

AMENDED Exhibit 807

**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

Peter Sellis

1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

MDL No. 3047

This Document Relates To:

ALL ACTIONS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
UNLIMITED JURISDICTION

Coordination Proceeding	Judicial Council
Special Title	Coordination Proceeding
(Rule 3.550)	No. 5255

SOCIAL MEDIA CASES	Judge: Carolyn B. Kuhl
	Dept. 12

VIDEOTAPED DEPOSITION OF
PETER J. SELLIS

Held At: Skadden Arps
2000 Avenue of the Stars
Los Angeles, California

February 6th, 2025
9:09 a.m.

REPORTER:

Maureen O. Pollard, CA CSR #14449

1 were overseeing when you became leader for all
2 product management teams in 2019?

3 A. There was a product management team for
4 publishers and creators that I also oversaw.

5 Q. And explain for the jury what product
6 managers for publishers and creators did.

7 A. So product managers for publishers and
8 creators worked on tools for the organizations and
9 people who are creating content professionally or
10 semi-professionally to be distributed on Snapchat.
11 This could be kind of like media organizations, like
12 you might be familiar with like CNN or Vice or
13 influencers who have large audiences like MrBeast or
14 Kylie Jenner.

15 Q. Where would the -- well, sorry, strike
16 that.

17 In the example of MrBeast or Kylie
18 Jenner, where would these creators be posting their
19 content on Snapchat?

20 A. Do you mean where would it appear in
21 the service?

22 Q. Yes. Thank you.

23 A. During this time there is a tab on the
24 Snapchat app, I believe it would have been called
25 Stories or Discover, depending on the user and the

1 time, and this tab is divided into three sections.
2 The top section is for your friends, the middle
3 section is for subscriptions, and the bottom section
4 was called For You.

5 These creators and publishers would
6 have appeared in the latter two sections, so
7 subscriptions, meaning that the user had opted in to
8 receive updates from that creator or publisher, and
9 then For You, which was subject to an algorithm
10 where Snapchat decided what to show for that user at
11 that time.

12 Q. The Stories or Discover, you referred
13 to that as a service?

14 A. I refer to the overall Snapchat
15 application as a service.

16 Q. Okay.

17 A. Stories and Discover would be like a
18 tab within that service.

19 Q. Okay. So the Stories or Discover tab,
20 that was a feed of video content, true?

21 A. The tab itself presented a set of tiles
22 that once you tapped into those tiles would launch a
23 feed of video content.

24 Q. And based on your description, there
25 were three tiles?

1 A. There were three sections with
2 different types of tiles.

3 Q. Got it.

4 And that changed over time, right?

5 A. Not significantly.

6 Q. Okay. So for the time that you were
7 the lead product management from 2019 to 2021, it
8 was relatively stable in terms of the presentation
9 of the Stories or Discover surface?

10 A. Yes, the user interface was relatively
11 stable.

12 Q. Were advertising products displayed in
13 the Stories or Discover surface?

14 MR. MAJOR: Objection. Vague.

15 THE WITNESS: Yes.

16 BY MR. BILSBORROW:

17 Q. What sort of advertising products were
18 displayed in the Stories or Discover surface?

19 MR. MAJOR: Objection. Vague.

20 THE WITNESS: Two -- three types of
21 advertising products were displayed.

22 The first, when you navigate it as a
23 user to the tab, one of the tiles in the
24 For You section, which is the bottom one,
25 could be a sponsored story, so this would

1 be a tile that is sponsored by an
2 advertiser, and the user chooses to engage
3 with it and then engages into a video feed
4 that the advertiser had created.

5 The second is within any of the videos
6 presented in any three sections, either
7 between videos from different friends or
8 among content from a publisher or creator
9 would be a Snap ad, which is typically a 3-
10 to 10-second skippable video ad. It can
11 also be a photo.

12 And then in certain types of content
13 that was very premium, very like
14 higher-quality production, we had what we
15 called commercials, which were 6-second
16 non-skippable ads.

17 Those would be the three types of
18 advertising presented on the Stories tab.

19 BY MR. BILSBORROW:

20 Q. Were those three types of advertising
21 presented the entire time that you were leading the
22 product management team, or did that change at all?

23 A. We launched Stories in 2018, I believe,
24 and we launched commercials in 2019, I believe.

25 Q. Okay. If you look back at your r  sum  ,

1 A. Josh Siegel.

2 Q. Did you have any day-to-day
3 responsibilities for the operation or maintenance of
4 Spotlight?

5 A. No, not day-to-day.

6 Q. So what was your -- once Spotlight --
7 sorry, strike that.

8 Once Spotlight got off the ground, what
9 was your involvement with that consumer product?

10 A. Because of its nature Spotlight is
11 somewhat complex as a marketplace, where you have
12 creators who are trying to create content, you're
13 trying to get users the best content to watch it,
14 and you're trying to bring in monetization so that
15 you can incentivize people to create more content,
16 and so my initial -- or my, kind of, ongoing
17 responsibilities there were mostly around making
18 sure that those three things were aligned in the
19 short and long term.

20 Q. Did Snap create or offer advertising
21 products that could be displayed in Spotlight?

22 A. We started to experiment with them I
23 believe in 2022, but it was not significant.

24 Q. Did Snap generate any revenue from the
25 activities in Spotlight?

1 A. During my time it was minimal.

2 Q. Even on a minimal basis, how would Snap
3 generate revenue from the content posted in
4 Spotlight?

5 A. We had a small test where we were
6 showing ads in Spotlight to probably around 1 to
7 2 percent of users.

8 Q. But that was discontinued?

9 A. I don't know where it ended up, but
10 today there are ads within Spotlight.

11 Q. But during the time that you were with
12 Snap, for the most part advertising was not
13 displayed in Spotlight, is that true?

14 A. That is true.

15 Q. If you look down further in this
16 section, you refer to I think what you've described
17 as other consumer products like the Camera and
18 Friend Stories. Would you consider a friend story
19 to be a consumer product?

20 A. Yes, I would.

21 Q. You also have a reference here to
22 "Growth and Friending." Is that a consumer product?

23 A. Those are teams, but, yes, they are
24 consumer product teams.

25 Q. What was your responsibility over

1 users who had an unknown age at some point in time?

2 MR. MAJOR: Objection. Vague.

3 THE WITNESS: I'm not sure. No, I'm
4 not sure.

5 BY MR. BILSBORROW:

6 Q. Were there a significant number of
7 users whose listed age was in excess of 100?

8 MR. MAJOR: Objection. Vague.

9 THE WITNESS: I'm not sure.

10 BY MR. BILSBORROW:

11 Q. During the time you were leading the
12 product management team, you were aware that
13 Snapchat was the number one social media app for
14 teenagers in the United States, correct?

15 A. I believe I saw some third-party
16 research that suggested that, yes.

17 Q. Teenagers really like the Snapchat
18 platform, true?

19 MR. MAJOR: Objection. Vague,
20 speculation.

21 THE WITNESS: I mean, teenagers used
22 Snapchat.

23 BY MR. BILSBORROW:

24 Q. And all things being equal, Mr. Sellis,
25 a larger number of teenage Snapchat users is more

1 that we'll mark as Exhibit 6.

2 (Whereupon, Exhibit Snap-Sellis-6 was
3 marked for identification.)

4 MR. BILSBORROW: And this is tab 6,
5 Gina.

6 BY MR. BILSBORROW:

7 Q. Ready?

8 A. Ready.

9 Q. Mr. Sellis, I'm showing you what's been
10 marked as Exhibit 6. This is a document that
11 generally talks about the Snap ad formats that we've
12 discussed already today, correct?

13 A. Yes.

14 Q. So on the first page there's a write-up
15 about Sponsored Geofilters, correct?

16 A. Yes.

17 Q. On the second page there's a write-up
18 about Sponsored Lenses, correct?

19 A. Yes.

20 Q. And then on the third page there is a
21 write-up on what's called 3V Ads.

22 Do you see that?

23 A. Yes.

24 Q. That's another name for vertical ads,
25 right?

1 A. That was the initial name, yes.

2 Q. What does "3V" stand for, do you know?

3 A. Vertical video viewed by choice.

4 Q. And if you flip to the back page -- we
5 haven't talked about this yet today, but probably a
6 good time to do so.

7 Do you see the back page says "Document
8 Slipsheet"?

9 A. Yes.

10 Q. And I'll just represent to you that
11 this is a metadata sheet --

12 A. Okay.

13 Q. -- that records the metadata of the
14 document as it was produced to us.

15 Now, you see in the Custodian field
16 there it says your name?

17 A. Okay.

18 Q. I'll represent to you that this was
19 obtained from your custodial file, okay?

20 A. Okay.

21 Q. And then there's a Create Date.

22 Do you see that?

23 A. Yes.

24 Q. And according to this metadata, the
25 create date for this particular document was

1 February of 2016.

2 Do you see that?

3 A. I see that, yes.

4 Q. These ad formats that are discussed in
5 this particular document, these are all ad formats
6 that were available to advertisers in 2016, true?

7 A. Yes.

8 Q. Okay. Let's go back to the first page.

9 A. Okay.

10 Q. And the first page of this document,
11 again which ends in Bates number 792, this is
12 discussing sponsored geofilters, correct?

13 A. Yes, correct.

14 Q. And if you take a look, there's a big
15 box in the center of the page that says "How to
16 Buy."

17 Do you see that?

18 A. Yes.

19 Q. And this is basically explaining how an
20 advertiser can buy these sponsored geofilter
21 products, correct?

22 A. Yes. These are the three types of,
23 like, packages per se that are available.

24 Q. So one package is Sponsored National
25 Geofilters, right?

1 A. Yes.

2 Q. And under -- in that box it says the
3 objective is "To align with a specific event,
4 product launch, or holiday Opportunity."

5 Do you see that?

6 A. Yes.

7 Q. And is that consistent with your
8 recollection of how those sponsored national
9 geofilters were used?

10 A. Yes.

11 Q. The next box to the right talks about
12 Sponsored Chain Geofilters.

13 Do you see that?

14 A. I do.

15 Q. And the objective there is "To increase
16 brand awareness at retail locations for a longer
17 period of time."

18 Correct?

19 A. I see that, yes.

20 Q. And is that consistent with your
21 recollection of how those worked?

22 A. Yes.

23 Q. And the box on the far right has sort
24 of a yellow border, and it says "Recommended."

25 Correct?

1 A. Right.

2 Q. So the recommended geofilter is a
3 Sponsored Shared Spaces Geofilter.

4 Do you see that?

5 A. I do, yes.

6 Q. What was a sponsored shared spaces
7 geofilter?

8 A. We acquired the location data of
9 certain categories of locations, like malls or
10 airports, and we bundled all of those locations
11 together and allowed an advertiser like, say,
12 American Airlines to advertise in all American
13 airports.

14 Q. So to help the jury understand how that
15 would work, if a user took a picture with a camera
16 in an American airport, they might see that
17 particular filter that was sponsored by American
18 Airlines in your hypothetical?

19 A. If the user would be within the
20 geofence of a US airport and have their location
21 data on, be sharing location with Snapchat, when
22 they take the Snap, the location is sent. And if
23 there is a geofilter available, in this case
24 American Airlines over all US airports, and they
25 swipe on the camera screen they would see that

1 geofilter.

2 Q. Why was that particular type of
3 sponsored filter recommended?

4 A. I'm not really sure why it was
5 recommended here. I don't think there's a
6 particular reason that one is better than the other
7 in this group.

8 Q. Do you recall whether that was a better
9 seller for Snap?

10 A. No. The first one was the lion's share
11 of our revenue.

12 Q. So sticking with the Sponsored Shared
13 Spaces Geofilter, it says the objective is "To
14 increase brand awareness and Share of Voice in
15 large, social spaces where a product or brand is
16 relevant."

17 Do you see that?

18 A. I do.

19 Q. And then under the Details it says,
20 "Snapchatters at high schools, malls, theaters,
21 airports, colleges, or other heavily trafficked
22 social areas in the U.S. and Canada can share a
23 branded, geo-relevant message with their friends."

24 Do you see that?

25 A. Yes.

1 Q. So in a nutshell, a brand could
2 purchase a sponsored shared spaces geofilter that
3 would apply to any shared space, true?

4 MR. MAJOR: Objection. Foundation,
5 vague.

6 BY MR. BILSBORROW:

7 Q. Or is this an exhaustive list of the
8 shared spaces that they could purchase a sponsored
9 shared spaces geofilter for?

10 A. It's not exhaustive, but there weren't
11 too many more.

12 Q. Okay. So let's look at the first one,
13 high schools.

14 Do you see that one?

15 A. Yes.

16 Q. Give me an example of how an advertiser
17 would purchase a sponsored shared spaces geofilter
18 for a high school.

19 A. I believe actually the first campaign
20 for this was Gatorade for Back to High School
21 football season, so over every high school in the
22 United States there was a -- if you took a Snap,
23 there was a Gatorade ad for like "Quench Your
24 Thirst" or something like that.

25 Q. And in order to see that geofilter a

1 user would need to be at the high school?

2 A. GPS has some fuzziness to it, but
3 generally within a radius of the high school.

4 Q. And that Gatorade ad you were
5 referencing, that was purchased for every high
6 school in the United States?

7 A. I don't know "every," but to the best
8 we could do at every high school.

9 Q. How did Snap identify every high school
10 in the country when a company like Gatorade said,
11 Hey, we want to sponsor geofilter for this
12 particular purpose?

13 A. There are many location services
14 providers that sell lists of locations, and so for
15 both the sponsored chain geofilters and the
16 sponsored shared space geofilters we purchased data
17 of a list of locations.

18 Q. And then when a user opens Snapchat and
19 they're in those locations, their longitude and
20 latitude is sent to Snapchat?

21 A. Yeah, their GPS -- when a user takes a
22 Snap, if they have elected to share their location
23 with Snapchat, their GPS data, longitude and
24 latitude, is sent to Snap.

25 Q. In your experience were sponsored

1 questions about targeting, and I think this may help
2 us guide the discussion, okay?

3 A. Excellent.

4 Q. Let's turn to page 877.

5 A. Available Audience Overview?

6 Q. Right. So that slide says "Available
7 Audience Overview." And then if you flip to the
8 next slide it says "Available Audiences."

9 Do you see that?

10 A. Yes.

11 Q. And is this a reference to the
12 audiences for targeted -- available for targeted
13 advertising on Snapchat?

14 A. Yes. This is related to what we just
15 rolled through.

16 Q. Okay. And each of these boxes
17 describes user characteristics that can be targeted
18 by advertisers, correct?

19 A. Yes.

20 Q. So the box on the far left, it says
21 "Who," and it lists, "Age," "Gender," "Language,"
22 and then some "Advanced Demographics," correct?

23 A. Yes.

24 Q. Snap could target users by these
25 particular characteristics in the Who box, correct?

1 A. That's correct.

2 Q. The box directly to the right says
3 What -- "What they like," and it lists, "Lifestyle
4 Categories," "Snap Audience Match," "Datalogix
5 Shoppers," "Nielsen Shoppers," "Comscore Viewers,"
6 and "Placed."

7 Do you see that?

8 A. Yes, I do.

9 Q. These are characteristics about what a
10 user likes that could be targeted by advertisers,
11 correct?

12 A. Yes.

13 Q. And then the box all the way to the
14 right says "Where they are."

15 Do you see that?

16 A. I do, yes.

17 Q. It says, "Country, State, Region,"
18 "Metro," "Postal Code," or other "Location
19 Categories."

20 Do you see that?

21 A. Yes, I do.

22 Q. And advertisers could also target ads
23 to users based on where they are, correct?

24 A. Yes.

25 Q. Okay. Let's turn to the next slide.

1 And this slide says "Addressable Reach
2 vs. The Census."

3 Do you see that?

4 A. I do, yes.

5 Q. And you can take a look at the
6 paragraph here on the slide.

7 A. Okay.

8 Q. But this basically is explaining that
9 if you're targeting by location, you may reach more
10 people than just those that the census says are
11 located in that location, correct?

12 A. That's correct.

13 Q. That's because people come in to a
14 location and may open Snapchat, true?

15 A. Yes, I believe so.

16 Q. They might go to a restaurant, for
17 example, and open Snapchat, correct?

18 A. Yes. I mean, this would generally be
19 someplace like Venice Beach where the number of
20 residents is much lower than the number of total
21 visitors.

22 Q. But when a user of Snapchat opens the
23 application in Venice Beach, Snap is able to target
24 them when they're at Venice Beach, correct?

25 A. As long as the user is opting to share

1 their location data with Snapchat.

2 Q. And that's data that Snap tracked,
3 correct?

4 A. I guess define "tracked."

5 Q. Well, when a user opened their -- the
6 Snapchat platform, their location data would be sent
7 to Snap, correct?

8 MR. MAJOR: Objection. Objection.

9 Vague.

10 THE WITNESS: When the user opened the
11 Snapchat platform, if they were sharing
12 location data with Snapchat, at that moment
13 their location would be sent to Snap.

14 BY MR. BILSBORROW:

15 Q. And Snap could use that location data
16 to target ads to the user, correct?

17 A. Yes.

18 Q. Okay. Let's turn to the next slide.
19 It says "Audience Deep Dive."

20 A. Okay.

21 Q. And then if we flip over to the slide
22 ending 882, it says "The Basics: User Identity"?

23 A. Yep.

24 Q. And then turn one more time to 883, and
25 this says "User Identity Overview."

1 Do you see that?

2 A. Yes.

3 Q. And just below the title the slide
4 states, "Understanding who our users are is the key
5 to building targeting products."

6 Do you see that?

7 A. I do, yes.

8 Q. And, again, "targeting products" refers
9 to advertising products, correct?

10 A. Targeting products essentially refers
11 to if you open up Snapchat's advertising interface
12 and what you can select under targeting, those would
13 be our targeting products.

14 Q. Okay. So targeting products are a
15 subset of advertising products?

16 A. Yes.

17 Q. The next sentence there says, "There
18 are two main components of how we build basic user
19 identity: User Supplied Data vs. Inferred Data."

20 Do you see that?

21 A. I do.

22 Q. And then there's a box on the left that
23 says "User Supplied Data."

24 Do you see that?

25 A. I do, yes.

1 Q. And it lists, "Age," "Mobile Number,"
2 and "Email Address," correct?

3 A. Yes, it does.

4 Q. And this refers to information that the
5 user provides at signup or sometime thereafter,
6 correct?

7 A. Yes.

8 Q. So, for example, when a user signs up
9 for Snapchat, they have to provide some age,
10 correct?

11 A. That is correct, yes.

12 Q. And that would constitute supplied
13 data?

14 A. That would be part of supplied data.

15 Q. The box on the right refers to
16 "Inferred Data."

17 Do you see that?

18 A. Yes.

19 Q. And this is data that Snap infers about
20 users, correct?

21 A. Yes.

22 Q. How does Snap infer characteristics
23 like those that are listed in this box about a user?

24 A. We use a set of signals associated with
25 those inferred data points.

1 Q. When you say you use "a set of
2 signals," is that something that's processed by an
3 algorithm?

4 A. No, not necessarily an algorithm. It
5 could be heuristic based, meaning set by a person.

6 For example, one of these -- one of
7 these things is, like, "Location Signals" -- and I
8 believe the next slide actually covers how this
9 works.

10 Like we have a targeting offering
11 called "Big Box Shopper," somebody who shops at big
12 box stores like Walmart or Home Depot, and it's
13 simply based on does that person use Snapchat within
14 those stores at a certain threshold. So it's not
15 really an algorithm per se, it's just kind of a
16 rule.

17 Q. So if a user was at a big box store and
18 opened Snapchat, information would be sent to Snap
19 that, Hey, this user is at the big box store, right?

20 A. As long as the user is sharing that
21 information with us.

22 Q. And you're saying that that information
23 would be used to target ads to the user in the
24 future?

25 A. It may be used, yes.

1 Q. So Snap keeps track of that kind of
2 information so it can feed it into its inferential
3 model, is that right?

4 A. It's somewhat complex because we
5 don't -- at least when I was responsible for this,
6 we don't maintain a database of the user's location.
7 Instead, at the time of the open we categorize
8 metadata about the location and then use that
9 categorization of metadata to infer certain signal.

10 So, for example, at the moment we know
11 that you are in the Home Depot on Olympic Avenue,
12 but we don't store that information, we just store
13 that you were in the nth percentile of people who
14 visited Home Depots or something like that.

15 Q. So at any given time could Snap pull
16 the inferential information it stores about a
17 particular user?

18 MR. MAJOR: Objection. Foundation,
19 speculation, vague.

20 THE WITNESS: This user identity at any
21 given time, yes, for a user you could see
22 what Snapchat knows about them.

23 BY MR. BILSBORROW:

24 Q. So just taking me, for example,
25 Snapchat -- Snap could pull my data and say, This is

1 what we infer about what content you like to engage
2 in?

3 A. It could. For an individual user there
4 are significant controls in place so that employees
5 or others don't look at an individual user, but it
6 is technically stored at the individual user level.

7 Q. Okay. Let's flip to the next slide.

8 A. 884?

9 Q. Yes, 884.

10 And this is a continuation of the
11 previous slide, but before I ask you questions
12 specifically about this slide, one of the pieces of
13 inferred data is age.

14 Do you see that?

15 A. I do, yes.

16 Q. Why did Snap infer a user's age if
17 users were supplying age when they sign up for the
18 platform?

19 MR. MAJOR: Objection. Foundation.

20 THE WITNESS: From an advertising
21 perspective, being accurate about a user's
22 age is important, and if in some cases we
23 had reason to believe that the user had not
24 supplied an accurate age, we did not want
25 to wrongly serve them ads that were

1 inappropriate for their age and so we
2 inferred their age in order to avoid
3 serving them ads. Primarily this would be
4 alcohol and alcoholic beverages.

5 BY MR. BILSBORROW:

6 Q. Well, you'd agree that being accurate
7 about a user's age is important for advertising and
8 simply accessing the platform, right?

9 MR. MAJOR: Objection. Vague.

10 THE WITNESS: It's very important for
11 advertising, which is why we did the age
12 inference for sure. For accessing the
13 platform, I'm less knowledgeable about that
14 area, but there is an age component to that
15 as well.

16 BY MR. BILSBORROW:

17 Q. Well, let me ask you this. Was
18 inferred age only used to target ads?

19 MR. MAJOR: Objection. Vague,
20 foundation.

21 THE WITNESS: As far as I know, that
22 was the purpose of it, yes. Definitely the
23 main purpose.

24 BY MR. BILSBORROW:

25 Q. And in the example you gave to

1 foundation.

2 THE WITNESS: Not that I recall.

3 BY MR. BILSBORROW:

4 Q. Mr. Sellis, do you agree that it's
5 disruptive to the learning process for teenagers to
6 be targeted with advertising on social media
7 applications while they're in school?

8 MR. MAJOR: Objection. Improper
9 opinion, argumentative, vague.

10 THE WITNESS: I'm not so sure I would
11 single out advertising, but I think
12 utilizing -- not paying attention in class
13 is disruptive.

14 BY MR. BILSBORROW:

15 Q. Well, do you agree that the use of
16 social media in general during school hours is
17 disruptive to the learning process?

18 MR. MAJOR: Objection. Vague.

19 THE WITNESS: I do not have children,
20 but I think that's a fair assumption.

21 BY MR. BILSBORROW:

22 Q. You'd agree with me that children
23 receiving push notifications while they're at school
24 is disruptive to the learning process, true?

25 MR. MAJOR: Objection. Vague, improper

1 opinion.

2 THE WITNESS: Insofar as children are
3 distracted during class, it could be
4 disruptive.

5 BY MR. BILSBORROW:

6 Q. And push notifications can be
7 distracting to teenager users, correct?

8 MR. MAJOR: Objection. Incomplete
9 hypothetical.

10 THE WITNESS: Personally push
11 notifications can be distracting to me, so
12 I can imagine that.

13 BY MR. BILSBORROW:

14 Q. Right. And you are an accomplished
15 middle-aged man, so you can imagine that push
16 notifications would be distracting to someone whose
17 brain is much less developed, true?

18 A. We did -- there are mechanisms for
19 silencing push notifications and snoozing them --
20 they're quite effective -- that I personally employ.
21 But, yes, I believe that notifications can be
22 distracting.

23 Q. Well, the best way to silence push
24 notifications would be for Snap to disable that
25 functionally when children are in school, correct?

1 MR. MAJOR: Objection. Argumentative,
2 vague.

3 THE WITNESS: If you were asking me to
4 solve this type of issue, I would say no,
5 the best way to do that would be at the
6 system level, at the OS level, like Apple
7 or Android, because they have far more
8 knowledge of the user than Snap does and
9 they have far more control over the system.

10 So objectively I would say no, you're
11 incorrect, the best way to do it would be
12 for Apple or Android to do this.

13 BY MR. BILSBORROW:

14 Q. The second best way to do it would be
15 for Snap to do it, right?

16 MR. MAJOR: Objection. Argumentative,
17 vague.

18 THE WITNESS: The second best way would
19 be for the user to do it themselves using
20 controls, because, again, in order to know
21 certain things about the user you have to
22 gather more data about them, and that's not
23 the goal.

24 BY MR. BILSBORROW:

25 Q. So it's your testimony that the second

1 best way to avoid disruption of the learning process
2 from Snapchat is for the teenage user to disable the
3 push notifications on their own phone?

4 A. You haven't given me a ton of time to
5 think through the entire universe of ways, but as an
6 example, the way that Snapchat knows you're in
7 school is if you share your location services.

8 If Snapchat disables push notifications
9 so you stop getting messages from your parents while
10 you're at school, the number one thing you would do
11 as a user would be to disable location so that
12 Snapchat doesn't know you're at school, so it just
13 keeps sending you messages. That's not solving the
14 problem, that's just pushing it somewhere else.

15 Q. Did Snap -- I'm sorry.

16 A. So, yeah, I do not agree with you that
17 I necessarily know what the second best way is. I
18 would just say that I think the best way to do it
19 would be to do it at the OS level since that has the
20 best power and knowledge and is the most privacy
21 safe.

22 Q. Did Snap ever do any research into the
23 best way that it could help avoid children from
24 being distracted by Snapchat in schools?

25 MR. MAJOR: Objection. Foundation.

1 THE WITNESS: We may have. I do not
2 recall.

3 BY MR. BILSBORROW:

4 Q. You don't recall seeing it, or you
5 don't recall if it was done?

6 A. I don't recall if it was done.

7 Q. To your knowledge, Mr. Sellis, did Snap
8 ever provide warnings to school district
9 administrators or teachers that their students were
10 being targeted with advertising during school hours?

11 MR. MAJOR: Objection. Vague.

12 THE WITNESS: Not to my knowledge, no.

13 BY MR. BILSBORROW:

14 Q. To your knowledge, did Snap ever
15 consider providing school districts or
16 administrators with a warning like that?

17 MR. MAJOR: Objection. Vague.

18 THE WITNESS: We may have as part of
19 our kind of ongoing efforts to communicate
20 with groups like teachers about the proper
21 use of social media.

22 I do not think that advertising was a
23 huge part of what people were worried about
24 versus other things like push notifications
25 or just overall social media use, so it may

1 have been a consideration, but I don't
2 think it was the top one.

3 BY MR. BILSBORROW:

4 Q. But to your knowledge Snap never
5 actually provided a warning to school districts or
6 teachers that their students were being targeted
7 with advertising while they were in school?

8 A. No.

9 MR. MAJOR: Objection. Asked and
10 answered.

11 THE WITNESS: Not to my knowledge.

12 BY MR. BILSBORROW:

13 Q. Did Snap ever provide a warning like
14 that to parents?

15 MR. MAJOR: Objection. Vague,
16 foundation.

17 THE WITNESS: What type of warning?

18 BY MR. BILSBORROW:

19 Q. Did Snap ever tell parents, Hey, when
20 your kid is in school we're going to send them
21 targeted advertising?

22 MR. MAJOR: Objection. Vague,
23 foundation.

24 THE WITNESS: We did provide parents
25 with information about how their children

1 A. Because there's overlap between the two
2 in that some of the -- and you can still see this
3 today -- some of the content that is produced for
4 Discover can also be syndicated to Spotlight. And
5 so Spotlight is like this more -- I think it's a
6 serendipitous personalized discovery from a broad
7 content catalog, and Discover is more editorially
8 managed and curated.

9 Q. Does Spotlight utilize an auto advance
10 feature?

11 MR. MAJOR: Objection. Vague.

12 THE WITNESS: I don't think so. I
13 can't recall. I believe that videos on
14 Spotlight loop, but maybe not. I'm sure we
15 tested both.

16 BY MR. BILSBORROW:

17 Q. To your knowledge did Snap ever pause
18 or block access to Spotlight during school hours for
19 teenage students, or teenage users?

20 A. No, not to my knowledge.

21 Q. Okay. Mr. Sellis, we've looked at a
22 number of e-mails today, including some that we just
23 looked at during the last session.

24 You had an e-mail address assigned by
25 Snap, true?

1 you post something on TikTok or Twitter or most
2 public content networks, the reward is how many
3 views and likes and engagements you get, and it can
4 be very -- it can be highly variable.

5 Q. Are there any variable reward systems
6 on Snapchat?

7 A. Spotlight would qualify as variable
8 reward.

9 Q. Why do you say that?

10 A. When you submit to Spotlight, you don't
11 know what you're going to get out of it, and it
12 could be a lot or a little.

13 Q. What do you mean when you say "it could
14 be a lot or a little"?

15 A. The reward from posting on Spotlight is
16 typically views. When we launched it, it was also
17 money. And when you post you're hoping to get more
18 views or money, but you don't necessarily know what
19 you're going to get.

20 Q. Can users like a post on Spotlight?

21 A. That was added later, and now they can,
22 yes.

23 Q. Okay. So Spotlight sounds pretty
24 similar to TikTok.

25 A. I'm not sure --

1 correctly, primarily that COVID had locked many of
2 this cohort inside for this time period, and
3 therefore what they were experiencing compared to
4 what they would have otherwise without COVID was
5 essentially very boring lives and so they were
6 posting less, and in the meantime TikTok was growing
7 very fast and was more entertaining than their
8 friends' Stories, so they essentially were stopping
9 to post and view Stories on Snap with their friends
10 and instead watching influencers on TikTok.

11 Q. Did you and your colleagues conclude
12 that in order to get these 13 to 17-year-olds
13 reengaged you needed to get them to view video
14 content on Snapchat?

15 A. I think we did conclude that COVID was
16 having an effect on their habits and their lives,
17 obviously, and I don't remember if we concluded
18 certain product changes directly from this.
19 However, you know, we did build Spotlight in part in
20 response to the growth of TikTok.

21 Q. And you'd agree that Spotlight has a
22 lot of similarities with TikTok, true?

23 MR. MAJOR: Objection. Vague.

24 THE WITNESS: I think there's clearly
25 some similarities between TikTok and

1 Spotlight.

2 BY MR. BILSBORROW:

3 Q. Spotlight is not about communicating
4 with your close friends, right?

5 A. No, it is not. If your close friends
6 are providing content onto Spotlight, it is
7 prioritized, but it isn't really a primary goal of
8 Spotlight.

9 Q. If you take a look back at the
10 communication here from [REDACTED] he says, "Overall, I
11 think core markets to your point are suffering from
12 lack of intent to post, or maybe not interesting
13 enough to post to My Stories and instead more
14 Private stories. An indicator could be Posts from
15 Memories and Camera Roll that now make up over
16 36 percent of all Friend Stories vs 25 percent last
17 year."

18 Do you see that?

19 A. Yes.

20 Q. And that supports what you just
21 testified to, your explanation about what was
22 happening?

23 A. Yeah, that's related, exactly.

24 Q. And [REDACTED] posts -- sends another
25 communication roughly a minute later, and he

1 CERTIFICATE OF COURT REPORTER

2
3 I, MAUREEN O'CONNOR POLLARD,
4 Registered Diplomate Reporter, CSR No.
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22 MAUREEN O'CONNOR POLLARD

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