5 with end users of the Google Workspace for
6 Education.

7 Does that mean that she's working with
8 students in that regard?

9 MS. HARDIN: Objection to form.

10 A No. That program management team works
11 specifically with the schools and the administrators
12 that are the -- that are the customers of the Google
13 Workspace for Education suite.

14 BY MS. SCULLION:

15 Q Okay. Meaning that those are the folks
16 who pay Google for the Google Workspace for
17 Education; right?

18 MS. HARDIN: Objection to form.

19 A Pay, or much of the Google Workspace for
20 Education suite is -- is a free service.

21 BY MS. SCULLION:

22 Q Okay. Okay. Anyone else at Google that
23 you spoke with in order to prepare for today's
24 deposition?

25 A No.

1 Q All right. And everyone you spoke with
2 at YouTube is a -- a current YouTube employee; is
3 that right?

4 A Everyone that I spoke with at YouTube is
5 a current employee, yes.

6 Q Okay. And is everyone you spoke with at
7 Google also a current Google employee?

8 A Yes.

9 Q All right. Did you speak with any former
10 YouTube employees to prepare for today's deposition?

11 A No.

12 Q Did you speak with any former Google
13 employees to prepare for today's deposition?

14 A No.

15 Q Okay. And just to make absolutely sure,
16 other than counsel, is there anyone else that you
17 spoke with to prepare for today's deposition that
18 you haven't already identified for us?

19 A No.

20 Q Okay. Have you ever testified before in
21 deposition?

22 A No.

23 Q Okay. And I'm sure Ms. Hardin and her
24 colleagues have done a -- a great job in preparing
25 you and explaining what's going to happen today, but

Page 21

1 do you understand that you are here to testify under
2 oath in response to my questions?

3 A Yes.

4 Q Okay. As we go through the day, I'm sure
5 there will come times where a question may not be
6 clear to you or you may not understand it.

7 If that's the case, will you let me know
8 that specifically?

9 A Yes.

10 Q Okay. And do you understand that unless
11 you do that, I will assume that you did understand
12 my question?

13 A Yes.

14 Q Fair?

15 A Yes.

16 Q Okay. Great. And, you know, from time
17 to time we will take breaks.

18 If you think you need a break, would you
19 please let me know and we will try to do that unless
20 a question is -- is -- is pending or the middle --
21 like, a line of questioning, we just want to sort of
22 get that done; is that good?

23 A Yes.

24 Q Okay. Great. Is there any reason that
25 you can't give your best testimony today?

1 A No.

2 Q Are you taking any medications that, you
3 know, interfere with any of your cognitive
4 abilities?

5 A No.

6 Q Okay. Great. So one of the topics --
7 the agreed topics for today, looking at Exhibit 98,
8 is on the first page under group A, topic 13, which
9 is "efforts by YouTube to create a
10 school-appropriate experience for using YouTube in
11 the classroom."

12 Do you understand that?

13 A Yes.

14 Q All right. I'd like you to first help us
15 out with some of the basics.

16 In terms of efforts by YouTube to create
17 a school-appropriate experience, is there a team
18 within YouTube that has been responsible for that
19 over the years?

20 MS. HARDIN: Objection to form.

21 A No, there has not been a specific team at
22 YouTube that has been tasked with creating a
23 school-specific version of YouTube.

24 BY MS. SCULLION:

25 Q Are there folks from multiple teams

1 YouTube in the classroom.

2 I want to ask the witness that
3 question.

4 BY MS. SCULLION:

5 Q So was YouTube for Schools, as of 2015,
6 one aspect of -- of efforts by YouTube to create a
7 school-appropriate experience for using YouTube in
8 the classroom?

9 MS. HARDIN: Objection to form.

10 A It is my -- it is my understanding that
11 managed restricted mode launched in 2015 and that
12 prior to 2015, there had been an effort called
13 YouTube for Schools, which was a selection of videos
14 that were chosen that would be appropriate for
15 educators.

16 And managed restricted mode was to -- was
17 the -- was the solution that was to replace that.

18 BY MS. SCULLION:

19 Q Okay. And do you know whether YouTube
20 for Schools was deprecated in 2016?

21 MS. HARDIN: Objection to form.

22 A No.

23 BY MS. SCULLION:

24 Q Okay. You -- you just don't know either
25 way?

1 But if you understand that in your
2 personal capacity, you may answer.

3 BY MS. SCULLION:

4 Q I don't want to ask you in your personal
5 capacity.

6 I'm -- I'm -- I'm just asking as far as
7 background for how students use YouTube to -- to
8 further their learning journeys, which is topic A2.

9 MS. SCULLION: Is it still your
10 position it's outside the topic to ask
11 these questions?

12 MS. HARDIN: I -- the -- the scope
13 of topic two is -- is how a user might
14 use YouTube to further a learning
15 journey.

16 I don't believe how a particular
17 account is set up or what the exact
18 domain is, is -- is necessarily within
19 the scope of that.

20 MS. SCULLION: Right.

21 BY MS. SCULLION:

22 Q So I'm trying -- what I'm trying to
23 understand are the various ways in which students --
24 again, K through 12 students in fact use YouTube,
25 first of all, just in the classroom.

1 So for students who are at schools that
2 do use the Google Workspace for Education, if the
3 administrator has enabled YouTube as an additional
4 service for -- for students, are students able to
5 access YouTube using a -- a school-based account?

6 MS. HARDIN: Objection to form.
7 You may answer.

8 A If -- when a school adopts the Google
9 Workspace for Education suite of tools, all of their
10 students within that school network will have a -- a
11 school-specific log-in for that Workspace for
12 Education account.

13 Once they have that log-in, they have
14 access to all of the core services of the Google
15 Workspace for Education suite. Within that there
16 are, as we, mentioned classroom, slides, docs.

17 There is a video embed player, the Player
18 for Education, which allows teachers to assign
19 videos, single videos, that they want to use within
20 any of those different core services, so within --
21 if they want to assign a video within Google
22 Classroom, if they want to assign it to be watched
23 in -- in their lesson plan or as homework. That
24 would be one way that a student would be able to
25 access YouTube video.

1 They can't go further than that video.
2 It's only the video that the teacher assigns. There
3 are no links back to YouTube and there are no
4 recommendations or no ads, and there are no cookies.
5 If a -- so that is -- that is one way.

6 The additional way would be if the school
7 when they create their Google Workspace for
8 Education suite and accepts the terms of service,
9 they can choose to enable additional services.
10 YouTube is one of those additional services, but
11 it's off by default.

12 If they choose to turn it on, then they
13 would set the level of access that they want
14 students within their network to have, and then
15 students would have access to YouTube based on -- on
16 their determination.

17 Although, if they do set it on, they are
18 required to get parental consent for that -- each
19 student's usage of those additional services, and
20 that's true for all additional services outside of
21 the core suite.

22 BY MS. SCULLION:

23 Q Okay. So thanks. That -- there's a lot
24 there and we'll come back to it.

25 But there also are schools that are not

1 using Google Workspace for Education though that
2 still allow teachers and students to use YouTube as
3 part of the classroom experience; correct?

4 A Yes.

5 Q Okay.

6 MS. HARDIN: Objection.

7 MS. SCULLION: Okay.

8 MS. HARDIN: Sorry, objection to
9 form.

10 Just give me a second to get my
11 objection in.

12 BY MS. SCULLION:

13 Q Okay. And so you started to talk about
14 some of the more granular ways in which YouTube is
15 used in the classroom. I just want to sort of walk
16 through those.

17 So let's first talk about, sort of, like,
18 physical classroom, which I think we just need to
19 clarify at this point in time; right.

20 So physical classroom, you could have a
21 teacher showing a YouTube video to the class; right?

22 MS. HARDIN: Objection to form.

23 A Yes.

24 BY MS. SCULLION:

25 Q Okay. And they could be doing that by

1 the class a YouTube video; correct?

2 A Yes.

3 Q Okay. Teachers can use a YouTube video
4 as part of a flipped classroom experience; correct?

5 MS. HARDIN: Objection to form.

6 A Yes.

7 BY MS. SCULLION:

8 Q All right.

9 A They can assign a video to be watched
10 outside of the classroom.

11 Q They can also assign a video to be
12 watched inside the classroom; correct?

13 A Yes.

14 Q Okay. And you also mentioned that there
15 can be YouTube videos embedded in, you call it, now
16 Player for Edu- -- using Player for Education;
17 correct?

18 A Yes.

19 Q Okay.

20 A That is how a teacher would assign -- if
21 a teacher were to assign a video as homework in a
22 lesson plan, whether it was inside the classroom or
23 outside the classroom, they would assign it through
24 Google Classroom as an embedded video, which again,
25 through the Player for Education means it is that

1 video and that video only, which is a -- which is a
2 cookieless, ads-free experience with no links back
3 to YouTube. That is the preferred method for
4 teachers to assign videos.

5 Q And can you remind me, when was Player
6 for Education launched?

7 A The Player for Education was launched in
8 2020. And prior to that, there was also a
9 cookieless, ads-free embed player as part of the
10 Google Workspace for Education suite for embedded
11 videos that would be delivered through Google
12 Classroom. It just was not available broadly
13 outside of the Google Workspace for Education suite.

14 When we saw the demand for video during
15 the pandemic with 1.4 to 1.7 billion children
16 outside of physical classrooms and learning online,
17 we began a project internally to look at how we
18 could create a -- an ads-free, cookieless video
19 embed player that could be used broadly.

20 Q So I -- I -- I appreciate the answer.

21 Just going to -- if you could just answer
22 just the questions I -- I ask, it's going to be a
23 little easier. Because I asked just when it was
24 launched.

25 So launched in 2020, that's Player for

1 Education.

2 What the prior embed player -- did that
3 have a name?

4 MS. HARDIN: Objection to form.

5 A We have -- we have referred to it as the
6 cookieless player. I think it has had other names,
7 but none of them were -- none of them were publicly
8 used, so it has used a number of different names.

9 BY MS. SCULLION:

10 Q Okay. We'll -- we'll refer to that's the
11 cookieless player for today; is that good?

12 A Cookieless player.

13 Q Okay. And the -- the cookieless player,
14 that could be embedded into, for example, Google
15 Slides; right?

16 A The -- the -- the -- the previous embed
17 player could be used within Google products, yes.

18 Q Including Google Slides, for example?

19 A Yes.

20 Q Okay. Okay. And just going back again
21 to looking through the list of the ways in which
22 students can use YouTube as part of the classroom,
23 you mentioned that YouTube videos can also be
24 embedded in third-party platforms; correct?

25 MS. HARDIN: Objection to form.

1 A Yes.

2 BY MS. SCULLION:

3 Q All right. And another way that students
4 can use YouTube in the classroom is by creating
5 YouTube videos; correct?

6 MS. HARDIN: Objection to form.
7 Lack of foundation.

8 A If an -- if an administrator sets access
9 to YouTube as an additional service within -- within
10 their Google Workspace for Education account, they
11 can set the mode and make that available if that is
12 something that they choose for -- for end users to
13 be able to determine -- teachers, if -- if students
14 can create videos.

15 But as a -- but that -- that's set at the
16 administrator level. As part of the default as an
17 under-18 user, no, students can't create and upload
18 videos.

19 BY MS. SCULLION:

20 Q But they -- but they can if the school
21 gives them the --

22 A If the school --

23 Q -- access; correct?

24 MS. HARDIN: Go ahead.

25 A If a -- if a school -- if a school sets

1 teachers as -- as administrators to allow approving
2 of videos.

3 BY MS. SCULLION:

4 Q Okay. And students can also, or at least
5 could at some point, upload videos and share them on
6 YouTube within the classroom; correct?

7 MS. HARDIN: Objection to form.

8 A No, not within the core services of -- of
9 YouTube -- of Google Workspace for Education.

10 If YouTube was enabled as an additional
11 service and the permissions were set that teachers
12 assigned videos for students create -- to create,
13 but that would have been done at -- at a school
14 administrator level.

15 That's not a part of the suite of tools
16 that are available to schools by default.

17 BY MS. SCULLION:

18 Q And students can also use YouTube in the
19 classroom, again, if -- if given access, by
20 themselves searching on YouTube and watching the
21 videos; right?

22 MS. HARDIN: Objection to form.

23 A If a school decides to turn on access to
24 YouTube as an additional service, then they can
25 set -- it's on by default then for accounts that are

1 designated as under 18. With that, there are a
2 number of restrictions that are in place for
3 under-18 accounts.

4 And then the administrator would set the
5 level of access that they wanted those students to
6 have. And had they done that, made those decisions
7 and then gotten parental consent, a student would
8 have the ability to use YouTube as a supplemental
9 tool to search on their own.

10 BY MS. SCULLION:

11 Q And for schools that aren't using Google
12 Workspace for Education, those students could just
13 go in and search on YouTube as part of the classroom
14 experience; correct?

15 A The managed --

16 MS. HARDIN: Objection to form.
17 Lack of foundation.

18 A The managed restricted mode controls are
19 available at the -- at the domain level even outside
20 of Google Workspace for Education.

21 So a network -- so a school network
22 administrator could set managed restricted mode at
23 their domain network level regardless of whether
24 they were a Google Workspace for Education user.

25

1 "effective." I don't know how we would measure
2 that.

3 We don't have access to -- we don't have
4 access to who is using the video, how they are using
5 the video, we don't know which students are using
6 videos within the Player for Education, we don't
7 know which teachers are assigning it, and we don't
8 know what their outcomes are afterwards.

9 So -- so I -- I don't have any
10 measurement of -- of efficacy. I have directional
11 guidance from teachers that they value YouTube in
12 the classroom.

13 BY MS. SCULLION:

14 Q Okay. So just make sure I understand
15 what you are saying.

16 Has YouTube done anything to actually
17 measure the effectiveness of YouTube used in the
18 classroom to improve students' learning, actually
19 measured it?

20 MS. HARDIN: Objection to form.

21 A No.

22 BY MS. SCULLION:

23 Q Okay. So does YouTube have any data that
24 shows YouTube -- use of YouTube by K through 12
25 students results in better grades?

1 MS. HARDIN: Objection to form.

2 A No.

3 BY MS. SCULLION:

4 Q Does it have any data to show that use of
5 YouTube by K through 12 students results in better
6 test scores?

7 MS. HARDIN: Objection to form.

8 A No.

9 BY MS. SCULLION:

10 Q Does it have any data to show that the
11 use of YouTube by K through 12 students results in
12 better graduation rates?

13 MS. HARDIN: Objection to form.

14 A No.

15 BY MS. SCULLION:

16 Q Does it have any data that shows that the
17 use of YouTube by K through 12 students improves
18 their reading skills?

19 MS. HARDIN: Objection to form.

20 A No.

21 BY MS. SCULLION:

22 Q Does it have any data that shows that the
23 use of YouTube by K through 12 students improves
24 their math skills?

25 MS. HARDIN: Objection to form.

1 not asking you questions in your personal
2 capacity.

3 And we disagree as to your
4 interpretation of -- of the topic.

5 If we are talking about YouTube's
6 efforts, it's -- surely, part of that is
7 looking at or not looking at the
8 effectiveness of -- of those efforts. I
9 mean, I just -- I don't see how that's
10 not fairly part of the efforts.

11 MS. HARDIN: I -- I'm not sure
12 how --

13 MS. SCULLION: Okay.

14 MS. HARDIN: -- we are going to
15 bridge the gap.

16 MS. SCULLION: Okay.

17 MS. HARDIN: But that's my -- that's
18 my objection. It's been noted for the
19 record.

20 We'll take it, as we will the whole
21 day, question by question.

22 MS. SCULLION: Okay.

23 BY MS. SCULLION:

24 Q Ms. Kurtz, are YouTube's efforts with
25 respect to its work on use of YouTube in classrooms,

1 are they guided in part by YouTube's understanding
2 of the effectiveness of its efforts?

3 MS. HARDIN: Objection to form.

4 A The -- we don't measure -- we don't -- we
5 don't measure the -- we don't measure the
6 effectiveness.

7 We measure -- we -- what we look for are
8 signals of user intent and desire. So we know that
9 teachers really value YouTube video. We've heard
10 that for many, many years.

11 We saw, particularly in the pandemic, a
12 very significant increase in the usage of learning
13 content, specifically academic content.

14 We understand that users on the platform
15 are seeking academic content for a number of
16 concepts that would be considered academic concepts
17 within, sort of, core curriculum standards and
18 our -- our entire platform is a user-driven
19 platform.

20 So what we look at is user intent and
21 satisfaction with the content that we have and then
22 ways to further and make consumption of that content
23 easier and more effective.

24 So insofar as we are looking at how
25 teachers are engaging with YouTube content, we are

1 trying to make it easier for them to do it.

2 And one of the things that we heard is
3 that teachers wanted to be able to show YouTube
4 video even if their school had made the
5 determination that they wanted to block access to
6 YouTube --

7 BY MS. SCULLION:

8 Q Okay.

9 A -- which led to the building of a player
10 that would allow teachers to embed videos within
11 learning tools and platforms without having broad
12 access to YouTube.

13 Q Okay. And in terms of signals of intent
14 and desire, is actual watch time one of those
15 signals?

16 MS. HARDIN: Objection to form.

17 A Watch time is a signal, as well as search
18 queries is a signal.

19 BY MS. SCULLION:

20 Q Okay. Okay. And can you explain -- I'm
21 sorry, so watch time, this is a phrase used within
22 YouTube to literally indicate number of -- of hours
23 or amount of time spent, I should say, watching
24 YouTube videos; correct?

25 MS. HARDIN: Objection to form.

1 Thanks.

2 There you go.

3 (Whereupon, Exhibit
4 Google/YouTube-Kurtz 30(b)(6) - 8,
5 Document Titled "YouTube Edu
6 Opportunities in 2016," Bates-Labeled
7 G00G-3047MDL-04734419 through -4422,
8 was marked for identification.)

9 BY MS. SCULLION:

10 Q Ms. Kurtz, we've handed you what's been
11 marked as Exhibit Number 8, which is
12 Bates-stamped -- I'm just going to read the -- the
13 final numbers for the Bates stamp -- -04734419
14 through -4422.

15 Do you have that document in front of
16 you?

17 A Yes.

18 Q Have you seen Exhibit 8 before?

19 A No.

20 Q Let's look at Exhibit Number 8.

21 Do you see Exhibit Number 8 is entitled
22 "YouTube Edu Opportunities in 2016"; correct?

23 A Yes.

24 Q And if you look in the upper right-hand
25 corner, you can see that it's dated September 17th,

1 2015; do you see that?

2 A Yes.

3 Q And in the first para- -- so first of
4 all, is the format of Exhibit 8 something you are
5 familiar with within YouTube?

6 MS. HARDIN: Objection to form.

7 A It -- it looks like a -- like a doc, like
8 a Google Doc.

9 BY MS. SCULLION:

10 Q Okay. So looking at the first paragraph
11 at the top of the first page, it states, So far,
12 our -- it says -- YT Edu efforts have focused on
13 unblocking the HTTPS rollout and turning down YT4S;
14 do you see that?

15 A Yes.

16 Q Do you understand that YT Edu refers to
17 YouTube Edu?

18 A Yes.

19 MS. HARDIN: Objection to form.

20 BY MS. SCULLION:

21 Q And that the reference to YT4S is a
22 reference to YouTube for Schools?

23 A I'm -- I'm unfamiliar with that
24 abbreviation. I -- I will --

25 Q Are you familiar with the use of the --

Page 128

1 the number four to stand in for the word "for"?

2 MS. HARDIN: Objection to form.

3 A Yes.

4 BY MS. SCULLION:

5 Q And in terms of YouTube's education
6 opportunities, one of the things that had done in
7 2015 was to deprecate or turn down YouTube for
8 Schools; correct?

9 MS. HARDIN: Objection to form.

10 A I -- I -- I'm not familiar with that --
11 with that acronym as it's written, but I -- am I --
12 I am aware of -- of that effort.

13 BY MS. SCULLION:

14 Q Okay. And then the next heading on this
15 page says, The opportunity in education.

16 Do you see that?

17 A Yes.

18 Q And the document then goes on to describe
19 some stats -- some statistics with respect to Google
20 and education; do you see that?

21 A Yes.

22 Q Some statistics with respect to the
23 percentage of schools that were filtering video
24 content; do you see that?

25 MS. HARDIN: Objection to form.

1 A Yes.

2 BY MS. SCULLION:

3 Q Third bullet -- yeah, third bullet point
4 discusses a survey done by YouTube with respect to
5 filtering in the classroom; correct?

6 A Yes.

7 Q And there's a bullet about the use of, it
8 says, Dasher MRM; do you see that?

9 A Yes.

10 Q And "MRM," that stands for managed
11 restricted mode; correct?

12 A Yes.

13 Q And do you understand that a dasher
14 refers to a dasher account?

15 A I do.

16 Q Okay. And am I correct that a dasher
17 account is an account through a -- strike that.
18 What's a -- what's a dasher account?

19 A A dasher account is an account that is
20 set up as a Google for Workspace -- a Google for
21 Workspace in Education account that would be a user
22 account.

23 Q You said it much better than I did.
24 Thank you so much.

25 Okay. And then the last bullet point

1 says, During the school year, there's an 80 million
2 watch time hour/day difference between Thursday and
3 Saturday.

4 Do you see that?

5 A Yes.

6 Q And it goes on to say, Increasing usage
7 in schools, it says, M through F -- that's Monday
8 through Friday; right?

9 A Yes.

10 Q -- could decrease this gap.

11 That's what it says; right?

12 A Yes.

13 Q Okay. So in terms of this 80 million
14 watch time hour/day gap, do you see the chart on the
15 right-hand side of the page?

16 A Yes.

17 Q And that's -- if you look in the upper
18 right-hand part of that chart, it's showing the data
19 that illustrates that 80 million hour/day watch time
20 gap; correct?

21 MS. HARDIN: Objection to form.

22 A Yes.

23 BY MS. SCULLION:

24 Q And so going back to that bullet point
25 discussing the 80 million watch time hour a day

Page 131

1 difference, the document is -- is saying that --
2 right -- that if you look on Saturdays, you see
3 YouTube usage is much higher than it is Monday
4 through Friday; correct?

5 MS. HARDIN: Objection to form.

6 A Yes.

7 BY MS. SCULLION:

8 Q Okay. And, again, this document is
9 referring to this as a, quote, opportunity in
10 education; correct?

11 MS. HARDIN: Objection to form.
12 Foundation. Mischaracterizes the
13 document.

14 You may answer.

15 A It -- it says, Opportunities in 2016,
16 yes.

17 BY MS. SCULLION:

18 Q Well, it says -- there's also that
19 heading in the middle of the page --

20 A Oh, yes.

21 Q -- before this whole analysis that says,
22 The opportunity in education; right?

23 MS. HARDIN: Same objections.

24 A Yes.

25

1 BY MS. SCULLION:

2 Q Okay. And then if you go to the next
3 heading on the page, the proposal, the pitch, right,
4 is to invest in dasher MRM to meet this hour per day
5 opportunity; correct?

6 MS. HARDIN: Objection to form.
7 Foundation. Mischaracterizes the
8 document.

9 A Yes.

10 BY MS. SCULLION:

11 Q Okay. And then the document goes -- goes
12 on in that first paragraph under the heading,
13 "Pitch," to explain: We launched very basic
14 filtering options, but we're not meeting school's
15 needs.

16 Do you see that?

17 A Yes.

18 Q And that's referring to when managed
19 restricted mode was launched in 2015, it was only
20 providing very basic filtering options for schools;
21 correct?

22 MS. HARDIN: Objection to form.
23 Foundation. Mischaracterizes the
24 document.

25 A According to the authors of this

1 document, they -- they described the filtering
2 options as very basic.

3 BY MS. SCULLION:

4 Q Okay. Do you know who [REDACTED] is
5 with respect to YouTube?

6 A No.

7 Q Okay. So in describing the opportunity
8 for YouTube Edu in 2016, the author is at least in
9 part referring to an opportunity to decrease this
10 80 million watch time hour a day difference between
11 Thursday and Saturday; correct?

12 MS. HARDIN: Objection to form. And
13 foundation.

14 A That -- that is what the document's
15 author is proposing.

16 BY MS. SCULLION:

17 Q Okay.

18 A Or putting forward as an opportunity, I
19 should say.

20 Q Okay. And if you go to the next page of
21 the exhibit, and there's a heading that says at the
22 top, Build out existing MRM feature set; do you see
23 that?

24 A Yes.

25 Q And so just want to understand, there's,

1 Q So move to strike.

2 So the -- the question is just that
3 YouTube -- you've testified YouTube is part of the
4 Google ecosystem; yes?

5 MS. HARDIN: Objection to motion to
6 strike.

7 A I mean, actually, I'd -- I'd like to --
8 I'd like to amend that to say that -- that YouTube
9 is a part of the Alphabet ecosystem, as Alphabet is
10 our -- is a -- is the parent company of Google and I
11 understood you were using those interchangeably.

12 BY MS. SCULLION:

13 Q Okay. So it's fair to say that if
14 onboarding kids into the Google ecosystem leads to
15 brand trust and loyalty over their lifetime, one way
16 to onboard kids into that ecosystem is through use
17 of YouTube in schools; right?

18 MS. HARDIN: Objection to form. And
19 foundation.

20 A One -- one opportunity for users to
21 interact with Google products is through YouTube.

22 BY MS. SCULLION:

23 Q Okay. Including using YouTube in -- in
24 the classroom; right?

25 MS. HARDIN: Objection to form. And

1 foundation.

2 A Using YouTube -- using YouTube in a
3 classroom is one of the ways that young people will
4 experience YouTube -- or could experience YouTube, I
5 should say.

6 BY MS. SCULLION:

7 Q Okay. And it's one of the ways that they
8 could then interact with the -- the Google
9 ecosystem, through YouTube; right?

10 MS. HARDIN: Objection to form. And
11 foundation.

12 A It is one of the ways that they could
13 interact with YouTube within the context of a Google
14 product. And I -- and I -- and I can't characterize
15 the onboarding as it's one of the touch points
16 that -- that one might have.

17 BY MS. SCULLION:

18 Q Okay. And, in fact, this document goes
19 on to explain in the first bullet point that
20 investing in schools helps onboard kids into the --
21 into the Google's ecosystem; right?

22 MS. HARDIN: Same objection as -- as
23 to the scope based on questions about
24 this document that don't relate to
25 YouTube.

1 BY MS. SCULLION:

2 Q Okay. So -- so the answer is yes, that
3 kids were using Chromebooks in part to watch YouTube
4 in -- in the classroom; right?

5 MS. HARDIN: Objection to form. And
6 misstates the testimony.

7 A No. My -- my testimony -- my testimony
8 is that insofar as YouTube videos are a part of what
9 is assigned and a -- and a student is doing,
10 depending on what device they would be using, that
11 is the device and -- and the method by which they
12 would access YouTube.

13 BY MS. SCULLION:

14 Q Uh-huh.

15 A If that school is a school that uses
16 Chromebooks, then when a student has an assignment
17 to interact with YouTube, that would happen through
18 that Chromebook.

19 Q Right. They would use the Chromebook --
20 if -- if they had a Chromebook assigned to them and
21 they were assigned to watch a YouTube video, they
22 would use the Chromebook to watch the video; right?

23 MS. HARDIN: Objection to form.

24 A It's not my understanding that the
25 Chromebook is a vehicle to do anything other than

1 the delivery of the lesson plan, whatever that
2 lesson plan is.

3 BY MS. SCULLION:

4 Q I -- I -- I -- I don't understand why
5 this is so hard.

6 One of the things that kids could do in
7 the classroom on Chromebooks is watch a YouTube
8 video if it was assigned to them as part of their
9 classwork; correct?

10 MS. HARDIN: Objection to form. And
11 it's argumentative.

12 MS. SCULLION: It is not
13 argumentative. It's a purely factual
14 question.

15 BY MS. SCULLION:

16 Q Can you answer the question as YouTube's
17 corporate representative here today?

18 MS. HARDIN: The question is vague.
19 And objection to the form.

20 MS. SCULLION: It is -- it is -- no.

21 BY MS. SCULLION:

22 Q You can answer the question. It's a very
23 simple, factual question.

24 A I believe I've answered that question.

25 Q No, respectfully, you have not.

1 Are you able to answer the question I've
2 asked?

3 MS. HARDIN: Objection to the form.

4 A I believe that I have answered that
5 question and the framing as the -- I cannot accept
6 the framing of the question as the sole purpose of
7 using YouTube is not what a school's Chromebook --
8 the device is a facilitator of whatever the school
9 is assigning the students to do regardless of the
10 device that it is.

11 BY MS. SCULLION:

12 Q Right. Didn't say it was -- it was
13 solely for use for YouTube.

14 But if a student was assigned to watch a
15 YouTube video and they have been given a
16 school-issued Chromebook, one of the things they
17 would be doing on that Chromebook was watching the
18 assigned videos; right? That's it.

19 MS. HARDIN: Objection to form.

20 A If a teacher assigns their student or
21 their class YouTube videos to watch and the school
22 has given those students Chromebooks, they would
23 watch that YouTube video on the school-issued
24 Chromebook.

25

1 that we removed from the Player for Education to
2 remove any -- any possibility of distraction.

3 BY MS. SCULLION:

4 Q And that wasn't until 2020; is that
5 right?

6 A The -- the Player for Education launched
7 in 2020.

8 Q Okay. Even after the Player for
9 Education launched in -- in 2020 --

10 A 2022, my apologies.

11 Q Thank you.

12 A 2022.

13 Q And I'm -- I'm glad you clarified that
14 because I -- I had understood it was 2022. You said
15 2020, so I went with it.

16 Okay. So just to be clear, when did
17 Player for Education launch?

18 A The Player for Education launched
19 publicly in 2022.

20 Q Okay. So -- but before Player for
21 Education launched, students watching YouTube videos
22 in class would sometimes see ads; correct?

23 MS. HARDIN: Objection to form.

24 A Students watching YouTube within the
25 Google Workspace for Education suite would have

1 experienced ads if YouTube had been turned on as an
2 additional service.

3 There was a cookieless, ads-free embed
4 player within the Google Workspace for Education
5 suite prior to the Player for Education that did not
6 have ads.

7 BY MS. SCULLION:

8 Q Okay. But to the extent that they were
9 just watching it outside of the embed before --
10 and -- and outside of Player for Education, they
11 would see ads; right?

12 MS. HARDIN: Objection to form.

13 A If a school had -- had chosen to turn on
14 access to YouTube for their students, then those
15 students would have experienced ads.

16 BY MS. SCULLION:

17 Q Okay. Another persistent complaint that
18 YouTube received from schools was concern about
19 inappropriate content for kids on YouTube; right?

20 MS. HARDIN: Objection to form.

21 A One of the complaints that teachers would
22 have would be around, I would say, level
23 appropriateness of content.

24 And as one of the controls within managed
25 restricted mode, administrators can determine the

1 level of access that they want to have based on
2 content ratings.

3 So there is strict restricted mode, there
4 is moderate restricted mode. Strict restricted mode
5 would be limited to content that was rated
6 approximately for ages to nine. And moderate
7 restricted would be for content rated approximately
8 for users up to 13.

9 BY MS. SCULLION:

10 Q I'm going to hand you --

11 MS. SCULLION: Can we have exhibit
12 27, please?

13 (Whereupon, Exhibit
14 Google/YouTube-Kurtz 30(b)(6) - 27,
15 Slide Deck, Bates-Labeled
16 GOOG-3047MDL-01614173, was marked for
17 identification.)

18 BY MS. SCULLION:

19 Q I'm going to hand you what has been
20 marked as Exhibit Number 27.

21 And you'll see that we have put some tabs
22 on there. I'm only going to be asking you about
23 the -- the tabbed portions of -- of the document.
24 It is otherwise a lengthy document.

25 So, Ms. Kurtz, looking at Exhibit 27,

Page 166

1 need to read every single page, but she
2 does need to generally familiarize
3 herself with the document.

4 MS. SCULLION: We can take this one
5 document at a time, but if it really gets
6 to be excessive, we are going to have to
7 do something about this.

8 MS. HARDIN: There's no question
9 pending.

10 THE WITNESS: Huh?

11 MS. HARDIN: I don't think there's a
12 question pending.

13 THE WITNESS: Okay. It's just --
14 looks like there ARE multiple documents
15 within this document, but I don't know
16 for sure.

17 Okay.

18 BY MS. SCULLION:

19 Q Okay?

20 A (The witness nods head.)

21 Q Ms. Kurtz, you've had a chance to look
22 through the document?

23 A Yes.

24 Q Okay. So, again, looking at the second
25 page of the document, which is up here on the screen

1 entitled "Agenda," do you see the second bullet
2 point says it concerns learning at YouTube?

3 A Yes.

4 Q Okay. If you'll go to the -- what should
5 be the first tab in the document for you, and that's
6 page 13.

7 Do you see this document -- this page
8 describes a snapshot of learning at YouTube today?

9 A Yes.

10 Q Okay. If you go to the next page,
11 please, the document describes the many challenges
12 with using YouTube for learning; do you see that?

13 A Yes.

14 Q Okay. And on the right side, do you see
15 the two boxes -- well, the first at the top says
16 that one of the challenges was hard to discover
17 content.

18 Do you see that?

19 A Yes.

20 Q And describes that the -- that was
21 because it was disorganized and unclear video
22 quality/credibility; correct?

23 A Yes.

24 Q And -- and as it states here, leaving
25 users with -- with the question which of these will

1 best help me learn; right?

2 A Yes.

3 Q Okay. And then the box below that says
4 the -- another major challenge -- another challenge
5 of using YouTube for learning was hard to stay
6 engaged.

7 Do you see that?

8 A Yes.

9 Q And explains that, as first, YouTube too
10 good at distraction; right?

11 A Yes.

12 Q Okay. And also weak episodic
13 organization; do you see that?

14 A Yes.

15 Q And describes, you know, the experience
16 as, quote, hard to do my homework when I could be
17 watching Will Ferrell; right?

18 A Yes.

19 Q Okay. And -- and that's in reference to
20 on the middle of the screen, you see the snapshot
21 of -- of YouTube right there?

22 A Yes.

23 Q And in the main screen, it looks like
24 there's meant to be a video with respect to some
25 multiplication learning; do you see that?

1 A Yes.

2 Q But on the right side --

3 A It's a Khan Academy video.

4 (Whereupon, the court reporter
5 requests clarification.)

6 A Sorry, I just said it's a Khan Academy
7 video.

8 BY MS. SCULLION:

9 Q Okay. A Khan Academy video describing
10 multiplication; correct?

11 A Algebra. Linear equations.

12 Q Okay. I apologize, yeah, my -- my brain
13 read "X" as multiplication. That was -- okay. Yes,
14 algebra. Thank you.

15 And the right side next to the video
16 display window, what is that column? Is that the
17 "watch next" column?

18 MS. HARDIN: Objection to form.

19 A Yes. Those are recommendations.

20 BY MS. SCULLION:

21 Q Okay. Those are recommendations that
22 are -- that YouTube is making to the user; right?

23 A Yes.

24 Q So in this instance, user watching the
25 Khan Academy video on algebra linear equations is

1 getting the recommendations from YouTube on the
2 right side; correct?

3 MS. HARDIN: Objection to form.
4 Lacks foundation.

5 A Yes.

6 BY MS. SCULLION:

7 Q And one of those recommendations is a
8 video entitled "Will Ferrell Hilarious Acceptance
9 Speech At The... cocksandballs123."

10 Do you see that?

11 A Yes.

12 Q And that's what the comment on the right
13 side of the page is referring to in terms of, "hard
14 to do my homework when I could be watching Will
15 Ferrell"; right?

16 MS. HARDIN: Objection to form.

17 A Just to clarify, as I understand it
18 though, this is all the use case of individual users
19 learning on YouTube.

20 And the -- and the feedback that we've
21 gotten from those users learning on YouTube as a
22 platform is not what I thought we were talking about
23 as student complaints or feedback that we had heard
24 about distractions within classroom settings as the
25 default experience of YouTube as an assigned video

1 within an embed situation. And anything above and
2 beyond that would be turned on by the school's
3 choice.

4 This -- this feedback here is
5 specifically feedback that we've gotten from the
6 self-directed learning experience on the platform
7 that is not limited to student feedback, it's just
8 user feedback.

9 We don't -- I don't -- I just wanted to
10 clarify that this is -- this is user feedback on
11 YouTube main outside of the school setting.

12 BY MS. SCULLION:

13 Q Well, we'll come back to whether this
14 also is experienced in the -- in the school setting;
15 okay?

16 So underneath the -- sorry, in the bottom
17 half of the same page, again there's bullet points
18 describing the various challenges with using YouTube
19 for learning; do you see that?

20 A Yes.

21 Q Okay. And the third bullet point down
22 says, trustworthiness; do you see that?

23 A Yes.

24 Q And that's describing an inability to
25 check how legitimate the source is; right?

1 complaining because managed restricted mode still
2 let kids upload highly inappropriate content to
3 YouTube; right?

4 MS. HARDIN: Objection to the form.
5 Objection to the lawyer testimony. And
6 objection that that lawyer testimony
7 misstates the document and the witness'
8 prior testimony.

9 MS. SCULLION: Well, we'll -- we'll
10 look at the documents that -- that
11 discuss this.

12 BY MS. SCULLION:

13 Q So when managed restricted mode was
14 launched, if a school administrator chose even
15 strict restricted YouTube access and students were
16 then accessing YouTube, that strict restricted
17 corpus, they still were redeliv- -- were going to be
18 delivered targeted ads to the extent that they
19 weren't watching through the -- through the embedded
20 player; right?

21 MS. HARDIN: Objection to form.
22 Lack of foundation.

23 A YouTube ads for accounts 18 and under are
24 not personalized ads. So insofar as a student is
25 accessing YouTube as part of an additional service

Page 190

1 that has been turned on, they will have ads and they
2 will have all of the limitations of an under-18 user
3 account unless a school --

4 BY MS. SCULLION:

5 Q Okay.

6 A -- has changed that status, which is set
7 to default under 18 to over 18.

8 Q Got it.

9 A Under-18 accounts do not have
10 personalized ads.

11 Q So I misspoke by saying targeted, and I
12 apologize for that. I did not mean to.

13 So to the extent that a school
14 administrator chose even strict restricted mode, the
15 students using YouTube not in the embedded player
16 would still be seeing ads; correct?

17 MS. HARDIN: Objection to form.

18 A If the student was using -- was using the
19 sanctioned use of YouTube within a school setting in
20 a self-directed mode or directed to go to YouTube,
21 they would experience ads if it were not embedded
22 within another service.

23 BY MS. SCULLION:

24 Q And even in strict restricted mode
25 outside of an embedded player, would students still

1 be getting recommendations for additional videos
2 from YouTube?

3 MS. HARDIN: Objection to form.

4 Excuse me.

5 A If students are accessing YouTube outside
6 of being assigned a video in an embedded solution or
7 surface, then they would have access to YouTube with
8 the features of YouTube that include
9 recommendations.

10 BY MS. SCULLION:

11 Q Okay. And...

12 (Whereupon, there was a discussion
13 off the record.)

14 (Whereupon, Exhibit
15 Google/YouTube-Kurtz 30(b)(6) - 44,
16 Slide Deck Titled, "Product: The Case
17 for YouTube in Schools Via GSuite for
18 EDU," Bates-Labeled
19 GOOG-3047MDL-03233306, was marked for
20 identification.)

21 MS. SCULLION: Yeah, okay. Let me
22 hand you what's been marked as
23 Exhibit 44.

24 BY MS. SCULLION:

25 Q Ms. Kurtz, we've handed you what's been

1 marked as Exhibit No. 44 and the document is
2 Bates-stamped -0323306 in the bottom right-hand
3 corner.

4 And, again, I'm only going to ask you, I
5 can tell you, about three pages in the document.

6 But just to orient you to the document,
7 if you look at the very last page, you should see
8 something that says document slip sheet.

9 Do you see that?

10 A Yes.

11 Q Okay. So I'll represent to you that the
12 document slip sheet is produced and printed out
13 based on the metadata for the document that Google
14 and YouTube provided to us when they produce the
15 document to us.

16 And one of the things that the metadata
17 tells us, if you look in the middle of the slip
18 sheet, is the create date and the last modified date
19 for the document.

20 Do you see those two entries?

21 A Yes.

22 Q And I'm just pointing out to you that
23 there is a date on here of September 25th, 2018,
24 both for the create date and for the last modified
25 date, just to orient you to the document; okay?

1 A Yes.

2 Q Okay. Great. So if you go to the second
3 page of the document, you see that the document is
4 entitled "Product: The Case for YouTube in Schools
5 Via GSuite for EDU."

6 Do you see that?

7 A Yes.

8 Q Okay. And if you go to the fourth page
9 of the document, you'll see a box entitled "Why this
10 matters."

11 Do you see that?

12 A Yes.

13 Q And in describing why it matters, first,
14 there's at the top of the page a discussion about,
15 it's the right thing to do for our users and
16 partners; do you see that?

17 A Yes.

18 Q Okay. And the partners that are
19 referenced there are the content creators; correct?

20 MS. HARDIN: Objection to form.

21 BY MS. SCULLION:

22 Q Do you see where it says under
23 "Partners," schools are a top priority for content
24 creators?

25 A Yes.

1 Q Okay. And then the second half of the
2 document discussing why this matters is -- discusses
3 the larger business context; right?

4 MS. HARDIN: Objection to form.

5 A Yes.

6 BY MS. SCULLION:

7 Q And within the larger business context,
8 if you look at the last bullet point, one aspect of
9 that was seeing this as an opportunity.

10 Do you see that?

11 MS. HARDIN: Objection to form.

12 Mischaracterizes the document.

13 A Yes.

14 BY MS. SCULLION:

15 Q And within the opportunity, the
16 opportunities included the first bullet point which
17 says, Robust paid content market for edu content
18 delivery; right?

19 MS. HARDIN: Objection to form.

20 A Yes.

21 BY MS. SCULLION:

22 Q The second bullet point says, Pipeline of
23 future users; do you see that?

24 A Yes.

25 Q Okay. And remember, we had looked at

1 another document that referenced that same idea
2 about introducing folks into the Google ecosystem
3 and building future users; do you recall that?

4 MS. HARDIN: Objection to form. And
5 lack of foundation.

6 A I do.

7 BY MS. SCULLION:

8 Q Okay. And then it also says there's an
9 opportunity here for pipeline of future creators as
10 well; correct?

11 A Yes.

12 Q All right. Now, if you go to the next
13 page of Exhibit 44, it discusses an understanding of
14 the problem in schools.

15 Do you see that?

16 A Yes.

17 Q And the problem being addressed here as
18 described in the -- in the first bullet point is
19 with respect to whether students are allowed to
20 use -- whether teachers -- sorry -- and students are
21 allowed to use YouTube in school; right?

22 MS. HARDIN: Objection to form.

23 A That -- that is what this slide says.

24 BY MS. SCULLION:

25 Q Okay.

Page 249

1 Bates stamp -- is Bates-stamped -05491766.ecm
2 through -05491769.ecm.

3 And -- sorry, strike that.

4 So do you see -- have Exhibit 63 in front
5 of you?

6 A Yes.

7 Q Okay. And have you seen Exhibit 63
8 before?

9 A Not that I am aware of.

10 Q Okay. If you look on the first page of
11 Exhibit 63, you see that it says in the first line,
12 "Update," and it lists the date of July 12th; do you
13 see that?

14 A I see that, yes.

15 Q Okay. And then about halfway down that
16 same first page, do you see that it indicates that
17 the last significant update for this one-pager was
18 July 10th, 2023?

19 A Yes.

20 Q Okay. And, again, if you look at the
21 metadata slip sheet, you can see the create and last
22 modified date are both in July of 2023; do you see
23 that?

24 A Yes.

25 Q Okay. And if you go to the last page of

Page 250

1 Exhibit 63, you see there's a paragraph number two,
2 which begins with, Is it -- is this worth our time
3 to fix?

4 Do you see that?

5 A Yes.

6 Q And in that discussion, in the third
7 sentence, the document states, MRN -- MRM tends to
8 be trivially easy for students to bypass if they
9 clear cookies, sign out, open an incognito tab, or
10 switch devices; do you see that?

11 A Yes, I see that.

12 Q And, again, MRM, that stands for managed
13 restricted mode; right?

14 A Yes.

15 Q So these were known ways that students
16 could bypass managed restricted mode; correct?

17 MS. HARDIN: Objection to form.

18 Lacks foundation.

19 A As -- as I understand -- and I have not
20 read this document closely and have not seen it
21 before -- but as I understand it, this would be
22 referring specifically to MRM when it would be used
23 outside of the Google Workspace for Education suite
24 as a network setting that a network -- that any
25 network administrator would set for their browsers,

1 whether they are in a school setting or a workspace
2 setting, there is -- there are network controls; MRM
3 is one of those.

4 So I -- I -- as my understanding of
5 looking at this briefly, this would be referring to
6 MRM at a network level for a user outside of the
7 Google Workspace for Education who had not deployed
8 a third-party website blocker or one of the -- one
9 of the commonly available tools that are called
10 lockdown browser tools.

11 BY MS. SCULLION:

12 Q Okay. So if a school was not using
13 Google Workspace for Education but was using managed
14 restricted mode, your understanding is that this
15 document is speaking to that kind of circumstance;
16 correct?

17 MS. HARDIN: Objection to form.
18 Misstates the testimony.

19 MS. SCULLION: I can -- I can -- I
20 can just withdraw and -- and restate it.

21 BY MS. SCULLION:

22 Q You testified earlier that schools can
23 use managed restricted mode even if they are not
24 using Google Workspace for Education; correct?

25 A Yes.

1 Q Okay. And in terms of the ability to
2 bypass managed restricted mode as discussed on the
3 last page of this document, your understanding is
4 this is speaking to ways that students could bypass
5 managed restricted mode if their school was using
6 managed restricted mode outside of the Google
7 Workspace for Education; is that right?

8 MS. HARDIN: Objection to form.

9 A This is a rather dense document with a
10 lot of very technical things in it.

11 It is my cursory understanding that since
12 it doesn't appear to reference Google Workspace for
13 Education anywhere that I can see, that -- that it
14 may be referring to that -- to that use case.

15 BY MS. SCULLION:

16 Q Okay. And according to this document,
17 in -- in that use case it is trivially easy for
18 students to bypass the managed restricted mode
19 restrictions; correct?

20 MS. HARDIN: Objection to form.

21 Foundation. Misstates testimony.

22 A According to this document in 2023, a
23 loophole and workaround was discovered where managed
24 restricted mode could be signed -- could be bypassed
25 if a network advisor had not deployed any additional

1 lockdown browser tools, is what I believe this
2 document is referring to.

3 BY MS. SCULLION:

4 Q Do you know whether YouTube has taken any
5 steps to inform school administrators of -- I think
6 you used the term "loophole" -- of this loophole in
7 managed restricted mode when it's used outside of
8 Google Workspace for Education?

9 MS. HARDIN: Objection to form.
10 Foundation. Mischaracterizes the
11 document.

12 A I -- I -- I'd like to state that this --
13 that this claimed that students are finding
14 so-called loopholes.

15 But as I stated before, YouTube doesn't
16 have a -- a promotional path or direct communication
17 with schools broadly and we do have publicly
18 available web pages around directions for network
19 administrators around how to set up and configure
20 their YouTube access.

21 In addition, there are many third-party
22 browser -- lockdown browser tools that are used
23 within a multitude of settings that can also
24 determine what browsers have access to set at the
25 administrator level.

1 BY MS. SCULLION:

2 Q Right. So, Ms. Kurtz, but if a school
3 administrator, let's say, in a small school
4 district, doesn't have a lot of resources, deployed
5 managed restricted mode after it was rolled out in
6 2017, they are not using Google Workspace for
7 Education, but they have taken on this managed
8 restricted mode.

9 You are saying it would be up to them to
10 go back and -- and look at updated documentation to
11 see that, oh, there's this loophole and here's how
12 you fix it? That's what you're saying?

13 MS. HARDIN: Objection to form.
14 Foundation. And misstates the document
15 and the prior testimony.

16 A Insofar as any school is allowing access
17 to any online materials for their students, it -- it
18 would be the school's network administrator to
19 determine the best way to -- to allow that access to
20 their students.

21 And so publicly available documents are
22 updated routinely and when bugs are found, they are
23 fixed.

24 But any school that is -- that is using
25 online materials and directing their students to

1 online materials has a network administrator that
2 decides how best to deliver and set those.

3 BY MS. SCULLION:

4 Q Does YouTube even put out, like, a press
5 release saying, Hey, school administrators, network
6 administrators, you should be aware that there's
7 this loophole and go look at the documentation to
8 see how to fix it? Does it even do that?

9 MS. HARDIN: Objection to form.
10 Foundation. Assumes facts not in
11 evidence. Misstates the documents and
12 the prior testimony.

13 A Again, if there were -- if there is -- if
14 there is a bug, it is the -- it would be the -- the
15 thing that we would do routinely is to understand
16 bugs and to address bugs and to fix bugs.

17 And, again, not -- not fully
18 understanding exactly what has happened in this
19 situation, it would be my understanding that a
20 network administrator would be aware of the tools
21 available to them to determine the level of access
22 that they want students on their network to have,
23 given all of the publicly available tools there are,
24 to create lockdown browsers.

25 In addition to which, we have publicly

1 available web pages that are designed specifically
2 for network administrators to determine how to do
3 that.

4 BY MS. SCULLION:

5 Q So it's -- it's on them to go -- go find
6 the fact that there's this loophole and that they
7 need to fix it; is that right?

8 MS. HARDIN: Objection to form.

9 Asked and answered. Argumentative.

10 BY MS. SCULLION:

11 Q You can answer.

12 A I -- I -- I believe that I have answered.

13 Q Okay.

14 MS. SCULLION: Let's take a quick
15 break so we can see if we can get close
16 to done.

17 THE VIDEOGRAPHER: Time right now is
18 4:20 p.m. We are off the record.

19 (Whereupon, there was a recess taken
20 from 4:20 p.m. to 4:40 p.m.)

21 THE VIDEOGRAPHER: Time right now is
22 4:40 p.m. We are back on the record.

23 MS. SCULLION: Welcome back,
24 Ms. Kurtz --

25 THE VIDEOGRAPHER: Counsel, your

Page 262

1 And if you go to the -- should be the
2 first tab in your document, which is page -9014, and
3 you see that this page is entitled "Managed
4 Restricted Mode (MRM)"; do you see that?

5 A Yes.

6 Q Okay. And going to the comments at the
7 bottom of the slide it says, MRM has been
8 historically under-resourced.

9 Do you see that?

10 A I do.

11 Q And it explains, in terms of
12 under-resourced it says, about 0.5 PM from G Suite;
13 do you see that?

14 A I do.

15 Q And my understanding, that -- is that
16 means about a half-time product manager from Google
17 Workplace for Education; is that right?

18 MS. HARDIN: Objection to form.

19 BY MS. SCULLION:

20 Q Workspace for Education, I apologize.

21 MS. HARDIN: Lack of foundation.

22 A Yes, that -- that is what that would
23 refer to.

24 BY MS. SCULLION:

25 Q Okay. And --

1 A Approximately half-time for a product
2 manager.

3 Q Thank you.

4 And then it goes on to explain 20 percent
5 time from YouTube; do you see that?

6 A Yes.

7 Q And the slide then explains that this
8 historical under-resourcing of MRN [sic] -- I'm
9 looking at the end of the sentence -- has led to
10 increasingly common user issues and emerging
11 business risks; do you see that?

12 A Yes.

13 Q All right. And let's go to the next page
14 of the exhibit where the slide explains at the top,
15 The YouTube experience in G Suite is broken; do you
16 see that?

17 MS. HARDIN: Objection to form.

18 A I do.

19 BY MS. SCULLION:

20 Q Okay. And, in fact, if you turn to the
21 next page of the exhibit, it continues again with a
22 slide describing the YouTube experience in G Suite
23 is broken.

24 Do you see that?

25 MS. HARDIN: Objection to form.

1 BY MS. SCULLION:

2 Q So the question, again, is factually,
3 when YouTube is providing information to
4 administrators to decide whether to keep YouTube
5 default off or turn it on, to seek parental consent,
6 to not, does YouTube include words in information it
7 provides administrators that says, Please be aware
8 that the use of YouTube by your students may have
9 negative impacts on their health?

10 MS. HARDIN: Same objections.

11 A We do not provide information around
12 harms we don't see.

13 We see within school settings that
14 teachers and students are finding the YouTube
15 content valuable and we give schools the information
16 that. They need to decide what they believe is
17 going to be best within their setting, within their
18 school, for individual students.

19 Because YouTube is not a part of core
20 services, it's an additional service, they have to
21 make that choice. They have to do so based on what
22 they believe is best for their school and they then
23 have the ability and authority and decision-making
24 to decide how best to do that at the various levels,
25 ensuring that they also get the consent of parents

1 along the way.

2 BY MS. SCULLION:

3 Q Now, do you think that YouTube should
4 have told school administrators that one of the
5 things YouTube aspired to with respect to its app
6 was that the app should be addictive?

7 MS. HARDIN: Objection to form.

8 Foundation. And outside the scope of the
9 notice.

10 BY MS. SCULLION:

11 Q Well, in terms of the scope of the
12 notice, in terms of -- of a warning -- whether
13 YouTube should provide a warning, you've said that
14 YouTube doesn't think it should provide information
15 about harms that don't exist.

16 That was your testimony; right?

17 MS. HARDIN: Objection to form.

18 BY MS. SCULLION:

19 Q Right?

20 That was your testimony earlier?

21 MS. HARDIN: Same objection.

22 A My -- my -- my testimony -- again, I
23 think this has been asked and answered.

24 My testimony was that within school
25 settings, we understand that YouTube is a valuable

1 MS. HARDIN: Objection to form.

2 Hold on one second.

3 In a school?

4 MS. SCULLION: Yeah.

5 MS. HARDIN: Objection to form.

6 A The -- the parental consent is a
7 component of the Google Workspace for Education.

8 I'm not aware of how that works in managed
9 restricted mode --

10 BY MS. SCULLION:

11 Q Okay. Thanks.

12 A -- outside of the Google Workspace for
13 Education suite.

14 Q You also testified that Google provides a
15 suggested form of disclosure for schools to use when
16 seeking parental consent; is that right?

17 A Yes.

18 Q Okay. And in the suggested form of
19 disclosure that Google provides to schools, does
20 that form say anything one way or the other about
21 what the health literature indicates concerning
22 wellness factors that are effected -- affected,
23 sorry -- that are affected by digital video
24 watching?

25 MS. HARDIN: Objection to form. And

1 foundation. And assumes facts not in
2 evidence.

3 A The parental consent template form that
4 is given to schools as a resource for them, should
5 they decide to use it, is not required. It also
6 includes language about what is included based on
7 what the school has decided to include.

8 It does not include any information about
9 any potential harms that we don't believe exist
10 within the appropriate use of YouTube within a
11 school setting.

12 BY MS. SCULLION:

13 Q Does it include any information about any
14 potential harms with respect to the use of YouTube
15 within a school setting?

16 MS. HARDIN: Objection to form.
17 Foundation. Vague.

18 BY MS. SCULLION:

19 Q And to be clear, I'm asking because you
20 qualified it as any potential harms that we don't
21 believe exist.

22 And I'm just asking, more completely:
23 Does it include any information about any potential
24 harms within the appropriate -- sorry -- that exist
25 within -- for the use of YouTube within a school

1 setting?

2 MS. HARDIN: Same objections.

3 A It doesn't include any information about
4 harms that we don't believe are there. And we
5 understand YouTube to be valuable to teachers and
6 students.

7 BY MS. SCULLION:

8 Q Okay. So just to be super clear, does
9 the suggested disclosure form include any
10 information at all about whether YouTube is or is
11 not potentially addictive to students?

12 MS. HARDIN: Objection to form.
13 Foundation. Assumes facts not in
14 evidence. Asked and answered.

15 A I -- I do believe that I've answered that
16 question. And I -- I can't accept the premise of
17 the question.

18 The -- the parental consent form is about
19 the use of YouTube video as determined by the school
20 at the level that they determine it to be and it is
21 a -- a notification to parents about that use case.

22 BY MS. SCULLION:

23 Q Okay. And if I understand correctly,
24 it's YouTube's position that it does not believe
25 that the risk of addiction exists with respect to

1 students' use of YouTube in a school setting and,
2 therefore, does not include any information about
3 any such risks in its suggested disclosure form; is
4 that right?

5 MS. HARDIN: One second.

6 Objection to the form.

7 You may answer the question.

8 A We don't provide any warnings about harms
9 that we don't believe exist.

10 BY MS. SCULLION:

11 Q Okay. Do you provide any warnings about
12 harms that you do believe exist?

13 MS. HARDIN: Objection to form.
14 Foundation.

15 A We don't believe that the use of YouTube
16 is in -- by students in classroom settings is
17 inherently harmful.

18 BY MS. SCULLION:

19 Q Okay. So there's -- so then there's no
20 disc- -- no -- no disclosure of any risks of -- of
21 harm in the suggested disclosure; correct?

22 MS. HARDIN: Objection to form.
23 Foundation. Asked and answered.

24 A I want to just clarify that it's not
25 suggested language. It is -- it is offered language

1 as a template.

2 Schools are free to use any language that
3 they want and would actually have to customize that
4 template since all of the decisions that they choose
5 to make are -- are blank based on what it is that
6 they've decided to do.

7 BY MS. SCULLION:

8 Q So I -- so -- so understood. In this
9 template that's provided for schools to decide what
10 they are going to do or not do with it, are there
11 words in there at all that disclose any risk of harm
12 at all from use -- sorry -- for students using
13 YouTube in school setting?

14 MS. HARDIN: Objection to form.
15 Foundation. Asked and answered.

16 A I -- I believe that I have answered that
17 question, that the --

18 BY MS. SCULLION:

19 Q Okay.

20 A -- that the -- that the language that is
21 offered as a service to the school, should they
22 choose to use it, describes the level of -- of
23 access to YouTube that the school has chosen to
24 enable.

25 Q Okay. Does the word "addiction" appear

Page 350

1 in the template that Google provides to schools for
2 potential use and --- and disclosure?

3 MS. HARDIN: Objection to form. And
4 foundation.

5 A No.

6 BY MS. SCULLION:

7 Q Okay. Does reference to sleep
8 deprivation appear in the template that Google
9 provides to schools?

10 MS. HARDIN: Objection to form. And
11 foundation.

12 A No.

13 BY MS. SCULLION:

14 Q Does social isolation appear in the
15 template that Google provides to schools?

16 MS. HARDIN: Objection to form. And
17 foundation.

18 A No.

19 BY MS. SCULLION:

20 Q Is there any discussion of cognitive
21 impairments in the template that Google provides to
22 schools?

23 MS. HARDIN: Objection to form. And
24 foundation.

25 A No, because it isn't our understanding

1 that the things that you are referencing that --
2 that YouTube video when used by teachers is an
3 additive experience to students and their -- and
4 their understanding of materials, which is why
5 teachers value it as much as they do.

6 MS. SCULLION: Okay. Can we mark
7 Exhibit 102, please?

8 (Whereupon, Exhibit
9 Google/YouTube-Kurtz 30(b)(6) - 102,
10 Slide Deck Entitled "Literature
11 Review: Effects of Watching Digital
12 Videos on Viewer Well-Being," Dated
13 April 2018, Bates-Labeled
14 GOOG-3047MDL-00874191, was marked for
15 identification.)

16 BY MS. SCULLION:

17 Q Ms. Kurtz, I've handed you what's been
18 marked as Exhibit 102, which is Bates-stamped
19 -874191.

20 And, again, we have placed tabs in here
21 to indicate the pages that we intend to ask you
22 about.

23 Have you seen Exhibit 102 before?

24 MS. HARDIN: Ms. Scullion, object.
25 This is outside of the scope of the

Page 358

C E R T I F I C A T E

I hereby certify that I am a Notary Public,
in and for the State of New York, duly commissioned
and qualified to administer oaths.

I further certify that the deponent named in
the foregoing deposition was by me duly sworn, and
thereupon testified as appears in the foregoing
deposition; that said deposition was taken by me
stenographically in the presence of counsel and
reduced to typewriting under my direction, and the
foregoing is a true and accurate transcript of the
testimony.

I further certify that I am neither of
counsel nor attorney to any of the parties to said
suit, nor am I an employee of any party to said
suit, nor of any counsel in said suit, nor am I
interested in the outcome of said cause.

Witness my hand and seal as Notary Public
this 10th day of April, 2025.



Clifford Edwards

New York Notary ID Number: 01ED6430906

Notary commission expires: 3/28/2026