

FILED UNDER SEAL

EXHIBIT 45

FIRST JUDICIAL DISTRICT COURT

**COUNTY OF SANTA FE
STATE OF NEW MEXICO**

STATE OF NEW MEXICO, EX REL.
RAÚL TORREZ, ATTORNEY GENERAL,

Plaintiff,

v.

NO. D-101-CV-2023-02838

META PLATFORMS, INC.;
INSTAGRAM, LLC;
META PAYMENTS, INC.; and
META PLATFORMS TECHNOLOGIES, LLC,

Defendants.

**DEFENDANTS' FIRST SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIFTH SET OF INTERROGATORIES
TO DEFENDANTS**

Defendants Meta Platforms, Inc., Instagram, LLC, Meta Payments, Inc., and Meta Platforms Technologies, LLC (collectively "Meta" or "Defendants"), by and through their attorneys, Holland & Hart LLP and Covington & Burling LLP, hereby provide Supplemental Objections and Responses to Plaintiff's Fifth Set of Interrogatories as follows. Meta's responses to the Interrogatories are made to the best of its current knowledge, information, and belief. Meta reserves the right to supplement or amend any of its responses and objections as appropriate as discovery and its investigation proceed.

RECURRING SPECIFIC OBJECTIONS

1. Meta objects to the Interrogatories to the extent they conflict with the Rules of Civil Procedure for the District Courts of New Mexico or the local rules of this Court ("Discovery Rules"). See Rule 1-026(B) NMRA (defining the scope of permissible discovery).

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2. Meta objects to each Interrogatory to the extent that it seeks information protected from disclosure by any applicable privilege, doctrine, or immunity, including, without limitation, the attorney-client privilege, and the work product doctrine. *See* Rule 1-026(B)(1), (6), (7). Any disclosure of privileged or protected information, whether inadvertent or otherwise, is not intended to waive, nor shall it be deemed to waive, those privileges or protections. *Id.* Further, Meta construes the Interrogatories as not seeking production of information from counsel that constitutes attorney-client communications and/or work product generated in connection with this or other litigation or anticipated litigation. *See* Rule 1-033(C)(1).

3. Meta objects to the Interrogatories insofar as they seek contents of third-party communications maintained by Meta. The Stored Communications Act (SCA) prohibits providers of certain technology services from “knowingly divulg[ing]” the contents of communications maintained by the provider, 18 U.S.C. § 2702(a), subject to specific exemptions, *id.* § 2702(b); *see also* New Mexico Electronic Communications Privacy Act, NMSA 1978, § 10-16F-2(A)(1) (except by way of a warrant or wiretap order, “a government entity shall not . . . compel . . . the production of or access to electronic communication information from a service provider.”); *id.*, Section (F) (“A service provider may voluntarily disclose electronic communication information . . . [only] if the law otherwise permits that disclosure.”).

4. Meta objects generally to each Interrogatory to the extent that it seeks confidential or proprietary business information, trade secrets, commercially sensitive information, or confidential personal information of Meta or a Non-Party. *See* Rule 1-026(B)(1); *see also* Rule 11-508. Responsive, non-privileged information, if discoverable, will be provided subject to the terms of the agreed Protective Order. Meta will abide by the agreed Protective Order and reserves any and all rights to seek additional protections beyond those provided in the agreed Protective

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Order to the extent appropriate for any particularly sensitive information and/or to object to providing such information altogether if, for example, their relevance is substantially outweighed by the risk of harm posed by provision of the information in light of the protections available.

5. Meta objects to the Interrogatories to the extent they call for information that is outside of its custody, possession, or control, and to the extent they seek information that is already in Plaintiffs' possession, custody, or control; information that is a matter of public record; or information that is available to Plaintiffs from public sources. *Cf.* Rule 1-034(A)(1) NMRA.

6. Meta objects to the Interrogatories to the extent that they seek information relating to users located outside of the United States and/or features not available in the United States. Meta will produce documents and information relating only to users in the United States.

7. Meta's responses are made without waiving or intending to waive (a) the right to object on any ground to the use of these responses, or their subject matter, in any subsequent proceeding or the trial of this or any other action, *see* Rule 1-033(D) NMRA; (b) the right to object to a demand for further responses to this or any other discovery involving or related to the subject matter of the Interrogatories; and (c) the right at any time to revise, correct, add to, or clarify any or all of the objections.

8. Meta objects to Definition A on the applicable time period as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it extends to the "present." Unless otherwise specified in response to a particular Interrogatory, Meta construes the relevant time period as the period beginning on January 1, 2009, and ending on April 1, 2024 (except that the time period extends beyond April 1, 2024 for information that concerns initiatives (including promotion thereof), efforts, or research by Meta concerning issues in this

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litigation, or to the extent Meta intends to rely on such information at trial). *See* Rule 1-026(B)(1); *see also* Rule 1-033(C)(1).

9. Meta objects to Definition C (“Algorithm”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it purports to require the disclosure of source code and/or information related to source code. *See* Rule 1-026(B)(1), (2); *see also* *Lara v. City of Albuquerque*, 1999-NMCA-012, ¶ 10, 971 P.2d 846 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz v. S. Pac. Transp. Co.*, 1981-NMCA-094, ¶ 3, 638 P.2d 406 (interrogatories that are “exceedingly broad” are objectionable); *Archuleta v. Santa Fe Police Dep’t ex rel. City of Santa Fe*, 2005-NMSC-006, ¶ 23, 108 P.3d 1019 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”) (internal quotation marks and citation omitted). Any request for source code will require negotiation and the entry of a Protective Order and protocol governing the disclosure of source code. *See* Protective Order, August 23, 2024, ¶ 49. Any response regarding source code will not be provided until such an order is in place. Meta will construe this term for purposes of these responses only to mean Meta’s ranking and recommendation systems, which are groups of machine learning and non-machine learning models and other technologies that work together to filter, rank, and recommend non-advertising content on Meta’s Platforms. *See* Rule 1-033(C)(1).

10. Meta objects to Definition E (“Communication”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it imposes obligations beyond those required under the Discovery Rules or purports to require “verbal expressions” and “gestures.” *See* Rule 1-026(B)(2)(c).

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11. Meta objects to Definition H (“Documents”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it imposes obligations beyond those required under the Discovery Rules or purports to require the disclosure of source code and/or information related to source code. *See* Rule 1-026(B)(1), (2); *see also Lara*, 1999-NMCA-012, ¶ 10 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz*, 1981-NMCA-094, ¶ 3 (interrogatories that are “exceedingly broad” are objectionable); *Archuleta*, 2005-NMSC-006, ¶ 23 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable”) (internal quotation marks and citation omitted).

12. Meta objects to Definition L (“Meta”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it includes entities and individuals over which Meta exercises no control or includes subsidiaries or affiliate services that are not at issue in this action. *See* Rule 1-026(B)(1), (2); *see also Lara*, 1999-NMCA-012, ¶ 10 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz*, 1981-NMCA-094, ¶ 3 (interrogatories that are “exceedingly broad” are objectionable); *Archuleta*, 2005-NMSC-006, ¶ 23 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”) (internal quotation marks and citation omitted). Meta construes this term as comprising Facebook and Instagram and—where within scope of the Court’s March 6, 2025 Order Granting in Part the State’s Motion to Compel (“March 6, 2025 discovery order”)—WhatsApp, the only platforms at issue in Plaintiffs’ operative complaint. *See* Rule 1-026(B)(1); Rule 1-033(C)(1); *see* March 6, 2025 Discovery Order at 1-2.

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13. Meta objects to Definition M (“Meta’s Product(s)” or “Your Products”) to the extent they include entities and individuals over which Meta exercises no control, or include subsidiaries, affiliate services, or products that are not at issue in this action. *See* Rule 1-026(B)(1). Meta construes these terms as relating only to Instagram and Facebook and—where within scope of the Court’s March 6, 2025 discovery order—WhatsApp. *Id.*; *see also* Rule 1-033(C)(1); *see* March 6, 2025 Discovery Order at 1-2.

14. Meta objects to Definition S (“Users”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it purports to require the disclosure of information relating to users of any Meta social media service other than Facebook and Instagram, and—where within scope of the Court’s March 6, 2025 discovery order—WhatsApp, or to users located outside of the United States and/or features not available in the United States. *See* Rule 1-026(B)(1), (2); *see* March 6, 2025 Discovery Order at 1-2. Meta will provide information relating only to and policies applicable only to users in the United States. Meta further objects to Definition S to the extent it seeks information about users under the age of 13, given that individuals under the age of 13 are not permissible users of Meta’s services. Meta generally uses the term “Youth Users” to refer to users that are at least 13 years of age and under the age of 18.

15. Meta objects to Definition T (“You” or “Your”) as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it includes entities and individuals over which Meta exercises no control or includes subsidiaries or affiliate services that are not at issue in this action. *See* Rule 1-026(B)(1), (2); *see also* *Lara*, 1999-NMCA-012, ¶ 10 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz*, 1981-NMCA-094, ¶ 3 (interrogatories that are “exceedingly broad” are objectionable); *Archuleta*, 2005-NMSC-006,

¶ 23 (“a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.”) (internal quotation marks and citation omitted). Meta construes this term as comprising Facebook and Instagram and—where within scope of the Court’s March 6, 2025 discovery order—WhatsApp. *Id.*; *see also* Rule 1-033(C)(1); *see* March 6, 2025 Discovery Order at 1-2.

16. By responding to an Interrogatory containing a defined term, Meta is not by implication agreeing with any such definition.

OBJECTIONS AND RESPONSES

Interrogatory 38. With respect to each of the three individuals who were arrested through Operation Metaphile, Fernando Clyde, Marlon Kellywood, and Christopher Reynolds, indicate whether Meta detected these individuals’ high risk or suspicious activity or inappropriate contacts with any other Meta Product User (including the State’s decoy account of Dazee Roanhoarse or any other State decoy account), when it detected each such activity or contact, whether, when, and to whom it reported these individuals or interactions, and whether any of the messages exchanged between these individuals and the State’s decoy accounts or any high risk or suspicious activity or inappropriate contacts by these individuals identified by Meta were subject to end-to-end encryption.

INITIAL RESPONSE (August 28, 2025): Meta incorporates its Recurring Specific Objections by reference as though fully set forth herein. Meta further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks information without limitation to the relevant time period. Meta construes the relevant time period as the period beginning on January 1, 2009, and ending on April 1, 2024.

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Meta further objects to this Request as overbroad, unduly burdensome, not proportional to the needs of the case, and vague, in referring to “any other State decoy account” without identifying such accounts. Meta construes “decoy accounts” to be limited to the account the State has identified as “Dazee Roanhoarse.”

Meta further objects to this Interrogatory on the ground that it is compound, effectively constituting multiple embedded interrogatories. *See Knittles Towing, Inc. v. Danlar Collision, Inc.*, No. 14-211 JCH/KK, 2014 WL 11515014, at *2 n.1 (D.N.M. Dec. 9, 2014) (“[T]he Court notes that its compound nature necessarily renders it vague. This single interrogatory seeks explanations for Plaintiff’s denials of twenty-three distinct RFAs. As such, it cannot realistically specify what details it is requesting Plaintiff to include in each of twenty-three distinct explanations.”). In particular, Interrogatory 38 would require Meta to conduct many separate factual investigations, as it asks Meta to provide information separately for three individuals, each of whom had multiple accounts, and asks for at least three categories of information with respect to each individual or account, i.e. (i) whether and when “Meta detected these individuals’ high risk or suspicious activity or inappropriate contacts with any other Meta Product User (including the State’s decoy account of Dazee Roanhoarse or any other State decoy account),” (ii) “whether, when, and to whom it reported these individuals or interactions,” and (iii) “whether any of the messages exchanged between these individuals and the State’s decoy accounts or any high risk or suspicious activity or inappropriate contacts by these individuals identified by Meta were subject to end-to-end encryption.” Meta’s position is that this Interrogatory constitutes at least 9 separate interrogatories. Furthermore, when combined with Meta’s prior compound objections to Interrogatory 37, and considering that Interrogatory 37 constituted 9 separate interrogatories, Plaintiff is over its numerical limit for interrogatories. To the extent Meta nonetheless responds

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to this Interrogatory, it reserves its right to assert its compound objection in response to any motion to compel in respect of this Interrogatory, and in respect of any future interrogatories Plaintiff might seek to serve.

Meta further objects to the use of the undefined terms “high risk,” “suspicious activity,” “inappropriate contacts,” “decoy account,” and “subject to” making this Interrogatory vague, ambiguous, and not reasonably tailored to this litigation. Meta interprets “high risk or suspicious activity or inappropriate contacts” to mean communications that violate Meta’s Community Standards in certain specific “harm areas”: suicide and self-injury (SSI) and eating disorder (ED), bullying and harassment, graphic and violent content, adult nudity, and child safety. Meta further objects to the term “reported” as vague; Meta interprets “reported” to mean reported to law enforcement authorities and/or the National Center for Missing and Exploited Children (NCMEC). Meta further objects on the grounds that it is overly broad, seeks to impose an undue burden on Meta that is not proportional to the needs of the case, is subject to protections and limitations of the Stored Communications Act, and seeks discovery that is not relevant to the claims and defenses in this action, particularly to the extent that it seeks information concerning the content of any messages sent by the identified individuals.

Meta further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it requires extensive and highly burdensome data analysis and extraction. Meta further objects to this Interrogatory to the extent that it seeks information that Meta does not maintain in the ordinary course of business in the form requested, that does not exist or is not in Meta’s possession, and/or that would be unduly burdensome, and not proportional to the needs of the case to provide. Meta further objects to this Interrogatory to the extent that it seeks detailed technical information or underlying data for which production,

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aggregation, and/or assortment would be highly burdensome and/or disproportional to the needs of the case.

Subject to and without waiving the foregoing objections, Meta provides the below Response, based on its reasonable investigation to date.

1. Fernando Clyde

Meta detected multiple instances of potential inappropriate activity by accounts believed to be operated by user Fernando Clyde. One account was disabled in October 2023. Additionally, Meta detected potential policy violations by two accounts believed to be operated by Clyde. On one account, Meta detected violations of Meta's policies on adult nudity and sexual activity on April 27, 2024, and violations of Meta's policies on bullying and harassment on February 5, 2024. On the second account, Meta detected violations of Meta's policies on adult nudity and sexual activity on October 2, 2023, violations of Meta's policies on bullying and harassment on March 5, 2024, and violations of Meta's policies on bullying and harassment on November 12, 2023. Meta reported activity by an account believed to be operated by Fernando Clyde to the National Center for Missing and Exploited Children ("NCMEC") on May 9, 2024. All active accounts believed to be operated by Fernando Clyde have been disabled. At least some of this user's message threads were encrypted.

2. Marlon Kellywood

Meta detected potential inappropriate activity by accounts believed to be operated by user Marlon Kellywood. Meta reported activity by an account believed to be operated by Marlon Kellywood to NCMEC on May 9, 2024 and disabled all active accounts believed to be operated by Kellywood on May 9, 2024. At least one message thread of this user was encrypted.

3. Christopher Reynolds

Meta detected potential inappropriate activity by accounts believed to be operated by user Christopher Reynolds. Meta disabled one of Christopher Reynolds' accounts on October 5, 2021, after determining that Reynolds was a convicted sex offender. Meta also detected violations of Meta's policies on violent content on one account believed to be operated by Reynolds on December 18, 2023. Meta reported activity by an account believed to be operated by Christopher Reynolds to NCMEC on May 9, 2024, and disabled all active accounts believed to be operated by Reynolds on May 9, 2024. This user does not appear to have any encrypted messaging threads.

SUPPLEMENTAL RESPONSE (October 31, 2025): Meta incorporates by reference its prior objections to this Interrogatory. Subject to and without waiving its objections, Meta supplements its response as follows:

The Response describes various soft actions—prophylactic measures that Meta imposes when it detects activity that has a statistical possibility of being policy-violating but which Meta has not actually determined is policy violating with a high degree of confidence—as well as previously disclosed hard actions that Meta imposes when it detects activity that violates the Community Standards.¹

1. Fernando Clyde

Meta identified seven accounts believed to be operated by Fernando Clyde, all of which have been disabled.

¹ Meta's response to New Mexico Interrogatory 40 includes additional information about hard and soft actions.

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On the first such account, Meta's bullying and harassment classifiers detected and hid content posted by the account between January 12, 2024 and May 1, 2024, twenty-two times. On February 6, 2024, Meta received a report from the Dazee Roanhorse account regarding a message thread with this account; Meta actioned the account on February 6, 2024 based on a violation of its policies on bullying and harassment. On April 20, 2024, Meta's adult nudity classifiers detected and hid content posted by this account two times. On April 27, 2024, Meta detected and deleted a comment posted by this user that violated Meta's policies on adult nudity. On May 9, 2024, Meta detected and deleted a comment posted by this account that violated Meta's policies on bullying and harassment. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

Between January 9, 2023 and July 18, 2023, a second account believed to be operated by Clyde was removed from People You May Know ("PYMK") suggestions on Facebook to accounts that Meta determined to be likely associated with minors. Between January 25, 2023, and May 27, 2023, Meta detected that this account exceeded spam limits and, as a result, the account was subject to various limits over this period that are intended to protect against spam. Between August 24, 2023 and May 4, 2024, Meta hid comments posted by this account that violated Meta's policies on bullying and harassment thirty-four times. On October 2, 2023, Meta detected and deleted content posted by this account for violating Meta's policies on adult nudity. On November 12, 2023, and March 5, 2024, Meta detected and deleted content posted by this user that violated Meta's policies on bullying and harassment. On May 9, 2024, Meta detected and deleted content that was posted by this account that violated Meta's child safety policies. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate

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interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

On a third account believed to be operated by Fernando Clyde, Meta detected a high rate of friend requests between August 15, 2014 and January 20, 2015. On July 31, 2014, Meta checkpointed the account as fake due to a high rate of rejected friend requests. The user ultimately provided information sufficient to establish they were an authentic user. On December 16, 2021, Meta detected and deleted content posted by this account that violated Meta's policies on adult nudity. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

Between April 20, 2023 and April 23, 2023, a fourth account believed to be operated by Clyde was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors. In April 2023, due to inactivity, Meta determined that this account was potentially inauthentic. Meta disabled the account on October 12, 2023 because the user failed to provide information sufficient to establish that they were an authentic user.

On a fifth account believed to be operated by Fernando Clyde, Meta detected signals that the account was potentially inauthentic on February 27, 2024 and the user provided information sufficient to establish they were an authentic user on the same day. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

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Meta disabled a sixth account believed to be operated by Clyde on May 9, 2024, after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

On May 10, 2024, Meta disabled payments for a seventh account believed to be operated by Clyde. Meta disabled this account on July 10, 2024, after identifying that the account was associated with a convicted sex offender.

All active accounts believed to be operated by Fernando Clyde have now been disabled.

2. Marlon Kellywood

Meta identified four accounts believed to be operated by user Marlon Kellywood, all of which have been disabled.

The first such account was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors between October 2, 2020 and April 10, 2023. In July 2021, Meta temporarily blocked the account's ability to send friend requests to accounts belonging to users under eighteen; this limit applied for approximately two weeks. On February 6, 2024, Meta received a report from the Dazee Roanhorse account regarding a message thread with this account; Meta actioned the account on February 6, 2024 based on a violation of its policies on bullying and harassment. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

Meta disabled the three other accounts believed to be operated by Marlon Kellywood on May 9, 2024 after Meta determined that the accounts had engaged in inappropriate interactions

with a minor or were linked to an account that had engaged in inappropriate interactions with a minor.

3. Christopher Reynolds

Meta detected sixteen accounts believed to be operated by Christopher Reynolds.

Meta disabled one such account on October 5, 2021 after a manual review identified that the account was associated with a Convicted Sex Offender.

A second account believed to be operated by Reynolds was restricted from sending messages to unconnected accounts for 24 hours, starting November 25, 2021. This account was disabled on May 9, 2024 after it was identified that the account was associated with a convicted sex offender.

Between December 14, 2022 and March 28, 2023, a third account believed to be operated by Reynolds was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors. On August 30, 2022 and September 1, 2022, Meta removed content posted by this account that violated Meta's policies on graphic and violent content. On December 4, 2022, this account received a pop-up offering resources and support options that Meta provides to accounts that engage in or with activity relating to suicide and self-injury. Meta disabled the account on May 9, 2024, after identifying that the account was associated with a Convicted Sex Offender.

On December 20, 2023 and December 31, 2023, Meta's bullying and harassment classifiers and graphic and violent content classifiers hid two comments posted by a fourth account believed to be operated by Reynolds. On May 9, 2024, Meta disabled this account after it was identified that the account was associated with a convicted sex offender. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

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The remaining accounts believed to be operated by Reynolds had very little activity and were disabled on May 9, 2024 after identifying that these accounts were associated with a Convicted Sex Offender.

Dated: October 31, 2025

Submitted by,

HOLLAND & HART LLP

/s/ John C. Anderson

John C. Anderson
Olga M. Serafimova
110 N. Guadalupe Street, Suite 1
Santa Fe, NM 87501
Phone: (505) 988-4421
jcanderson@hollandhart.com
omserafimova@hollandhart.com

-and-

COVINGTON & BURLING LLP

Nathan E. Shafroth (*Pro Hac Vice*)
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
nshafroth@cov.com

Timothy C. Hester (*Pro Hac Vice*)
One City Center
850 Tenth Street, NW
Washington, DC 20002-4956
thester@cov.com

Patrick W. Nutter (*Pro Hac Vice*)
1999 Avenue of the Stars, Suite 3500
Los Angeles, CA 90067

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pnutter@cov.com

*Counsel for Defendants Meta Platforms Inc.,
Instagram, LLC, Meta Payments, Inc., and
Meta Platforms Technologies, LLC*

CERTIFICATE OF SERVICE

I, John C. Anderson, hereby certify that on October 31, 2025, I caused a copy of the foregoing to be served via email and/or hand delivery on the following:

James W. Grayson
Chief Deputy Attorney General
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504-1508
Phone: (505) 218-0850
Email: jgrayson@nmag.gov

Serena R. Wheaton
Assistant Attorney General
New Mexico Attorney General's Office
Consumer & Environmental Protection Division
201 Third St. N.W., Suite 300
Albuquerque, NM 87102
Phone: (505) 490-4846
Email: swheaton@nmag.gov

Linda Singer
David I. Ackerman
MOTLEY RICE LLC
401 9th St., NW, Suite 630
Washington, D.C. 20004
Phone: (202)-232-5504
Email: lsinger@motleyrice.com
Email: dackerman@motleyrice.com

Attorneys for Plaintiff, the State of New Mexico ex rel Raúl Torrez, Attorney General

/s/ John C. Anderson