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EXHIBIT 7

From: Miki Rothschild [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN= [REDACTED]]

Sent: 9/16/2024 8:05:43 PM

To: Mark Zuckerberg [REDACTED@meta.com]; Naomi Gleit [REDACTED@meta.com]; Adam Mosseri [REDACTED@meta.com]; Chris Cox [REDACTED@meta.com]; Javier Olivan [REDACTED@meta.com]; David Ginsberg [REDACTED@meta.com]; Andrea Saul [REDACTED@meta.com]; Joel Kaplan [REDACTED@meta.com]; Alex Schultz [REDACTED@meta.com]; Nick Clegg [REDACTED@meta.com]; Guy Rosen [REDACTED@meta.com]; Jennifer Newstead [REDACTED@meta.com]; Michel Protti [REDACTED@meta.com]; John Hegeman [REDACTED@meta.com]; Brady Lauback [REDACTED@meta.com]; [REDACTED@meta.com]; Max Eulenstein [REDACTED@meta.com]; Jonathan D. Martin [REDACTED@meta.com]; Curtiss Cobb [REDACTED@meta.com]; Antigone Davis [REDACTED@meta.com]; [REDACTED@meta.com]; Scott Tucker [REDACTED@meta.com]; [REDACTED@meta.com]; [REDACTED@meta.com]; Molly Cutler [REDACTED@meta.com]; [REDACTED@meta.com]; Sayed Otaru [REDACTED@meta.com]; Allison Hartnett [REDACTED@meta.com]; [REDACTED@meta.com]; [REDACTED@meta.com]

CC: mzadmin [REDACTED@meta.com]

Subject: [Inform] Teen Accounts Predicted Age User Experience Plan (A/C Priv)

Attachments: [9_16 MZ Inform] Teen Accounts Predicted Age Plan [A_C Priv].pdf

A/C PRIV – Mel [REDACTED] **PRIV**

Hi Mark,

In our 7/19 review we aligned to use predicted age to enroll stated adults who are predicted to be teens into the Teen Account protections on Instagram. We are returning with the first in a series of implementation reviews for how to do that. Youth Leadership has decided on the experience we'll put predicted teens into -- see full deck attached as PDF and linked here. Legal and Policy, while not blocking, have requested that we inform you on this plan given the risk associated with this approach.

- **Context (Recap):**

- "Teen Accounts" (aka Nido), scheduled to launch on 9/17 in US, AU, CA and UK, will put all stated age teens (13-17) into a package of age appropriate settings. While late teens (16-17) can change these settings, early teens (13-15) will be required to get parental permission to change them.
- Regulators, Policy Elites and Parents view using age prediction as a key mitigation to prevent teens from misrepresenting their age to circumvent teen accounts. To mitigate this concern and increase the chance that Teen Accounts will drive parental alignment, we will launch enrollment with predicted age in 2025.

- **Inform:**

- **Predicted Age:** Although our predicted age models are the most performant for the US market, they still yield a significant number of incremental adult false positives (e.g. +0.2M at 50% recall, +4.8M at 90% recall). The incremental adult false positive rate (iFPR) increases as we increase teen recall. Globally the average iFPR is much higher than that of the US. Per legal guidance, we need a path to high recall and therefore expect to have a large number of adults who mistakenly get classified as teens.
- **Risks & Mitigations:** Using age prediction for such a prominent user experience will introduce a number of risks that we will seek to evaluate and mitigate by testing in the US before rollout in other high priority countries. In parallel, we will actively invest in improving model performance, but we expect limitations to how much we can improve (including data collection/user privacy tradeoffs we'll tee up). We should plan for a significant number of false positives in any rollout scenario.

- **Decision:** What should the experience be for stated adults (18+) who are predicted to be teens (13-17)?

For stated age teens, Nido provides distinct experiences for early teens (13-15) vs. late teens (16-17). However, currently, our age prediction model can only delineate between over and under 18. Given this constraint, we have three options:

- **Option A:** Frame UX as a "Safety Update" with late teens (16-17) default settings, where parental permission is NOT required to change settings.
- **Option B:** Frame UX as "Teen Accounts" with late teens (16-17) default settings, where parental permission is NOT required to change settings.

- **Option C:** Frame UX as “Teen Accounts” with early teens (13-15) default settings, where parental permission is required to change settings.
- **Recommendation: We have decided to begin testing with Option A.** Our overall goal is to put the maximum number of true teens into an age appropriate experience. Product recommends option A as it gives the clearest path to put as many teens as possible into teen defaults (highest teen recall) by reducing the risks from mistakenly putting adults into that experience (lower cost of false positives). Legal, Policy and Public Affairs prefer other options because of the risk that a significant number of U16s may be placed in Late Teen defaults, but are not blocking on Option A. We’ll explore if there's a viable path to put a narrow segment of high confidence u16 (or u18) into option C to reduce that risk but we'll decouple this exploration from the initial predicted age execution plan.

This is one decision amongst a set of decisions that will unblock us from implementing predicted age for Teen Accounts enrollment:

- (1) What should the user experience be for predicted teens in Teen Accounts? ← **Today’s Review**
- (2) What should the Ads treatment be for predicted teens in Teen Accounts? (October 1)
- (3) What is the incremental false positive rate we should use as a guardrail when using age prediction in Teen Accounts? (Future Review)

Please let us know if you have any questions or feedback.

Thanks,
-Miki

Appendix B

The State's Reply to Meta's Response to the State's Statement of Material Facts

1. Since at least January 19, 2013, Instagram's terms of use states: "You must be at least 13 years old." See true and correct copy of METANMAG-002-00000001 at 44, 53 attached as Exhibit 1.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, or that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State's Motion for Partial Summary Judgment, referencing Instagram's terms of use.

2. Since at least January 19, 2013, Instagram's privacy policy states: "Instagram does not knowingly collect or solicit any information from anyone under the age of 13 or knowingly allow such persons to register for the Service. The Service and its content are not directed at children under the age of 13." *Id.* at 64.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, or that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts.

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3. From at least July 9, 2014 until April 2018, Facebook's Terms of Service states: "You will not use Facebook if you are under 13." See true and correct copy of <https://web.archive.org/web/20140709054009/https://www.facebook.com/terms> attached as Exhibit 2; see also true and correct copy of

<https://web.archive.org/web/20180430151726/https://www.facebook.com/terms/> attached as Exhibit 3.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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4. Since at least April 2018, Facebook’s Terms of Service states: “[Y]ou cannot use Facebook if: You are under 13 years old.” See true and correct copy of <https://web.archive.org/web/20180531065305/https://www.facebook.com/terms/> attached as Exhibit 4.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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5. A March 17, 2021, Instagram blog post titled, “Continuing to Make Instagram Safer for the Youngest Members of Our Community” said: “We require everyone to be at least 13 to use Instagram and have asked new users to provide their age when they sign up for an account for some time. While many people are honest about their age, we know that young people can lie about their date of birth. We want to do more to stop this from happening, but verifying people’s age online is complex and something many in our industry are grappling with.” See true and correct copy of <https://about.instagram.com/blog/announcements/continuing-to-make-instagram-safer->

for-the-youngest-members-of-our-community attached as Exhibit 5.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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6. On March 25, 2021, Mark Zuckerberg testified before the U.S. House of Representatives Subcommittee on Communications and Technology joint with the Subcommittee on Consumer Protection and Commerce: “our policies on the main apps that we offer generally prohibit people under the age of 13 from using the services.” *See* true and correct copy of <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf> attached as Exhibit 6.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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7. A July 27, 2021, Meta blog post titled, “How Do We Know Someone Is Old Enough to Use Our Apps?” said: “Facebook and Instagram weren’t designed for people under the age of 13, so we’re creating new ways to stop those who are underage from signing up.” *See* true and correct copy of <https://about.fb.com/news/2021/07/age-verification/> attached as Exhibit 7. The blog post also said: “As per our terms, we require people to be at least 13 years old to sign up for Facebook or Instagram.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta refers the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State’s Motion for Partial Summary Judgment, referencing the Meta blog post mentioned above.

8. On December 8, 2021, Adam Mosseri submitted written testimony to U.S. Senate Subcommittee on Consumer Product Safety and Data Security: “As Head of Instagram, I am especially focused on the safety of the youngest people who use our services. This work includes keeping underage users off our platform” and “Instagram is built for people 13 and older. If a child is under the age of 13, they are not permitted on Instagram.” *See* true and correct copy of METANMAG-002-00002346 attached as Exhibit 8.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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9. Since at least January 10, 2024, Instagram’s Help Center Website on Staying Safe, Tips For Parents titled, About Instagram Teen Privacy and Safety Settings: “We require people to be at least 13 years old to sign up for Instagram.” *See* true and correct copy <https://help.instagram.com/3237561506542117> attached as Exhibit 9.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet

“Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State’s Motion for Partial Summary Judgment, referencing the Instagram Help Center Website mentioned above.

10. Meta’s current “A Parent Guide to Instagram” said: “We require people to be at least 13 years old to sign up for Instagram.” *See* true and correct copy NCOSE 30(b)(6) Dep. Ex. 10 attached as Exhibit 10.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, or that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, Meta directs the Court to Paragraphs 1 and 2 of its Counterstatement of Material Facts

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11. Each of these statements were available nationally and in New Mexico online via Meta’s website, through Congressionally broadcast hearings, and on Congress’s website.⁶

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claim that “Meta knowingly made false statements that it does not allow children under 13 to use Meta’s platforms, *which have the tendency to mislead New Mexico consumers*,” Mot. 4 (emphasis added), and that these statements were made in “Congressional testimony, which was broadcast nationally,” and “online, where they were available to New Mexico consumers,” Mot. 6, Meta directs the Court to Paragraph 6 of its Counterstatement of Material Facts

STATE’S REPLY:

Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Moreover, Meta’s assertions—that Plaintiffs cannot show: that these statements

reached any citizens of New Mexico, whether citizens of New Mexico attended to the statements, or how New Mexico citizens interpreted the statements—have no bearing on the statement above, that such statements were *available*. Therefore, the fact is undisputed. Meta only disputes the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State’s Motion for Partial Summary Judgment, referencing these statements.

12. Meta did not disclose publicly its knowledge, summarized below, that millions of children under 13 used Facebook and Instagram, that Meta did not engage in meaningful enforcement or verification to ensure that children under 13 did not use its platforms.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, or that Meta “made the process of reporting underage users unnecessarily difficult,” Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 5 of its Counterstatement of Material Facts

STATE’S REPLY: Meta does not dispute the factual basis of the statement of material fact offered by Plaintiffs. Statements by Meta regarding its *policies* do not create a material dispute of fact about the *effects* of Meta’s practices. Moreover, Meta’s broad and general public statements that “there are U13s on its platforms” (Defs.’ Counterstatement at Paragraph 2(b)) do not contradict that Meta did not publicly disclose that this number of U13s was in the millions. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State’s Motion for Partial Summary Judgment, referencing Meta’s failure to publicly disclose this fact and Meta’s lack of meaningful enforcement or verification with respect to U13s.

13. As early as May 2011, external researchers informed Facebook that approximately 7.5 million U.S. users were U13, and about 5 million of those were under the age of 10. *See* true and correct copy of <https://abcnews.go.com/Technology/underage-facebook-members-75-million-users-age-13/story?id=13565619> attached as Exhibit 11.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 3, and 4 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Therefore, the fact is undisputed. Defendants only dispute the

manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 1 and 6 of the State's Motion for Partial Summary Judgment, referencing the external research mentioned above.

14. An April 30, 2012, PowerPoint titled "Project Kid" said: "allowing <13s to join Facebook without lying allows us to give them the appropriate protections" and admitted that "[t]here is no age verification for anyone who claims to be >13." *See* true and correct copy of METANMAG-002-02352081 at ps. 6, 15 attached as Exhibit 12.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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15. An internal Facebook June 2012 presentation admitted: "Evidence indicates that millions of children under 12 on Facebook[.]" *See* true and correct copy of METANMAG-011-01017270 at p. 4 attached as Exhibit 13.8

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that "Meta knew that millions of [U13] children were in fact on the platform," Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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16. In 2012, it was “common knowledge [at Facebook] that there were young kids on Instagram” and it was a “big reason” Facebook decided to acquire Instagram because Facebook wanted young kids on their social media apps. *See* true and correct copy of Bejar Dep. Vol 1 184:23-185:22 attached as Exhibit 14.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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17. An October 25, 2016, presentation states: “‘Nielsen Families’ show the pattern of age misrepresentation (circa 2013)” with a graph depicting a cluster of teens and U13 users⁹ misrepresenting their age. *See* true and correct copy of METANMAG-011-00991007 at 1045 attached as Exhibit 15.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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18. A 2018 Youth Team Review noted: “Looking at people we predict to be 13 and 14 today, we can estimate that there were 4M people under 13 in 2015 on IG,” which “represents

around 30% of all 10-12 years old in the US.” See true and correct copy of METANMAG-002-00610846 at 0850 attached as Exhibit 16.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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19. On September 10, 2018, a Meta employee conceded in an internal email discussing the Community Standards Enforcement Report for Facebook and Instagram: “Until we have really strong mechanisms for preventing inappropriate adult/minor contact, I think we risk generating more negative press than positive –especially when we do very little to keep U13s off our platform.” See true and correct copy of METANMAG-111-00000010 at 0011 attached as Exhibit 17.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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20. Prior to and at least as early as 2019, Instagram’s approach to U13 users was “Don’t ask Don’t tell” meaning that Instagram knew there were “kids under 13 but you do not really talk about it and you don’t ask about it if you didn’t know somebody was under 13, then

you didn't have to do anything about it." *See* true and correct copy of Bejar Dep. 186:21-188:8 attached as Exhibit 14.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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21. In 2019, Meta was not affirmatively searching accounts on Facebook or Instagram to identify U13 users. Instead, Meta relied on user reporting and fan-outs from those reports. *See* true and correct copy of Mosseri Dep. (July 25, 2025) at 16:6-15 attached as Exhibit 18.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that Meta "made the process of reporting underage users unnecessarily difficult," Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, and 5 of its Counterstatement of Material Facts

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22. On January 24, 2019, a Meta employee acknowledged Instagram's "lack of proactive action on detecting under 13 accounts undermines our credibility generally but it's compounded by both our younger demographic as well as the fact that because we don't collect age, using age-gating as a solution to ensure content that's especially inappropriate for younger users isn't something we can lean into." *See* true and correct copy of MT-IG-AG-NM-000049647 at 9649 attached as Exhibit 19.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U1312 children were

prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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23. Instagram did not require new users to provide their age until December 4, 2019. *See* true and correct copy of <https://about.instagram.com/blog/announcements/making-instagram-safer-for-the-youngest-members-of-our-community> attached as Exhibit 20.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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24. An internal document dated March 2, 2020, titled “Under-13 Age Gating + Enforcement,” asks whether Meta “[s]hould [] change the current default age on the birthday screen from 25 years old to an age below the minimum required age (i.e. 0 or 1)?” *See* true and correct copy of METANMAG-082-00000404 at 0404 attached as Exhibit 21. The document states: “We ask people to state their age at registration and block attempts to create accounts by people who say they’re too young. (But the default age is 25 and many people accept that.)” *Id.* at 0405. The document also states: “[W]e’ve been testing improvements to collecting age at registration that would collect age in a neutral way (i.e., one that doesn’t have a 13 ‘passing’ age as the default and that doesn’t clearly signal what the ‘right answer’ to the age question is) . . . we found that a neutral age gate had a negative impact of ~12.5 MAP [Monthly Active People]/year.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited”

yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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25. In 2020, Meta was not doing age prediction to identify U13 users. *See* Exhibit 18 at 57:12-22.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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26. A 2020 survey conducted by the nonprofit Thorn found that 40 percent of children under 13 reported using Instagram and 45 percent used Facebook. National Center of Sexual Exploitation (“NCOSE”) 30(b)(6) Deposition (May 7, 2025) (“NCOSE DEP”) 89:3-90:5 attached as Exhibit 22.14

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State's Motion for Partial Summary Judgment, referencing the 2020 survey conducted by the nonprofit Thorn.

27. In a May 21, 2021 internal discussion, a Meta employee said: "seeing thorn's [data] I am concerned that those most victimized are of an age that shouldn't even be on ig." *See* true and correct copy of METANMAG-002-00477677 attached as Exhibit 23. The employee's statement was in response to a Thorn Report from May 2021 finding that the "highest number of survey participants reporting a potentially harmful online experience included . . . Instagram (26%) . . . and Messenger (18%)," platforms with the most "online sexual interaction" were "Instagram (16%), Messenger (11%), and Facebook (10%)," and that "45 percent of minors 9-12 are using Facebook; 40 percent are using IG." *See* true and correct copy of MT-IG-AG-NM-000214320 at 4321 attached as Exhibit 24.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that "Meta knew that millions¹⁵ of [U13] children were in fact on the platform," Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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28. In a September 8, 2021, internal discussion, a Meta employee said: "About 1/3 of kids – particularly 11-12 – are already on Instagram[.]" *See* true and correct copy of METANMAG-003-00866610 attached as Exhibit 25.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that "Meta knew that millions of [U13] children were in fact on the platform," Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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29. An internal Meta study conducted in approximately September 2021, found that "majority of 12 yr olds and about half [of 11 year olds] were already on IG" and noted that "we couldn't ask if they had their own account." *See* true and correct copy of METANMAG-005-00170332 at 0332 attached as Exhibit 26.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that "Meta knew that millions¹⁶ of [U13] children were in fact on the platform," Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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30. A 2021 survey conducted by Common Sense found that 38% of U.S. children aged 8 to 12 had used social media, and that 18% of them used it every day. *See* true and correct copy of https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf at p. 33 attached as Exhibit 27.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that "Meta knew that millions of [U13] children were in fact on the platform," Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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31. In a February 15, 2022, a Meta employee internally acknowledged: “One of the complexities is that we’re not able to identify how many U13 users are on our platform and thus being classified as teens.” *See* true and correct copy of METANMAG-003-00002507 attached as Exhibit 28.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures¹⁷ to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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32. On July 6, 2023, Meta employees discussed research related to users’ age and age verification. *See* true and correct copy of METANMAG-002-00518204 attached as Exhibit 29. One employee noted that “we explicitly did not ask about under-13 misrepresentation, per guidance by the Litigation team.” *Id.* The Meta employee further noted, however, that “in this study a couple teens said they had IG accounts before age 13.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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33. A 2024 report released by Thorn titled “Youth Perspective on Online Safety, 2023” found that 59% of 9–12-year-olds reported using Facebook and 50% reported using Instagram. See true and correct copy of https://info.thorn.org/hubfs/Research/Thorn_23_YouthMonitoring_Report.pdf attached as Exhibit 30.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children 18 were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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34. On February 8, 2024, the principal of Vado Elementary School in Southern New Mexico wrote to Adam Mosseri: “I am writing to you with grave concern . . . regarding the pervasive issue of underage students accessing Instagram Despite numerous attempts to address this problem, it continues to persist, largely due to insufficient action from Instagram’s parent company, Meta.” See true and correct copy of METANMAG-003-00807971 attached as Exhibit 31.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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35. In meetings on April 22, 2020 and June 10, 2021 between National Center on Sexual Exploitation (“NCOSE”) and Meta, NCOSE informed Meta it and its partner organizations observed many U13 users on Instagram. See Exhibit 22 (NCOSE Dep.) 192:21-195:25;19

209:13-211:6. During these meetings, Meta employees acknowledged that they knew U13 users lied about their age and were on Instagram. *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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36. Kids under 13 “have always lied about their age to try to get on apps, like Instagram.” *See* Exhibit 18 Adam Mosseri Deposition (July 25, 2025) 11:15-22. Meta “knew this in 2018 and today in 2025.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, Meta directs the Court to Paragraphs 1, 2, 3, and 4 of its Counterstatement of Material Facts

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37. Because Meta informed NCOSE that Meta relied on user reports to identify U13s on its platforms, an NCOSE employee attempted to report an U13 user and determined the 20 reporting process was incredibly complicated, requiring her to provide external documents to verify her knowledge the child was U13. *See* Exhibit 22 (NCOSE Dep.) at 211:11-212:11. Ultimately, the NCOSE employee was unable to report the U13 user from Instagram. *Id.*

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were

prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, or that Meta “made the process of reporting underage users unnecessarily difficult,” Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, and 5 of its Counterstatement of Material Facts

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38. Reporting a U13 user required the reporter to exit Meta’s application and go to an internet form. *See* true and correct copy of Jayakumar Dep. Vol. 1 (Jan. 30, 2025) 91:24-92:3; 96:9-14 attached as Exhibit 32. Once at the form, it took “over 7 screens for users to report U-13 users on IG.” *Id.*; *see also* true and correct copy of METANMAG-002-01054251 attached as Exhibit 33. Meta employees knew that an in-app reporting feature would be a much faster and more seamless way to report U13 users. *See* Exhibit 33 (METANMAG-002-01054251). However, employees were concerned that it would add to the already-existing backlog of 2.5 million age-related reports. *Id.*; *see also* true and correct copy of MT-IG-AG-NM-000210561 attached as Exhibit 34.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U1321 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, that Meta “knew that millions of [U13] children were in fact on the platform,” Mot. 6, or that Meta “made the process of reporting underage users unnecessarily difficult,” Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 5 of its Counterstatement of Material Facts

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39. The State’s expert, Dr. Colin Gray, observed that Instagram’s underage reporting form “uses obstruction, interface interference, and forced action to discourage reporting these users.” Gray Report (July 11, 2025) ¶ 89 attached as Exhibit 35. “For instance, the form requests the username, full name, and birthdate of the individual being reported—items unlikely to be known by someone submitting the form. [T]he form cannot be submitted

without including a full date of birth for the underage user and, if a user attempts to submit the form more than twice without the required information, Instagram introduces an additional form of obstruction: an error message stating that “you’re going too fast” and that “restrictions might be made on your account” if they continue using the feature. This message appears to be a generalized rate-limiting response, but in this context, it functions as a deterrent to form submission, implicitly punishing users for repeated attempts to report an underage account.” *Id.*

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40. A document titled “Child Safety State of Play Interim update –September 2020” says: “We [Meta] have de-prioritized enforcing against u13s on our platform. We are neither building a proactive u13 classifier nor prioritizing enforcing against reported u13s.” *See* true and correct copy of METANMAG-002-01993573 at 3579 attached as Exhibit 36. It further admits: “there’s also a current u13 backlog (~700k job backlog) . . . [t]his backlog is currently not resourced.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, that Meta “knew that millions of [U13] children were in fact on the platform,” Mot. 6, or that Meta “made the process of reporting underage users unnecessarily difficult,” Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 5 of its Counterstatement of Material Facts

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directs the Court to pgs. 2, 7, and 8 of the State's Motion for Partial Summary Judgment, referencing the document titled "Child Safety State of Play Interim update—September 2020."

41. Instagram had the "ability to build effective tools to try to prohibit kids younger than 13 from being on Instagram" *See* Exhibit 14 at 190:21-24, 193:16-194:3.23

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that Meta "made the process of reporting underage users unnecessarily difficult," Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, and 5 of its Counterstatement of Material Facts

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42. A June 2019 presentation analyzing Instagram's 2019 Policy communications guide states: "Biggest weakness of [U13] messaging is that current approach to age verification feels largely reactive, placing reliance on honesty of users." *See* true and correct copy of METANMAG-021-00546991 at 7017 attached as Exhibit 37.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that Meta "made the process of reporting underage users unnecessarily difficult," Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, and 5 of its Counterstatement of Material Facts

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43. In 2019, the only steps Meta took to confirm users' age was 1) content moderators would "check age when anything gets reported" and 2) allowing anyone to report "someone they think are under 13." *Id.* 24

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, or that Meta "made the process of reporting underage users unnecessarily difficult," Mot. 7, Meta directs the Court to Paragraphs 1, 2, 3, and 5 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpted statements are misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State's Motion for Partial Summary Judgment, referencing statements noted above.

44. In February 2020, Meta Policy recommended implementing "proactive enforcement of under-13s who lie about their age to create [Facebook/Instagram] accounts[.]" *See* true and correct copy of METANMAG-111-00000024 attached as Exhibit 38. In response to the recommendation, a Meta executive said: "We will be forced by regulators, advertisers and wider societal expectations to do more on this so it is essential we get moving –beyond all else, not acting to enforce our own rules as fully we can is an unsustainable/unjustifiable position to be in. . . . I find it difficult to imagine that there are many other tasks as important/pressing as this one." *Id.* Explaining this recommendation, a Policy Vice President said: "The reason we're raising this for a decision is that we're seeing more aggressive policy proposals to regulate this space." *See* true and correct copy of METANMAG-111-00000005 attached as Exhibit 39.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State

directs the Court to pgs. 2, 6, and 7 of the State's Motion for Partial Summary Judgment, referencing the statements by Defendants quoted above.

45. A July 1, 2020, document titled "Child Safety–State of Play (7/20)," which analyzed Meta's child safety policies across all of its platforms, including Facebook and Instagram, states: "in March it was decided that we would not build a classifier to detect minors under 13 years old." *See* true and correct copy of METANMAG-002-00219693 at 9701 attached as Exhibit 40.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State's Motion for Partial Summary Judgment, referencing the July 1, 2020 document titled "Child Safety – State of Play (7/20)."

46. A document titled "Child Safety State of Play Interim update –September 2020, says regarding Facebook and Instagram: "Age verification pressures: We will likely continue to face external pressure to verify age. . . . The challenge is getting our age models globally operational and justifying such an approach to product growth teams." *See* Exhibit 41 (METANMAG-002-01993573) at 3578-79. It further says: "Age models do not work well on IG because IG only started to collect age data for new sign ups in December 2019." *Id.* It also states: "We have de-prioritized enforcing against u13s on our platform. We are26 neither building a proactive u13 classifier nor prioritizing enforcing against reported u13s." *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is

undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State's Motion for Partial Summary Judgment, referencing the document titled "Child Safety State of Play Interim update – September 2020."

47. A presentation titled "Messenger Well Being All Hands" dated March 2021, states: "we must build child safety protections for minors and drive down child exploitation prevalence on our platform. Our ability to do this is largely hamstrung by our inability to verify age and predict age globally because most, if not all, of our product interventions and child safety mitigations depend on our ability to detect minors (and age-lying adults) accurately." *See* true and correct copy of METANMAG-002-00698654 at p. 147 attached as Exhibit 42.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2, 4, 6, and 7 of the State's Motion for Partial Summary Judgment, referencing the presentation titled "Messenger Well Being All Hands" dated March 2021.

48. Meta promotes that it has "developed more than 30 tools and features to help support teens and their parents." *See* true and correct copy of <https://about.fb.com/news/2024/01/introducing-stricter-message-settings-for-teens-on-instagram-and-facebook/> attached as Exhibit 43.

RESPONSE: Undisputed.

49. A document titled "Age Verification and Safety Defaults (Concepts only) –US and IN Rolling Research findings (May 2021)" states: "Instagram is known as a social media app with no age restrictions." *See* true and correct copy of METANMAG-002-00672807 at 2807 attached as Exhibit 44.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta

“repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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50. On June 14, 2021, Mosseri and Zuckerberg discussed “age modeling for under 13” on Meta’s platforms. *See* true and correct copy of METANMAG-111-00000047 attached as Exhibit 45. Mosseri told Zuckerberg: “I vaguely remember you having a strong point of view on whether or not we should do this” and “Stan, Pavni, and I are aligned that we need to do this[.]” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State’s Motion for Partial Summary Judgment, referencing the statements quoted above.

51. In November 2021, a Meta vice president sent an email regarding 2022 Budget Planning: “I have a time critical need to find \$14.5m \$ in Adam’s budget or beyond. This is u13 and u18 classifier work and it cannot wait,” reflecting that Meta still did not have a means to proactively identify U13 users in late 2021. *See* true and correct copy of METANMAG-002-00478590 at 8590 attached as Exhibit 46.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under

13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State’s Motion for Partial Summary Judgment, referencing the November 2021 email quoted above.

52. On June 23, 2022, Meta announced that it was “introducing new ways to verify age on Instagram,” including by providing an ID or a video selfie, which is submitted to Yoti, a company that specializes in online age verification using facial features. *See* true and correct copy of <https://about.instagram.com/blog/announcements/new-ways-to-verify-age-on-instagram> attached as Exhibit 47. Meta acknowledges that Yoti trained its dataset using children under the age of 13. *Id.* While Meta could have used these methods to verify age for U13 users, Meta only required an ID or the video selfie if “someone attempts to edit their date of birth on Instagram from under the age of 18 to 18 or over.” *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 7 of the State’s Motion for Partial Summary Judgment, referencing the announcement by Meta quoted above.

53. A document titled “xMY Canonical Youth Defaults [A/C Priv]” with the last modified date of January 15, 2024, says: “Requiring Age Verification for new <18 users . . . would have a cost on the order of millions to tens of millions of [Monthly Active Users] for [Facebook] and [Instagram].” *See* true and correct copy of METANMAG-002-02102278 at 2282 attached as Exhibit 48.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that

it does not allow children under 13 to use Meta's platforms," Mot. 4, or that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

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54. A November 15, 2016, presentation titled "The Teens Team 2017" states: "U13: Significant tablet usage starts at 3-4," "U13: Smartphones dominate from age 10," and "U13: Social identity is an unmet need ages 5-11." *See* true and correct copy of METANMAG-011-00363223 at ps. 12-15 attached as Exhibit 49. Goals identified in the presentation included "increase US teen time spent" and "Grow MAP, DAP, and time spent among U13 kids." *Id.* at ps. 22-23. A slide titled "Brainstorm -> Fix Facebook" included ideas for U13s including "[p]ost without allowing comments" and "[n]ew, creative post formats (quizzes, lip syncs etc)." *Id.* at p. 38. A slide titled "Brainstorm -> U13" included ideas such as "[s]anta messaging bot," "[t]amagotchi pet," and "[d]on't need to sign in to see content." *Id.* at p. 40.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, that "Meta knew that millions of [U13] children were in fact on the platform," Mot. 6, or that "New Mexico consumers engage in an exchange of value with Meta in order to access Meta's platforms," Mot. 9, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 7 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 8 of the State's Motion for Partial Summary Judgment, referencing the presentation titled "The Teens Team 2017."

55. On May 11, 2018, a product design manager, wrote in an email with the subject: "Winning Teens = Winning Generations (& Rob's Weekly Youth Update -May 11)": "How can we build products that make it so that when you start Middle School, Facebook is the best product to use and the way you connect with your peers?" *See* true and correct copy of

MT-IG-AG-NM-000036412 at 6429-30 attached as Exhibit 50. The manager wrote on the³¹ same email chain, on August 24, 2018: “the young ones are the best ones . . . you want to bring people to your service young and early.” *Id.* at 6415.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, that “Meta knew that millions of [U13] children were in fact on the platform,” Mot. 6, or that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 9, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 7 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 8 of the State’s Motion for Partial Summary Judgment, referencing the emails quoted above.

56. On September 6, 2018, a Meta employee posted a presentation titled “Market Landscape Review: Teen Opportunity Cost and Lifetime Value” which says: “The lifetime value of a 13 y/o teen is roughly \$270 per teen.” *See* true and correct copy of METANMAG-00225608 at 5608 attached as Exhibit 51. This represents the highest lifetime value of any age cohort. *Id.* at 5620.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, that “Meta knew that³² millions of [U13] children were in fact on the platform,” Mot. 6, or that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 9, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 7 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 8 of the State’s Motion for Partial Summary Judgment, referencing the presentation titled “Market Landscape Review: Teen Opportunity Cost and Lifetime Value.”

57. The State's expert Dr. Zachary Ward conducted a study using available data that estimates Meta's 2022 national annual advertising revenue on Facebook and Instagram from 0-17 year olds was \$5.3 billion and \$0.9 billion for 0-12 year olds. *See* true and correct copy of Ward Report (July 11, 2025) ¶ 43 attached as Exhibit 52. For users in New Mexico, the 2022 annual revenue estimates are \$34 million for ages 0-17 and nearly \$6 million for ages 0-12. *Id.* ¶ 44.

RESPONSE: Disputed as false, incomplete, and misleading. To the extent the State uses this fact to support its claims that "Meta consistently claimed that U13 children were prohibited" yet "Meta knew this was a lie," Mot. 1, that Meta "knowingly made false statements that it does not allow children under 13 to use Meta's platforms," Mot. 4, that Meta "repeatedly failed to implement proactive measures to detect and remove children under 13," Mot. 4, that "Meta knew that millions of [U13] children were in fact on the platform," Mot. 6, or that "New Mexico consumers engage in an exchange of value with Meta in order to access Meta's platforms," Mot. 9, Meta directs the Court to Paragraphs 1, 2, 3, 4, and 7 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pgs. 2 and 8 of the State's Motion for Partial Summary Judgment, referencing the Ward Report.

58. 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/ attached as Exhibit 53 *see* true and correct copy of <https://help.instagram.com/termsfuse> attached as Exhibit 54.

RESPONSE: Undisputed.

59. The Terms of Service for Facebook states: "How our services are funded . . . we use your personal data...to show you personalized ads." *See* Exhibit 53.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "New Mexico consumers engage in an exchange of value with Meta in order to access Meta's platforms," Mot. 9, Meta directs the Court to Paragraph 7 of its Counterstatement of Material Facts

STATE'S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants' prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 9 of the State's Motion for Partial Summary Judgment, referencing The Facebook Terms for Service.

60. 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 54.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 9, Meta directs the Court to Paragraph 7 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 9 of the State’s Motion for Partial Summary Judgment, referencing the Instagram Terms of Use.

61. 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 55.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claims that “Meta consistently claimed that U13 children were prohibited” yet “Meta knew this was a lie,” Mot. 1, that Meta “knowingly made false statements that it does not allow children under 13 to use Meta’s platforms,” Mot. 4, or that Meta “repeatedly failed to implement proactive measures to detect and remove children under 13,” Mot. 4, Meta directs the Court to Paragraphs 1, 2, and 3 of its Counterstatement of Material Facts

STATE’S REPLY: Defendants do not dispute the factual basis of the statement of material fact offered by Plaintiffs. Defendants do not assert that the excerpt of Defendants’ prior statements is misquoted, misattributed, or otherwise incorrect. Therefore, the fact is undisputed. Defendants only dispute the manner in which Plaintiffs employ this fact in argument. This does not constitute a dispute as to the accuracy of the fact itself. The State directs the Court to pg. 6 of the State’s Motion for Partial Summary Judgment, referencing the blog post, dated September 17, 2024.