

Filed Under Seal

EXHIBIT I

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

STATE OF NEW MEXICO, EX REL,
RAUL 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.

Confidential - Pursuant to Protective Order

VIDEO-RECORDED DEPOSITION OF FALLON McNULTY
ON BEHALF OF NATIONAL CENTER FOR MISSING &
EXPLOITED CHILDREN

Thursday, July 3, 2025
8:32 AM EST

JOB NO.: 7403114
DENISE DOBNER VICKERY, CRR, RMR

1 Exhibit 16. About a third down the page,
2 Ms. Davis writes:

3 "NCMEC reports will drop
4 dramatically, these are reported to Congress,
5 there will be policymaker follow up."

6 Have I read that correctly?

7 A. Yes.

8 Q. "The quality and value of our
9 reports to NCMEC will drop dramatically,
10 rendering them close to useless."

11 Was that a concern that -- that
12 NCMEC had at the time that Meta announced
13 end-to-end encryption?

14 A. Yes.

15 Q. We will turn to the volume issue
16 later, but has there been a change in the depth
17 or detail of reports that NCMEC has received
18 from Meta since end-to-end encryption was
19 implemented?

20 MR. CHAPUT: Object to form.

21 THE WITNESS: Yes.

22 BY MS. SINGER:

23 Q. And what is that change?

24 A. NCMEC has observed in reports
25 received from Facebook that stem from Messenger,

1 which we understand to now be reliant on user
2 reporting, oftentimes there is very limited chat
3 or content information which is included within
4 those reports than what we had seen in years
5 prior.

6 Q. And what is the consequence of
7 getting more limited chat or content information
8 than NCMEC received before end-to-end
9 encryption?

10 A. Having that limited information
11 can make it extremely difficult to understand
12 what exactly is occurring.

13 Q. And has that loss of visibility,
14 right, that loss of information, had an impact
15 on NCMEC's and law enforcement's ability to help
16 protect children?

17 MR. CHAPUT: Object to form.

18 THE WITNESS: NCMEC still
19 makes all of those reports available to
20 law enforcement for their independent
21 review. We have heard that anecdotal
22 feedback that without that more robust
23 information about an incident that law
24 enforcement may have difficulty in
25 following up on those reports.

1 calls for a legal conclusion in with
2 respect to what platforms' reporting
3 obligations are.

4 MS. SINGER: Okay.

5 BY MS. SINGER:

6 Q. If we -- without conceding the
7 objection, Ms. McNulty, is it NCMEC's factual
8 observation that Meta is leaving cases of child
9 exploitation undetected and unreported?

10 A. Yes.

11 Q. Okay. And then if you look at the
12 next half page, Ms. DeLaune goes on to explain
13 the contributing factors to the 7 million drop
14 in reported incidents; is that correct?

15 A. Yes.

16 Q. Okay. And can you explain to the
17 jury the other explanations that NCMEC
18 considered accounted for the 7 million drop in
19 reports?

20 A. Yes. In researching the decline
21 in reports from 2023 to 2024, NCMEC identified
22 -- identified three main factors that we believe
23 played into that decline.

24 The first was conversations with
25 Meta about a handful of images that had

1 children who have been sexually abused on Meta's
2 platforms?

3 A. Yes.

4 Q. Over the course of your work at
5 NCMEC, have you noticed a change in the
6 frequency or nature of child sexual exploitation
7 through Facebook, Instagram, and WhatsApp?

8 A. Yes.

9 MR. CHAPUT: Object to the
10 form.

11 BY MS. SINGER:

12 Q. What have you observed?

13 A. Most notably with reports stemming
14 from Facebook, we have observed a decrease in
15 both the volume and the quality of the contents
16 included within those reports.

17 Q. Okay. And that's attributed to
18 the end-to-end encryption issue we talked about,
19 correct?

20 A. That is NCMEC's understanding.

21 Q. Okay. And that relates to
22 reporting but does NCMEC -- actually, withdrawn.
23 To NCMEC's knowledge, based on
24 your knowledge and experience personally as
25 well, is CSAM still distributed on Meta's