

# EXHIBIT A

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

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.

**DECLARATION OF BRENDAN AUSTIN IN SUPPORT OF PLAINTIFF'S  
MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR PARTIAL SUMMARY  
JUDGMENT FOR DECEPTIVE PRACTICES REGARDING PROHIBITING CHILD  
EXPLOITATION AND REPORTS TO THE NATIONAL CENTER FOR MISSING AND  
EXPLOITED CHILDREN**

I, Brendan Austin, under oath, hereby declare as follows:

I am Counsel for Plaintiff State of New Mexico. My business address is 401 9th Street,  
NW, Suite 630, Washington, DC 20004.

This declaration is based on my personal knowledge and review of the documents and  
information discussed herein.

***Meta Misrepresented That It Reported All Illicit Child Sexual Abuse Material ("CSAM") On  
Its Platforms To The National Center for Missing and Exploited Children ("NCMEC")***

1. NCMEC is the agency authorized by Congress to receive tips from internet service  
providers, including Meta, regarding online child sexual exploitation. 18 U.S. Code § 2258A.

2. These tips are referred to as CyberTips, and "NCMEC's CyberTipline is the nation's  
centralized reporting system for the online exploitation of children." See true and correct copy of  
<https://www.missingkids.org/gethelpnow/cybertipline> attached as Exhibit 1.

3. From at least December 12, 2011, to March 6, 2023, Facebook's website stated: "We report all apparent instances of child exploitation appearing on our site from anywhere in the world to [NCMEC]." See true and correct copy of: <https://web.archive.org/web/20111212205136/https://www.facebook.com/safety/groups/law/guidelines/> and <https://web.archive.org/web/20230306025940/https://www.facebook.com/safety/groups/law/guidelines/> attached as Exhibits 2 & 3, respectively.

4. On March 31, 2017, Instagram released the following statement responding to sexually explicit pictures of a high school student on Instagram:

We have zero tolerance for child exploitation on Instagram. In the *rare instances* when such illegal behavior is detected on our site we work hard to find whoever is responsible and work with relevant law enforcement agencies to bring them to justice. We believe that our comprehensive reporting system and Community Guidelines help make Instagram one of the *safest places* for people to spend time on the web.

See true and correct copy of <https://www.wtvm.com/story/35043701/instagram-responds-to-mcsd-inappropriate-picture-we-have-zero-tolerance-for-child-exploitation/> attached as Exhibit 4 (emphasis added).

5. On June 30, 2017, Instagram proposed to repeat the statement supra ¶ 4 to respond to an inquiry from a reporter at Motherboard who reported numerous Instagram accounts sexualizing children. See true and correct copy of METANMAG-002-01400547 at 0548 attached as Exhibit 5.

6. On February 2, 2018, Instagram stated to WNBC-TV: "Instagram has zero tolerance for child exploitation on the platform. We believe that our comprehensive reporting system and Community Guidelines help make Instagram one of the safest places for people to

spend time on the web.” See true and correct copy of MT-IG-AG-NM-000022350 at 2350 attached as Exhibit 6.

7. On July 9, 2019, Instagram made a nearly identical statement to the newspaper *The Telegraph*: “Keeping young people safe on Instagram is hugely important to us. Content which exploits or endangers children is not allowed on Instagram. . . . We manually review this content, and if it violates our policies we will report it to [NCMEC] and remove the account in question.” See true and correct copy of MT-IG-AG-NM-000070712 at 0712 attached as Exhibit 7.

8. From November 18, 2020 through the present, Meta’s policy “Child Sexual Exploitation, Abuse, and Nudity” has stated: “We do not allow content or activity that sexually exploits or endangers children. When we become aware of apparent child exploitation, we report it to [NCMEC], in compliance with applicable law.” See true and correct copy of <https://transparency.meta.com/policies/community-standards/child-sexual-exploitation-abuse-nudity/> attached as Exhibit 8.

9. On June 10, 2021, responding to the Human Trafficking Institute’s 2020 Federal Human Trafficking Report, Meta provided the following statement to CBS News: “Sex trafficking and child exploitation are abhorrent and we don’t allow them on Facebook” and “we report all apparent instances of child sexual exploitation to [NCMEC].” See true and correct copy of <https://www.cbsnews.com/news/facebook-sex-trafficking-online-recruitment-report/> attached as Exhibit 9.

10. On January 31, 2024, Meta CEO Mark Zuckerberg testified before the U.S. Senate Judiciary: “[W]e report all apparent instances of child exploitation identified on our site from anywhere in the world to NCMEC[.]” See true and correct copy of <https://about.fb.com/news/2024/01/our-work-to-help-provide-young-people-with-safe-positive->

[experiences/#:~:text=As%20required%20by%20law%2C%20we,authorities%20from%20around%20the%20world](#) attached as Exhibit 10.

11. Meta repeatedly touted the volume of its reporting to NCMEC and the fact that it made more reports to NCMEC than any other platform, but failed to disclose the delays, deficiencies, and gaps in its reporting. For example, Zuckerberg also testified that “we find and report more inappropriate content than anyone else in the industry” *Id.* Meta also touts the volume of its reports to NCMEC on its website. See true and correct copy of <https://transparency.meta.com/reports/integrity-reports-q1-2024/> attached as Exhibit 11.

12. The affirmative misrepresentations, supra ¶¶ 1-11, were made publicly, on Meta’s websites, through media that was broadcast nationally, or available online to Meta’s consumers.

13. Meta failed to disclose the information set out below that reflected its knowledge that Meta was failing to report significant volumes of CSAM and CSAM Solicitation.

***Meta’s Features Promote CSAM And Meta Failed To Report CSAM And CSAM Solicitation***

14. In October 2019, a Meta employee documented the results of an investigation, “Remediation: Detecting Malicious Networks (CEI), Integrity E2EE Taskforce – Investigation Insights.” The findings from the investigation noted: large groups of users were sharing child exploitation imagery (“CEI”); CEI traders used multiple fake accounts allowing them to remain active after being disabled for “CEI violations”; CEI traders found each other through Meta’s recommendation systems; Meta failed to take action on “regular recipients of CEI” as users identified in over 300 NCMEC reports as recipients remained active on its platform; and Meta failed to detect known CEI shared [REDACTED] See true and correct copy of Nick Clegg Dep. Ex. 50A and Nick Clegg Dep. Ex. 50B attached as Exhibits 12 & 13, respectively.

15. On April 23, 2020, a Meta employee wrote, “[s]everal other metrics . . . indicate that we are not enforcing CEI as well as we’d like to.” *See* true and correct copy of METANMAG-002-00430358 attached as Exhibit 14.

16. On May 29, 2020, a Meta employee wrote that for the past two years “[w]e [have] not [been] fulfilling our legal obligation to report CEI and CEI solicitation to [NCMEC].” The employee noted that the volume was approximately 5,000 a month and that the contents “appear to be pretty bad CEI solicitation-type things.” *See* true and correct copy of METANMAG-078-00018398 attached as Exhibit 15.

17. In July 2020, Meta employees discussed concerns regarding the “safety risk in lack of enforcement on recipients of CEI.” *See* true and correct copy of METANMAG-075-00684934 attached as Exhibit 16. Though Meta is required to report all CSAM, one employee acknowledged, “we currently do not action individuals that receive CEI, unless [REDACTED] . . . in the past, but currently in a group thread we only action the user that shared the CEI.” *Id.* The employee further said, “[t]here was a proposal a year ago to . . . have all users in egregious threads disabled, but that was never approved.” *Id.*

18. On November 4, 2020, Meta employees had an internal conversation stating: “Thousands of minors have been reporting IIC [inappropriate interactions with children] T1<sup>1</sup> abuse and even though we knew that there is IIC T1 going on (more than 50% of which is Sextortion which can lead to suicide) we haven’t done anything . . . God knows what happened to those

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<sup>1</sup> Meta defines T1, or tier one, as the most severe category of Inappropriate Interactions with Children because it involves a real-world threat of imminent harm, including attempts to meet in person, an adult in a position of trust, or enticing CEI for sextortion. *See* true and correct copy of METANMAG-007-00291704 attached as Exhibit 17; *see also* true and correct copy of METANMAG-084-00120433 attached as Exhibit 18.

kids[.]” The conversation also states: “I think we can all agree that this whole situation is Not Good and there are Several issues blocking us from correctly reporting all the T1 we know about to NCMEC/LE.” *See* true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Ex. 23 attached as Exhibit 19.

19. On March 22, 2021, Meta employees had an internal conversation regarding Meta’s failure to report solicitation of children for CEI to NCMEC: “Reactive Message OS<sup>2</sup> escalates [Child Exploitation Image Solicitation (“CEIS”)] to CEI Message Queues, it gets reported to NCMEC . . . IIC Proactive Queues will report CEI imagery, [REDACTED] [REDACTED] [REDACTED].” An employee then asked: “Wait. So [REDACTED]?”<sup>3</sup> Another employee answered: “Yes we discussed [REDACTED] [.]” *See* true and correct copy of METANMAG-079-00075298 attached as Exhibit 22.

20. On May 11, 2021, a Meta employee said, “bad news: 1. We are missing so many NCMEC reports” and “it is like 10k NCMEC report missing/day for month.” *See* true and correct copy of METANMAG-079-00071786 attached as Exhibit 23. Another employee responded: “Yikes.” *Id.*

21. Facebook’s Child Safety Operations Audit from August 2021 discovered that the “NCMEC reporting backlog is not consistently reviewed or timely resolved” noting a backlog of “~247K reports enqueued between May 2017 and July 2021.” The audit also concluded “valid

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<sup>2</sup> “OS” refers to Meta’s outsourced content moderation teams. *See* true and correct copy of METANMAG-002-01417745 attached as Exhibit 20.

<sup>3</sup> [REDACTED] *See* true and correct copy of METANMAG-002-02073003 attached as Exhibit 21.

reports may not be prioritized or timely submitted to NCMEC.” See true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Ex. 24 attached as Exhibit 24.

22. Meta collaborated with NCMEC to identify known CSAM on its platforms using MD5 hash matching for video content. See true and correct copy of METANMAG-041-00000553 attached as Exhibit 25.

23. In January 2022, Meta employees discovered that [REDACTED]  
[REDACTED]  
[REDACTED]. See *Id.*; see also true and correct copy of METANMAG-005-01835845 attached as Exhibit 26; see also true and correct copy of METANMAG-011-01059066 attached as Exhibit 27; see also true and correct copy of METANMAG-002-02313590 attached as Exhibit 28; see also true and correct copy of METANMAG-003-00709444 attached as Exhibit 29. In response, one employee said, “if this is true, it’s a disaster – [REDACTED]  
[REDACTED]?” See Ex. 26. The employee also said, “[REDACTED]  
[REDACTED].” See Ex. 27. Another employee said, “[m]y understanding is this is the state that has been in place for [REDACTED].” *Id.* As of at least May 26, 2022, MD5 was still not accurately matching content on these Meta platforms. See Ex. 29.

24. On June 7, 2023, in response to a Wall Street Journal article (<https://www.wsj.com/articles/instagram-vast-pedophile-network-4ab7189>), in an internal message thread a Meta employee said: “calling out of underinvestment . . . Wondering if that will actually change anything.” See true and correct copy of METANMAG-051-00019042 at 9042-43 attached as Exhibit 30. Another employee responded: “Predictably that was my first thought.” *Id.* at 9043. Another employee responded: “I think the issue of these work is as you mentioned, people tend to do hot fixes . . . then go ahead with other things and waiting [*sic*] for the next WSJ [Wall



Street Journal] news 1-2 years later.” *Id.* An employee responded: “Yes, we have yet to systematically incentivise [*sic*] fixing these issues.” *Id.*

25. “A ‘classifier’ refers to a machine learning tool or algorithm that automatically reviews and categorizes content on Facebook and Instagram for further action, including but not limited to content removal, downranking, demoting, filtering or non-action, among others.” *See* true and correct copy of Defendants’ First Supplemental and Amended Objections and Responses to Plaintiff’s First Set of Interrogatories to Defendants, Amended Response to Interrogatory 15, at 76, attached as Exhibit 31.

26. On March 13, 2024, Meta employees discussed the decision to [REDACTED]. *See* true and correct copy of METANMAG-051-00229783 attached as Exhibit 32. An employee said: “Our original scope was to [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] *Id.*

***Meta Provided Late, Incomplete, Or Unactionable Reports To NCMEC***

27. Meta frequently reported to NCMEC CSAM CyberTips that were weeks or months old. *See* true and correct copy of excerpts of NCMEC Rule 1-030(b)(6) Dep. Tr. (July 3, 2025), attached as Exhibit 33, at 222:2-8.

28. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] *See* Ex. 33 at 195:18-200:8; 203:3-204.

29. One of the most common complaints NCMEC received from law enforcement regarding Meta's Cypertips was that they "[REDACTED] [REDACTED]." See Ex. 33 at 415:6-15.

30. Between January 1, 2022, and October 15, 2022, Meta made approximately 31.7 million reports to NCMEC; however, Meta had humans review only 285,604 images; the rest were identified by artificial intelligence. As a result, [REDACTED] [REDACTED]. See true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Exs. 27A, 27B, & 27C attached as Exhibits 34, 35, & 36, respectively.

31. On February 12, 2021, Meta employees had an internal conversation regarding Meta's reporting backlog. An employee stated: "if something was reported to us in November and we start reviewing in July . . . I'm not sure it's any better than not reviewing at all." Another employee responded: "This isn't a bomb threat, it's an adult having sex with a minor, they've still committed a crime even if time passes. These backlogs aren't new and are prioritized – there have been (bigger) backlogs here since before I joined the company[.]" A Meta Integrity Data Scientist Engineer weighed in stating: "The review/enforcement is lacking." See true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Ex. 31 attached as Exhibit 37.

32. On March 11, 2022, NCMEC's General Counsel wrote to Meta "Regarding Widespread Flaws in Meta's Reporting to the CyberTipline." She wrote, "[r]ecent Meta reporting issues are endangering children" and that valid reports "are lost in the morass of reports from compromised or erroneously reported accounts or buried among incomplete, flawed reports." The General Counsel informed Meta, "[l]aw enforcement is growing reluctant to trust CyberTipline reports submitted by Meta." She further stated, "NCMEC is gravely concerned about the impact on child safety and the potential scope and magnitude of these reporting errors, as well as Meta's

apparent inability to put an end to the continual mistakes.” See true and correct copy of METANMAG-002-00461193 attached as Exhibit 38.

33. On October 6, 2022, NCMEC provided feedback it received from the West Virginia Internet Crimes Against Children Task Force (“ICAC”) to Facebook regarding Facebook’s NCMEC reports, including: “You have sent this person (Suspect) to how many agencies. Why doesn’t Facebook ban them?”; “IF THERE IS NO SUPPORTING EVIDENCE STOP WASTING MY TIME”; “Once again no CSAM attached. Stop sending out cases with out [sic] evidence”; “Facebook sent this in with no CSAM????” See true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Ex. 26 attached as Exhibit 39 (emphasis in original).

34. In December 2023, NCMEC met with Meta to highlight issues with Meta’s reports, including: 1) Meta is one of the only companies that does not have a process to escalate exploitative content of CSAM survivors; 2) [REDACTED]

[REDACTED]

[REDACTED]; 3) [REDACTED]

[REDACTED]; and 4) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] See true and correct copy of NCMEC Rule 1-030(b)(6) Dep. Ex. 28 attached as Exhibit 40.

***Meta Submitted Significantly Fewer Reports to NCMEC After Implementing End-to-End Encryption (“E2EE”) While Pedophiles Remained on Meta’s Platforms***

35. E2EE protects privacy by ensuring that only the sender and receiver see the messages. See true and correct copy of <https://about.fb.com/news/2024/03/end-to-end-encryption-on-messenger-explained/> attached as Exhibit 41. Encryption is an “extra layer of security that

keeps your messages and calls . . . protected, from the moment they leave your device, to the moment they reach the receiver’s device. This means that nobody during this delivery, including Meta, can see or listen to what’s sent or said.” *Id.*

36. “[E2EE] has been available as an optional setting on Facebook Messenger since 2016, and Messenger started the global rollout of default E2EE for personal chats in December 2023. Meta launched optional E2EE for personal chats on Instagram Direct (IGD) globally starting in the first quarter of 2023.” *See* true and correct copy of Defendants’ Objections and Responses to Plaintiff’s Fifth Set of Interrogatories to Defendants, Amended Response to Interrogatory 39 (Sept. 4, 2025), at 12, attached as Exhibit 42.

37. Since May 2023, an undercover investigator for New Mexico Department of Justice has worked on over 400 undercover chats that involved Facebook or Instagram, observing the operations of malicious actors on Meta’s platforms. *See* true and correct copy of RK<sup>4</sup> Report (July 11, 2025) at 18 attached as Exhibit 43. Frequently, the investigator’s “undercover minor personas were solicited for, offered money for, or received sexually explicit photos and sexually explicit communications, including on Meta’s platforms. They were encouraged to migrate communications platforms that encrypted messages.” *Id.* at 19. “New Mexico receives hundreds to thousands of cybertips related to child exploitation every year.” *Id.* at 21.

38. On May 8, 2024, three suspected online predators were arrested in New Mexico following a months-long undercover investigation of child predators on Meta’s platforms called “Operation Metaphile.” *See* true and correct copy of <https://nmdoj.gov/press-release/new-mexico-attorney-general-raul-torrez-announces-arrests-of-suspected-online-predators-following-operation-metaphile/> attached as Exhibit 44. The suspects, Fernando Clyde, Marlon Kellywood,

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<sup>4</sup> Because RK operates as an undercover agent, the State uses only his initials.

and Christopher Reynolds, contacted and solicited sex with underage age decoy accounts created by the New Mexico Department of Justice. *Id.* Prior to the arrests, Meta had “detected multiple instances of potential inappropriate activity by accounts believed to be operated” by each of these suspects, *See* Ex. 42, Response to Interrogatory 38, yet each of these suspects remained active on Meta’s platforms. Meta did not report any of the suspects to NCMEC until after their arrests. *Id.* Meta also admits that two of the three suspects had message threads that were encrypted. *Id.*

39. Meta identified seven accounts operated by Fernando Clyde, and Meta flagged the following inappropriate activity prior to his arrest. *See* true and correct copy of Defendants’ First Supplemental Objections and Responses to Plaintiff’s Fifth Set of Interrogatories to Defendants, Supplemental Response to Interrogatory 38 (October 31, 2025), attached as Exhibit 45. Account One: (1) twenty-two instances of bullying and harassment from January 12, 2024 and May 1, 2024; (2) a report from user Dazee Roanhorse on February 6, 2024; (3) three violations of adult nudity from April 20, 2024 and April 27, 2024. *Id.* Account Two: (1) Between January 9, 2023 and July 18, 2023, the account was removed from Facebook’s algorithmically suggested People You May Know (“PYMK”) for accounts associated with minors; (2) thirty-four instances of bullying and harassment from August 24, 2023 and May 4, 2024; (3) Adult nudity violation on October 2, 2023. *Id.* Account Three: (1) high rate of friend requests and high rate of rejected friend requests from August 15, 2014 and January 20, 2015; (2) Adult nudity violation on December 16, 2021. *Id.* Account Four: (1) Between April 20, 2023 and April 23, 2023, the account was removed from Facebook’s algorithmically suggested PYMK for accounts associated with minors; (2) Disabled on October 12, 2023 as a fake account. *Id.*

40. Meta identified four accounts operated by Marlon Kellywood, and Meta flagged the following inappropriate activity prior to his arrest. *Id.* Account One: (1) Between October 2,

2020 and April 10, 2023, the account was removed from Facebook’s algorithmically suggested PYMK for accounts associated with minors; (2) report from user Dazee Roanhorse on February 6, 2024. *Id.*

41. Meta identified sixteen accounts operated by Christopher Reynolds, and Meta flagged the following inappropriate activity prior to his arrest. *Id.* Account One was disabled on October 5, 2021 for being associated with a Convicted Sex Offender. *Id.* Account Two was “restricted from sending messages to unconnected accounts for 24 hours, starting November 15, 2021.” *Id.* Account Three: (1) Between December 14, 2022 and March 28, 2023 the account was removed from Facebook’s algorithmically suggested PYMK for accounts associated with minors; (2) Two instances of graphic and violent content violations, on August 30, 2022 and September 1, 2022. *Id.*

42. The NCMEC report for at least one of the Operation Metaphile suspects referenced the New Mexico Department of Justice press release regarding Operation Metaphile as supporting information for the report: “Based on this press release and linked slide deck the Jared Bond User ID Facebook account appears to have been interacting with a fake account purporting to be a minor.” *See* true and correct copy of excerpt of RK Dep. Tr., Vol II (Sept. 19, 2025) at 561:18-568:23, attached as Exhibit 46.

43. NCMEC had concerns about the implementation of E2EE if the platform does not also implement child safety measures, specifically: “[I]f end-to-end encryption is implemented and that visibility into content or interactions that are occurring is taken away, that doesn’t mean that that abuse stops occurring. And so potentially the loss of reports that could be coming in to the CyberTipline which are related to the exchange of child sexual abuse material, interactions of

sextortion or online enticement, or other forms of child sexual exploitation, that now nobody has visibility into.” See Ex. 33 at 115:7-116:8.

44. Since Meta’s implementation of E2EE, NCMEC has observed a change in the depth and detail of Meta’s CyberTipline reports. *Id.* at 125:15-126:25. The CyberTipline reports that rely on user reporting, “oftentimes there is very limited chat or content information which is included within those reports than what we had seen in years prior.” *Id.* As a result, “[h]aving that limited information can make it extremely difficult to understand what exactly is occurring” and “law enforcement may have difficulty in following up on those reports.” *Id.*

45. NCMEC raised concerns regarding E2EE with Meta: “There would have been numerous meetings and conversations at different operational levels, at a leadership level, when NCMEC was first made aware of Meta’s plans to implement end-to-end encryption, the impact that would have both in the quality of reports and the volume of reports that Meta was able to make.” *Id.* at 131:10-17.

46. According to NCMEC, user reports are not an adequate substitute for scanning messages and images that are encrypted: “They are only one facet of child safety for a platform, but it can’t be the only thing that a platform relies on.” *Id.* at 142:4-19.

47. One problem with relying on user reports, is that “the majority of the time children are choosing not to report.” *Id.* at 142:21-143:1.

48. Since the implementation of E2EE, NCMEC has observed that Meta is leaving cases of child exploitation undetected and unreported. *Id.* at 159:6-10.

49. On March 11, 2025, NCMEC submitted written testimony to the US Senate Committee on the Judiciary Subcommittee on Crime and Counterterrorism acknowledging that “CyberTipline reports submitted in 2024 did drop from 36.2 million in 2024 to 20.5 million in

2024.” See true and correct copy of [https://www.judiciary.senate.gov/imo/media/doc/2025-03-11\\_testimony\\_delaune.pdf](https://www.judiciary.senate.gov/imo/media/doc/2025-03-11_testimony_delaune.pdf) at 10, attached as Exhibit 47. The testimony states: “The decrease in overall CyberTipline reports in 2024 does not mean fewer crimes are occurring; it simply means online platforms are not reporting as they should.” *Id.* The testimony further states: “Facebook reported approximately 6.9 million less reports in 2024 than it did in 2023.” *Id.* at 11 “The most significant factor when comparing volume from 2023 to 2024 was a decline in the number of reports that we received from Facebook.” Ex. 33 at 161:2-5.

50. NCMEC has observed a decrease in both the volume and quality of the contents of Facebook’s reports, which NCMEC’s analysis demonstrates stems from E2EE. Ex. 33 at 235:4-20.

51. Meta requires users to agree to Facebook’s Terms of Service and Instagram’s Terms of Use in order to use those platforms. See true and correct copy of [https://mbasic.facebook.com/legal/terms/plain\\_text\\_terms/](https://mbasic.facebook.com/legal/terms/plain_text_terms/) attached as Exhibit 48; see true and correct copy of <https://help.instagram.com/termsfuse> attached as Exhibit 49.

52. The Terms of Service for Facebook states: “How our services are funded . . . we use your personal data...to show you personalized ads.” See Ex. 48.

53. The Terms of Use for Instagram states: “How Our Service Is funded . . . We use your personal data . . . to show you ads that are more relevant to you.” See Exhibit 49.

54. Meta admitted in a blog post, dated September 17, 2024: “We know parents want to feel confident that their teens can use social media to connect with their friends and explore their interests, without having to worry about unsafe or inappropriate experiences.” See true and correct copy of <https://about.fb.com/news/2024/09/instagram-teen-accounts/> attached as Exhibit 50.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 5th day of November 2025.

/s/Brendan Austin

Brendan Austin