

## **AMENDED Exhibit 869**

# **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

Jennifer Stout

1

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 -----  
4 IN RE: SOCIAL MEDIA ADOLESCENT Case No.

5 ADDICTION/PERSONAL INJURY 4:22-MD-03047-YGR

6 PRODUCTS LIABILITY LITIGATION MDL No. 3047

7 -----  
8 This Document Relates to:

9 ALL ACTIONS

10 -----  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES  
13 UNLIMITED JURISDICTION

14 -----  
15 Coordination Proceeding Judicial Council

16 Special Title(Rule 3.550) Coordination Proceeding

17 SOCIAL MEDIA CASES No. 5255

18 ----- VOLUME I

19 CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

20 VIDEO-RECORDED DEPOSITION OF

21 JENNIFER PARK STOUT

22 Wednesday, March 26, 2025

23 9:02 AM EST

24 Reported by: Denise Dobner Vickery, CRR, RMR

25 JOB NO.: 7080843

1 A. No.

2 Q. Okay. Through 2017 did you have  
3 any professional interactions with anybody at  
4 Snap?

5 A. Through 2017 did I have  
6 professional interactions with.

7 Yes, in fact, I did. So when I  
8 worked at the State Department, I met our CEO,  
9 Evan Spiegel, because he was one of a number of  
10 tech CEOs that were brought to Washington to  
11 convene with the National Security Council at  
12 the White House to talk about ways to counter  
13 violent extremism.

14 Q. Okay. So this was during the 2014  
15 to 2017 stint you had at the State Department?

16 A. Correct.

17 Q. Okay. And your interaction with  
18 Mr. Spiegel during that time period related to  
19 what you've told us about as far as the  
20 combating or counteracting violent extremism  
21 related to terrorism?

22 A. That's correct.

23 Q. Okay. Any other professional  
24 interactions with anybody from Snap during your  
25 career from 1998 through 2017?

1           A.           No, other than the conversations,  
2 obviously, that led up to being interviewed and  
3 hired for the role.

4           Q.           Sure.

5                       Nothing in the course of your work  
6 on Capitol Hill or in the White House or at the  
7 State Department, other than the meeting with  
8 Mr. Spiegel, regarding violent extremism?

9           A.           No.

10          Q.           How did you come to take a  
11 position at Snap?

12          A.           It was the summer of 2016, and  
13 many of my colleagues were planning on staying  
14 past the November 2016 election. I had worked  
15 for Secretary Hillary Clinton previously, and  
16 many of those around me were also hoping to stay  
17 on in a future Clinton Administration.

18                       In that summer, I decided that  
19 after close to -- I don't know -- 18 or 19 years  
20 in government, I wanted to try again and  
21 experience what the private sector was going to  
22 be like. I felt like I knew enough the second  
23 time around to know what it was I didn't want to  
24 do, and so I was exploring a few offers and  
25 opportunities to go into the private sector, of

1 which Snap was one.

2 Q. And how did the Snap opportunity  
3 come about?

4 A. I was introduced to, at the time,  
5 our chief strategy officer. A man by the name  
6 of Imron Khan. No relation to the Pakistani  
7 prime minister. He was really the -- he served  
8 as the chief business officer, chief revenue  
9 officer for Snap in the early days.

10 He reached out to me and asked if  
11 I would be willing to consider a role in  
12 Washington. They weren't quite sure exactly  
13 what they wanted to fill, and so we had some  
14 very casual conversations about what I thought  
15 my value could be and what he thought their need  
16 would be.

17 Q. And what was your -- your pitch on  
18 what value you could add to Snap?

19 A. My value to Snap was that I  
20 understand government, I came from government,  
21 I'm inherently a problem solver, and I enjoy  
22 solving problems working collaboratively,  
23 looking for public-private partnerships and  
24 opportunities to collaborate. I think there are  
25 a lot of difficult issues before us, and they

1 can't all be solved by government and they can't  
2 all be solved by industry.

3 So that approach, I think, is what  
4 I brought to my work at Snap, and ultimately I  
5 think that might have been what, you know, led  
6 me to be hired at Snap.

7 Q. Have you always been based here in  
8 DC?

9 A. I have.

10 Q. What was the process to get  
11 retained by Snap?

12 A. I went through an interview  
13 process, a series of interviews. I met with,  
14 you know, chief legal officer, chief people  
15 officer, chief communications officer. I went  
16 through kind of a standard panel interview to  
17 see if my -- my qualifications, my background  
18 would be a good fit for this company.

19 Q. Your LinkedIn profile lists you as  
20 vice president, global public policy; correct?

21 A. Correct.

22 Q. Has that been your role and title  
23 the entire time you've been at Snap?

24 A. No, it was not been.

25 Q. Okay. Can you work me through

1 your history there?

2 A. When I started in January of 2017,  
3 my title was director. I came in as a director.  
4 At the time, the company was far smaller. There  
5 weren't that many vice presidents. To be a  
6 director level really was one of the most senior  
7 type of levels, but I was then promoted to vice  
8 president about 18 months after I started as  
9 director. So those are the only two roles I've  
10 had.

11 Q. Okay. When you were a director,  
12 who were you reporting to?

13 A. In every during the course of my  
14 eight-plus years, I reported to the general  
15 counsel.

16 Q. And who is that now?

17 A. That today is Mike O'Sullivan, but  
18 previously it was Chris Handman.

19 Q. Okay. How long has Mr. O'Sullivan  
20 been in that position?

21 A. He's been in that role, I want to  
22 say, for close to seven years.

23 Q. Do you have any legal training?

24 A. I don't.

25 Q. Okay. I've seen reference from

1 time to time to the exec team at Snap.

2 Do you know what that means?

3 A. I do.

4 Q. What does that mean?

5 A. The exec team stands for the  
6 executive leadership team. That is, I would  
7 say, as close to the C-suites as you would maybe  
8 call it a different gathering in -- in maybe  
9 another corporation. It's the -- it's the  
10 senior leadership team that provides guidance  
11 and leadership and governance, I guess, for the  
12 company.

13 Q. Okay. And who is on the exec  
14 team?

15 A. Members of the exec team are -- I  
16 think it's roughly, like, 15 people. They are  
17 all those that are direct reports to the CEO, as  
18 well as a few others who have seniority and  
19 occupy key roles.

20 Q. Are you a member of the exec team?

21 A. I am.

22 Q. How long have you been a member of  
23 the exec team?

24 A. I think I've been a member for I  
25 want to say roughly three years. At the

1 time -- earlier the exec team was comprised only  
2 of direct reports to the CEO. At some point, I  
3 think roughly three years ago, they expanded  
4 that to be more inclusive of other key roles  
5 who, you know, the CEO and the exec team wanted  
6 to have on hand to help the company make  
7 decisions and be guided by additional  
8 information.

9 Q. Can you tell me who the  
10 individuals are that are members of the exec  
11 team that are not reporting to Mr. Spiegel?

12 A. Yes. Well, some of this has  
13 changed slightly with -- there are often  
14 reorganizations. So I may not have this  
15 perfectly right.

16 But another person who is on the  
17 exec team is a woman by the name of Claudia  
18 Teran. She is deputy general counsel. She  
19 reports also to our general counsel. So she is  
20 a peer of mine, who handles a huge portion of  
21 our legal work. So she is a member of our exec  
22 team.

23 Our chief people officer, who is a  
24 direct report to Evan, his deputy has also been  
25 a member of the exec team. So that's like the

1 deputy chief people officer, not a direct report  
2 to our CEO.

3 Q. What's his name?

4 A. Her name is Lisa Duron. Uh-huh.

5 Q. Her.

6 A. A gentleman by the name of Doug  
7 Hott. He is not the CFO. He reports to the  
8 CFO. He is essentially the number 2 behind our  
9 chief financial officer.

10 I mean, that's -- I may be missing  
11 one or two others.

12 Q. Is there anybody else from policy  
13 department included on the exec team?

14 A. No.

15 Q. Just you?

16 A. Just me.

17 Q. What does it mean to be a member  
18 of the exec team?

19 A. You're -- practically speaking, I  
20 think you're expected to provide the CEO and the  
21 leadership with more visibility into the work  
22 that you and your team is doing, and that the  
23 work is important enough to be regularly put on  
24 staff meeting agendas, leadership meeting  
25 agendas, board meeting agendas.

1 quick messages too; correct?

2 A. Yes, but not every -- yes, it  
3 could, but sometimes people did not have the  
4 same notifications on their phone the way that  
5 they did for Snapchat. So you'd have to  
6 sometimes double hit them up multiple ways.

7 Q. Okay. When your titles changed  
8 from director to -- to vice president, did your  
9 duties and responsibilities change at all?

10 A. Not really. I think it was a  
11 representation of the growing team that I had.

12 Q. What are your duties and  
13 responsibilities in the time you've been at  
14 Snapchat, whether as the director of public  
15 policy or the vice president of global public  
16 policy?

17 A. Uh-huh. So my job is to manage  
18 the external teams known as probably traditional  
19 government relations/government affairs teams  
20 that exist in many of Snap's key markets  
21 globally. So that's major markets, you know, in  
22 Europe, in the Asia Pacific region, in the  
23 Middle East, and all those public policy leads  
24 whose job it is to interface with governments,  
25 regulators, nonprofits, other experts reported

1 to me.

2 I then have an internal team,  
3 actually two internal teams. A public -- a  
4 platform policy team. That's the internal  
5 policy team that sets community guidelines. Our  
6 policies around advertising, policies, and  
7 standards around how content appears both from  
8 users and publishers. It's really kind of the  
9 standard setting function.

10 And then I have a team that is  
11 called our platform safety team, and that  
12 platform safety team is incredibly  
13 cross-functional. They interface with our trust  
14 and safety team, our law enforcement team,  
15 product, engineering, operations, to really  
16 interface with key safety experts and  
17 organizations, bring in information that we are  
18 hearing from those key experts, have that be  
19 understood by our internal teams, and then also  
20 push out what our approach to safety so that  
21 people understand what Snap is doing and look  
22 for ways to collaborate.

23 MR. GADDY: Show you what I'll  
24 mark as Exhibit Number 2. This is  
25 P-SNAP-164.

1 P-SNAP-196.

2 (Document marked for  
3 identification as Snap-Stout Exhibit 45.)

4 BY MR. GADDY:

5 Q. Now, did you know Ms. Stout when  
6 you wrote that letter to CARU in 2017 that at  
7 the time the Snap registration process actually  
8 defaulted to a date of birth of the year 2000  
9 which would automatically make any new user that  
10 signs up 16 or 17 years old based on the fact  
11 that it was in the year 2017?

12 MR. BLAVIN: Objection to  
13 form.

14 THE WITNESS: No, I'm  
15 not -- I'm not aware of that.

16 MR. GADDY: I'm going to show  
17 you P-SNAP-196, Exhibit Number 45.

18 (Document marked for  
19 identification as Snap-Stout Exhibit 45.)

20 BY MR. GADDY:

21 Q. And let me explain to you really  
22 quickly what this e-mail is, and then if you  
23 want to read it --

24 A. Okay.

25 Q. -- I'll let you do that.

1 A. Okay.

2 Q. But I'll give you a little bit of  
3 context.

4 A. All right.

5 Q. This is an e-mail from May 31st of  
6 2018.

7 Do you see that?

8 A. I do.

9 Q. And the subject line is "13-17  
10 daily active users."

11 Do you see that?

12 A. I do.

13 Q. And I'll represent to you that  
14 what has happened is whatever department it is  
15 at Snap that monitors the use of the product by  
16 certain age groups --

17 A. Yes.

18 Q. -- is, to put it scientifically,  
19 wiggling out because they're seeing a huge  
20 drop-off in teenage users on the app, and  
21 they're trying to figure out why it is that  
22 that's happening.

23 Does that concept make sense?

24 MR. BLAVIN: Objection to  
25 form.

1 THE WITNESS: Maybe. I'm --

2 okay.

3 BY MR. GADDY:

4 Q. Okay. I'll give you a little bit  
5 more. Just want to make sure you're tracking  
6 with me.

7 A. Okay.

8 Q. And so what they're going to do  
9 and what you'll see in this e-mail chain is they  
10 start trying to figure out, oh, my goodness, why  
11 are we losing all these teenage users?

12 And what they find is that it has  
13 to do with the default birthday at signup being  
14 the year 2000, and that there were so many  
15 people that signed up and just clicked "OK" with  
16 the default birthday that it automatically made  
17 them teenagers.

18 And now you see in 2018, what  
19 would happen with somebody that signed up with a  
20 default birthday of 2000? They would become an  
21 18-year-old; right?

22 MR. BLAVIN: Objection to  
23 form.

24 THE WITNESS: All right. So  
25 sorry. So the question is? What is your

1 question?

2 BY MR. GADDY:

3 Q. Well, why don't you take a moment  
4 to read it.

5 A. Okay. Great.

6 Q. I just wanted to give you --

7 A. Yeah. Thank you.

8 Q. -- some clarification.

9 A. Okay.

10 MR. BLAVIN: And I think we'd  
11 object to these lines of questioning as  
12 really outside the scope of what we  
13 agreed the 30(b)(6) testimony was going  
14 to be, which was a description of the  
15 general nature and extent of the  
16 collaborations with governments and  
17 nongovernmental organizations.

18 THE WITNESS: (Reviews  
19 document.)

20 Okay.

21 BY MR. GADDY:

22 Q. All right. Let's go to -- do you  
23 have Bates on this one?

24 A. No, I don't.

25 Q. Okay. I'm going to go to this

1 page here. (Indicates).

2 A. Okay.

3 Q. On my copy, it's Bates 568. And  
4 at the very bottom, there's an e-mail from an  
5 individual named [REDACTED].

6 Do you see that?

7 A. Yes.

8 Q. It says "We synched the inferred  
9 age table."

10 You talked about you understand  
11 Snap has an inferred age model as well; correct?

12 A. Yes.

13 Q. "And the drop in 13-17 is softer  
14 than the supplied age."

15 Earlier I used entered age.

16 You understand they're using  
17 supplied age for the age that the user has  
18 entered at registration?

19 A. I see that.

20 Q. O the drop in 13-17 amongst the  
21 inferred age "is softer than the supplied age  
22 using your dashboard."

23 If you flip to the next page, in  
24 the middle of the page it says:

25 "One of the reasons for 13-17

1     bleeding."

2                     Do you see that?

3             A.        I see that.

4             Q.        And you understand that the  
5     bleeding is kind of slang for losing users in  
6     that demographic?

7             A.        Yes.

8             Q.        It says:

9                     "I believe part of the problem is  
10    that default year in the registration flow is  
11    year 2000 and that's why top birthday year for  
12    us is 2000 by far."

13                    Do you see that?

14             A.        I see that.

15             Q.        If you look down at the bottom of  
16    that page, do you see a screenshot of the signup  
17    carousel that would be provided to users when  
18    they sign up for Snap?

19             A.        Yes, I see this.

20             Q.        And flip back, if you don't mind,  
21    really quickly just to check me on the date.  
22    This e-mail from [REDACTED] is May 29, 2018.

23                    You see that?

24             A.        Yes.

25             Q.        And if you go and look at that

1     signup mechanism, you see how it defaults to --  
2     back on Bates 569 -- you see how it defaults to  
3     the same date in the year 2000.

4                     Do you see that?

5             A.       Yeah, I'm just --

6                     MR. BLAVIN:  Objection to  
7             form.

8                     THE WITNESS:  I'm not sure  
9             what I'm looking at.  If someone has, you  
10            know, changed that or manipulated that to  
11            be May 29th.  I don't know, but I see  
12            this is what looks like the registration  
13            flow.

14  BY MR. GADDY:

15             Q.       Okay.  If we go back up and we  
16            kind of look at that, let's look at it.  Let's  
17            read it again.

18                     "One of the main reasons for 13-17  
19            bleeding:  I believe part of the problem is that  
20            default year in the registration flow is year  
21            2000 and that's why top birthday year for us is  
22            2000 by far."

23                     You with me?

24             A.       I see that.

25             Q.       It says:

1 "All those users which didn't  
2 change the year have been turning 18 starting  
3 this January."

4 Do you see that?

5 A. I see it.

6 Q. Does that make sense to you?

7 MR. BLAVIN: Objection to

8 form.

9 BY MR. GADDY:

10 Q. Conceptually?

11 A. (Reviews document.)

12 Yes, I see it.

13 Q. It says:

14 "So, starting January you will see  
15 a drop in the 13-17 bucket and move to 18-20  
16 bucket because of this registration issue when  
17 you look at supplied age."

18 Do you see that?

19 A. I see it.

20 Q. You understand what's being  
21 expressed here is, number one, at least in this  
22 period of time that's being talked about, Snap  
23 was defaulting the date of birth, the year  
24 portion of the date of birth to the year 2000;  
25 correct?

1 years of age. True?

2 A. Today, correct.

3 MR. GADDY: Okay. Why don't  
4 we take a few minutes. I think I'm  
5 close. I probably have 15, 20 minutes,  
6 but I want to get organized.

7 MR. BLAVIN: Okay.

8 THE VIDEOGRAPHER: Time is  
9 4:01 PM. We're going off the record.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: The time is  
12 4:19 PM and we are back on the record.

13 BY MR. GADDY:

14 Q. Ms. Stout, I want to ask you a  
15 couple of questions regarding some of the  
16 comments or statements that Snap made to CARU on  
17 the issue of the back-buttoning.

18 Do you know what I'm referring to  
19 there?

20 A. I do. I am familiar with that.

21 Q. Okay. If you want to start  
22 flipping. I think it's page 12 -- it was my  
23 count -- into the document P-SNAP 198, which is  
24 the history of the correspondence  
25 back-and-forth.

1 It's a --

2 A. Can you give me the exhibit  
3 number? Sorry. 48? No.

4 MS. TESHUVA: 44.

5 THE WITNESS: 44.

6 MR. GADDY: 44. Thank you.

7 BY MR. GADDY:

8 Q. And it's going to be the  
9 October 8, 2018 letter, and it's a little bit  
10 more than halfway through the page. And what  
11 you'll see when you get there is a heading that  
12 says "New Functionality to Prevent  
13 'Back-Buttoning.'"

14 Let me know when you're there.  
15 Then I'm going to ask you some general questions  
16 about that, and then I'll ask you about the  
17 letter itself. Okay?

18 A. Okay. Okay. I'm here.

19 Q. Okay. Now, one of the things I  
20 think we can agree on is if a user goes to  
21 create a Snapchat account and inserts a date of  
22 birth that indicates they are under the age of  
23 13, Snapchat does not allow them to create an  
24 account; correct?

25 A. I'm sorry. I was flipping through

1 to get to the right page. I apologize. Can you  
2 repeat your question?

3 Q. Of course.

4 One of the things I think you and  
5 I would agree on is if a new user of Snapchat is  
6 trying to register and they enter a date of  
7 birth that indicates they are under the age of  
8 13, they're going to be rejected and not allowed  
9 to create an account; correct?

10 A. That's correct.

11 Q. Okay. And the issue of  
12 back-buttoning involves the concern that a user  
13 who is rejected and not allowed to create an  
14 account on any platform, whether it's Snap,  
15 TikTok, whatever, may figure out, gee, it might  
16 have been because of the age I entered, and so  
17 they just click back on their -- on their  
18 browser or on their phone on their mobile device  
19 and go back to the signup page, enter a new date  
20 of birth that shows they are over the age of 13  
21 and, therefore, are permitted to create an  
22 account.

23 That's the issue being addressed  
24 when it relates to back-buttoning; correct?

25 MR. BLAVIN: Objection to

1 form.

2 THE WITNESS: I'm not the  
3 technical expert here, but that's my  
4 understanding of what back-buttoning  
5 could mean, to try to start over again.

6 BY MR. GADDY:

7 Q. Sure.

8 And as you see here in this letter  
9 under the "New Functionality to Prevent  
10 'Back-Buttoning'" --

11 A. Yes.

12 Q. -- Snap writes to CARU:

13 "In your May 1, 2017 letter, you  
14 expressed concerns that children could  
15 circumvent Snapchat's age screen by  
16 'back-buttoning' and entering an age of 13 or  
17 above after they were blocked from registering  
18 for providing an age under 13."

19 Do you see that?

20 A. I do.

21 Q. That's consistent with what we  
22 just described?

23 A. Yes.

24 Q. It says:

25 "In response to your concerns, we

1 have been investigating and developing a method  
2 to prevent 'back-buttoning' in mobile apps."

3 Do you see that?

4 A. Yes, I see that.

5 Q. And you understand mobile apps  
6 means on the phone; correct?

7 A. Correct.

8 Q. It says:

9 "Functionality that, as we  
10 discussed, did not previously exist or could not  
11 be used consistent with platform requirements  
12 and COPPA and is not to our knowledge used by  
13 any other mobile app."

14 Do you see that?

15 A. I see that.

16 Q. You go on to say, or Snap does.

17 A. [REDACTED] does.

18 Q. [REDACTED] does?

19 A. Yes.

20 Q. Snap goes on to say:

21 "We are pleased to inform that  
22 recently, we have developed technology that -  
23 like session cookie - prevents users from  
24 immediately re-attempting registration with an  
25 age of 13 or above."

1 Do you see that?

2 A. I do.

3 Q. And that would be a good thing  
4 from Snap's perspective, but also CARU's  
5 perspective, of preventing new users from  
6 immediately falsifying their age after they had  
7 entered an accurate age and been rejected.  
8 True?

9 MR. BLAVIN: Objection to  
10 form.

11 THE WITNESS: Yeah. I mean,  
12 my recollection is that we were testing  
13 and trying all sorts of different things.  
14 Trying to be creative about how we could,  
15 you know, really prevent under 13s from  
16 registering on Snapchat.

17 And one of these ideas of a  
18 back-button, that my understanding was  
19 didn't exist with other mobile apps, was  
20 being tested here.

21 BY MR. GADDY:

22 Q. You say:

23 "We are pleased to inform you that  
24 recently, we have developed recent technology  
25 that - like session cookie - prevents users from

1 immediately re-attempting registration with an  
2 age of 13 or above. This technology implements  
3 a client-side data store to temporarily prevent  
4 re-registration attempts if the first attempts  
5 fail -- excuse me -- if the first attempt fails  
6 due to entry of an age under 13."

7 You see that?

8 A. Yes.

9 Q. Fair to say you weren't the expert  
10 on the coding and the programming for that.  
11 That was the product design person; right?

12 A. That's right, yes, and, I mean, I  
13 didn't draft this. This is [REDACTED], who is, you  
14 know, closer to the product team but...

15 Q. Well, I'm saying you as in Snap  
16 because you're testifying on Snap's behalf right  
17 now; right?

18 A. Sorry. Can you repeat your  
19 question?

20 Q. Sure.

21 What -- I think you got me.

22 You, Jen Stout, were not the  
23 person involved in doing the coding or the  
24 designing of this back-buttoning technology?

25 A. That's correct.

1 Q. Okay. [REDACTED] wasn't either?

2 A. That's correct.

3 Q. Okay. Somebody at the Snap  
4 product and design team was doing that and then  
5 passed along to -- to [REDACTED] and you the new  
6 technology that had been developed at Snap and  
7 what it was doing to prevent the back-buttoning  
8 issue; correct?

9 A. That's my recollection.

10 Q. Goes on to say:

11 "As always, the registration flow  
12 will be neutral and will not tip users off that  
13 they will be locked out if they enter an age  
14 under 13."

15 Do you see that?

16 A. I do.

17 Q. It says:

18 "We are testing this feature, but  
19 it is already available in some versions of the  
20 app and we anticipate broadening availability in  
21 the coming months."

22 Do you see that?

23 A. I do.

24 Q. And this was in 2018 that it's --  
25 that Snap is making that representation to CARU;

1 correct?

2 A. Yes. October 2018.

3 Q. Okay. And one of the -- some of  
4 the pushback that you gave me a little bit  
5 earlier was that CARU would have utilized --  
6 well, let me strike that.

7 In fact, Snap did not actually  
8 roll out this new technology that it developed  
9 in 2018 because of the negative impacts on  
10 growth and engagement on Snapchat. True?

11 MR. BLAVIN: Objection to  
12 form.

13 THE WITNESS: My  
14 understanding is that we did roll out, to  
15 some extent, this back-buttoning session  
16 cookie to some subset of our users on the  
17 mobile device to try to see how it would  
18 perform, and ultimately with the goal of  
19 preventing new user -- younger users  
20 under the age of 13 from signing up.

21 My understanding -- this is  
22 probably second- or thirdhand -- of why  
23 it wasn't more broadly rolled out is  
24 because it didn't work the way it  
25 intended it to work.

1 Not only was it preventing  
2 possibly under 13s from signing up, but  
3 it was not functioning well at all in  
4 preventing nearly all users from signing  
5 up, and so I think there were some  
6 changes that were attempted to be made to  
7 this potential session cookie issue.

8 There was also a question as  
9 to the timing of the session cookie.  
10 There was a lot of concern about how long  
11 the session cookie could last.

12 The session cookie being  
13 forever you could imagine would be  
14 problematic because if you put in a  
15 session cookie because somebody who is 12  
16 was trying to register for an account and  
17 was going to turn 13 in a month, but that  
18 session cookie lasted -- I don't know --  
19 forever or two months, then when that  
20 young person turned 13, that old session  
21 cookie was preventing them from signing  
22 up.

23 So we were getting a lot of  
24 feedback secondhand, I'm relaying to you,  
25 on why this was really kind of an

1           imperfect solution. So those were just  
2           some of the understandings that I was  
3           picking up from the product team.

4       BY MR. GADDY:

5           Q.       Okay. Fair to say it wasn't  
6           broadly rolled out and made available as it was  
7           stated here in this letter to CARU; correct?

8                   MR. BLAVIN: Objection to  
9           form. Misstates the document.

10                  THE WITNESS: Yeah. At this  
11           time of this letter, which was October of  
12           2018, we were -- in this paragraph: "We  
13           are still testing this feature, but it is  
14           already available in some versions of the  
15           app and we anticipate broadening  
16           availability in the coming months."

17                  This was October of 2018. Our  
18           work with CARU went on for nearly another  
19           year. I think we went back and forth  
20           many times and actually worked with them  
21           on how, you know, this technology and  
22           other technologies could be applied.

23                  So my knowledge -- to my  
24           knowledge, this doesn't exist today.

25                  MR. GADDY: Show you

1 P-SNAP-893, which we'll mark as Exhibit  
2 Number 49.

3 (Document marked for  
4 identification as Snap-Stout Exhibit 49.)

5 BY MR. GADDY:

6 Q. If you flip to the first page  
7 you'll see a short message report, and this is  
8 actually a Snap message related to your account.

9 Do you see your username there

10 [REDACTED]?

11 A. I do.

12 Q. And it says -- it's two messages  
13 in March and April of 2019, and it's messages  
14 between you and I'm going to presume that's  
15 [REDACTED], another policy person in -- I  
16 think you said he was in Australia?

17 A. "[REDACTED]"? [REDACTED]? No,  
18 this is [REDACTED], who was my -- he was in  
19 the UK.

20 Q. UK?

21 A. He was the policy person based in  
22 London.

23 Q. Okay. Let's look at the message.

24 If you flip the page, you see the  
25 first message on the right-hand side is

1 3/19/2019.

2 You see that?

3 A. I do.

4 Q. So that would have been about five  
5 months after this letter to CARU in October of  
6 '18, in which you talked about the  
7 back-buttoning feature and the anticipation of  
8 broadening availability of that; correct?

9 A. Let me just read it before I  
10 answer what it is about because I don't recall  
11 this.

12 Q. Well, I'm just asking about the  
13 timing.

14 A. I know but I --

15 Q. I'm happy to let you read.

16 A. I don't know because it is -- let  
17 me just read it. It's just two paragraphs.

18 (Reviews document.)

19 Okay.

20 Q. Timing-wise you with me? Five  
21 months after the October 18 e-mail or -- excuse  
22 me -- October 18 letter to CARU in which you --  
23 Snap makes references and representations to  
24 CARU that it's testing the feature, the feature  
25 is already available in some versions, and Snap

1 anticipates broadening availability in the  
2 coming months?

3 A. Yes, I'm tracking the timing.

4 Q. Okay. In the first message, it  
5 says:

6 "Mike, [REDACTED], Jacob Agatha,  
7 Peter Sellis and [REDACTED] and I met to discuss ways  
8 in which we could consider how to build a  
9 tighter age gate/verification process. Jacob  
10 mentioned the testing Product did in November  
11 2017 that took two categories of users and  
12 tested back-button cookies for users that  
13 inputted an age under 13."

14 Do you see that?

15 A. I do.

16 Q. That's one of the things that  
17 we've been talking about; correct?

18 A. Yes.

19 Q. It says:

20 "One group of users were locked  
21 out for 5 minutes."

22 You see that?

23 A. I do.

24 Q. "Another group was locked out for  
25 24 hours."

1                   You see that?

2           A.       Correct.

3           Q.       No suggestion here about locking  
4 people out permanently; right?

5           A.       No.

6           Q.       Okay. It says:

7                   "In both cases, there is material  
8 impact to user acquisition and retention. His  
9 conclusion was that feature would have a  
10 negative impact on daily new users and daily  
11 active users."

12                   Correct?

13          A.       I see that.

14          Q.       And fair to say that Snap never  
15 told CARU that as it continued to test these  
16 back-button cookies that it had told CARU it was  
17 going to roll out, that it decided not to  
18 implement those features because that feature  
19 would have a negative impact on daily new users  
20 and daily active users?

21                   MR. BLAVIN: Objection to  
22 form. Misstates testimony.

23                   THE WITNESS: I think you're  
24 extrapolating something from a period of  
25 time that I think is worth explaining.

## 1 CERTIFICATE OF REPORTER

2 DISTRICT OF COLUMBIA )

3 I, Denise Dobner Vickery, a  
4 Registered Court Reporter and Notary Public of  
5 the District of Columbia, do hereby certify that  
6 the witness was first duly sworn by me.

7 I do further certify that the  
8 foregoing is a verbatim transcript of the  
9 testimony as taken stenographically by me at the  
10 time, place and on the date herein set forth, to  
11 the best of my ability.

12 I do further certify that I am  
13 neither a relative nor employee nor counsel of  
14 any of the parties to this action, and that I am  
15 neither a relative nor employee of such counsel,  
16 and that I am not financially interested in the  
17 outcome of this action.

18  
19  
20 <%15207,Signature%>  
21 DENISE DOBNER VICKERY, CRR,RMR  
22 Notary Public in and for the  
23 District of Columbia

24 My Commission expires: March 14, 2028  
25