

FILED UNDER SEAL

EXHIBIT 22

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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
HALEY McNAMARA
ON BEHALF OF
NATIONAL CENTER ON SEXUAL EXPLOITATION (NCOSE)

Wednesday, May 7, 2025
9:13 AM EASTERN TIME

Reported by: Denise Dobner Vickery, CRR, RMR
JOB NO.: 7357394

1 allowed teens younger than 13 to have accounts
2 on Instagram. Uh-huh.

3 Q. Okay. So I think you've --
4 you've -- you've addressed my next question was:
5 Is NCOSE aware of whether children under 13 were
6 using Instagram at this time?

7 A. Yes.

8 MR. HESTER: Object to form.

9 THE WITNESS: Yes, we were --
10 we were aware of that both from
11 individual cases that we knew of.
12 Actually in 2020 -- and if it's okay for
13 me to refer to my note -- there was also
14 a survey done by Thorn. I just want to
15 make sure that I represent it accurately.

16 A 2020 survey done by the
17 nonprofit Thorn found that 40 percent of
18 children under 13 reported using
19 Instagram and 45 percent used Facebook.
20 The study surveyed a thousand minors ages
21 19 -- 9 to 17.

22 It also highlighted that 26
23 percent of these children reported
24 potentially harmful experiences on
25 Instagram, including sexual interactions.

1 And we were hearing about this
2 at the time both in cases of exploitation
3 and also from parents who were concerned,
4 and we are still hearing about that from
5 parents this year.

6 MR. HESTER: Now, the witness
7 is reading from her notes. So I think we
8 should be provided those notes right now.

9 MS. SINGER: Mr. Hester, I
10 promised that we would provide them.

11 MR. HESTER: Yeah, but we
12 should be provided them at the time she's
13 reading from the notes.

14 MS. SINGER: Okay. We will at
15 our next break obtain a copy.

16 BY MS. SINGER:

17 Q. At Page 11 of the heading that is
18 "Page 11" on your feedback. Can you describe
19 the endless -- actually, if we can, toggle
20 between Exhibit 8 here and Exhibit 9. In
21 Exhibit 9, we're going to be looking at Bates
22 number ending 893.

23 A. So close. Here we are.

24 Q. All right. And, Ms. McNamara, you
25 can also look at the screen, whatever is

1 minors (comments), grooming (comments, live
2 videos seem to have little moderation).

3 "2. Vanishing mode (parents can't
4 even see that it was on).

5 "3. Idea of reporting (and also
6 the language - not for kids).

7 "4. Recommended accounts (as a
8 13-year-old - why are older men recommended to
9 me?).

10 "5. Adjust algorithms for
11 'suggested for you'/explore features to stop
12 predators connecting to young -- more young
13 girls."

14 Q. Okay. And these were all issues
15 that -- that NCOSE had raised previously to
16 Instagram; is that right?

17 A. Yes.

18 MR. HESTER: Object to form.

19 THE WITNESS: Uh-huh.

20 BY MS. SINGER:

21 Q. How did -- and were these all
22 issues that were conveyed during that April 22,
23 2020 meeting?

24 A. Yes.

25 Q. How did Instagram or did

1 Instagram -- did the Instagram Research Team
2 respond to the issues that NCOSE raised at that
3 meeting?

4 A. During that meeting, my
5 recollection is they were primarily -- primarily
6 listening and asking questions.

7 Q. Okay.

8 A. Uh-huh.

9 Q. And then if you look at the next
10 page. So you're on page Bates number ending 216
11 under the heading "Opportunities."

12 A. Yes.

13 Q. Can you read 6 through 10 there,
14 please.

15 A. 6. Technology -- so
16 "Opportunities."

17 "6. Technology to identify
18 predatory behavior, age-lying, etc.

19 "7. Default safety to the highest
20 level for minors.

21 "8. Different experiences for 13
22 to 15 and 16 to 18.

23 "9. EDUCATE teens and young people
24 within the app itself (many points throughout).

25 "10. Reporting needs to be more

1 accessible to minors."

2 Q. Okay. So by "opportunities," what
3 was NCOSE communicating? What did that mean?

4 A. We were hoping that Instagram
5 would see this as positive things that they
6 could do and things that they could change.

7 Q. Okay. And were these suggestions
8 conveyed to the Instagram Research Team as well
9 during the meeting?

10 A. Yes.

11 Q. Okay. And if you could look under
12 the heading "More Notes."

13 A. Uh-huh.

14 Q. The bullet that begins "WE KNOW
15 SO."

16 Can you read that, please.

17 A. "WE KNOW SO many young people -
18 younger than 13 are on Instagram."

19 Q. And the next bullet, please.

20 A. "Protect Young Eyes," which is a
21 digital safety organization, colon. So this is
22 what they reported to us to share in this
23 meeting.

24 "Protect Young Eyes: 50% of the
25 5th graders they've talked to have their own

1 social media account - usually IG, Snapchat,
2 TikTok (my daughter's class same)."

3 Q. Okay. How old is a kid in the 5th
4 grade?

5 MR. HESTER: Object to form.

6 BY MS. SINGER:

7 Q. Do you know?

8 A. I don't know.

9 Q. Okay.

10 A. I'm sorry.

11 Q. If I said 10 to 11, does that seem
12 right to you?

13 A. Yes.

14 Q. And do you recall how Instagram
15 responded to those notes or that information?

16 A. They -- they took notes --

17 Q. Okay.

18 A. -- in that -- in that
19 conversation. I know in other conversations we
20 had about children being on Instagram underage
21 of 13, they casually confirmed that they knew
22 that people lied about their age on Instagram.
23 Both that they lied -- young people pretended to
24 be older and that older people pretended to be
25 younger.

1 what do we do?"

2 Do you see that?

3 A. Yes.

4 Q. Do you understand what that
5 question was referring to?

6 A. Again, it was them turning to us
7 and asking what should they do for children, who
8 don't have parental guidance, who would talk to
9 them about online safety or, you know, supervise
10 their account. Our argument is the platform
11 itself should just make itself safe for those
12 children.

13 Q. Okay. Okay. We're going to turn
14 to Bates number 2218, please.

15 So this has the heading
16 "#WakeUpInstagram 6.10.21 Meeting with
17 Vaishnavi."

18 A. Yes.

19 Q. Have I read that correctly?

20 A. Yes.

21 Q. You recognize this document?

22 A. I do. Uh-huh.

23 Q. And what is it?

24 A. Some notes around the -- around a
25 meeting between NCOSE, Collective Shout, Defend

1 Dignity, these NGOs, and also Meta and
2 Instagram. I was not in this meeting, but I did
3 review the notes afterwards and discuss it with
4 Lina on our team.

5 Q. Okay. And do you know whether
6 this summary was also prepared as a record of
7 the meeting as the others we've reviewed?

8 A. Yes.

9 Q. So jumping down about two-thirds
10 of the way down this page, do you see the bold
11 letters, the bold text "Age-lying"?

12 A. Yes.

13 Q. And then underneath that it says
14 "A lot of recognition internally."

15 Now, I think you referred to this,
16 but can you -- do you know what this referred
17 to?

18 A. Yeah.

19 Q. And what did it refer to?

20 A. In conversation, they said that
21 there was a lot of recognition internally at the
22 company that there was age-lying. That it was a
23 serious problem. That people under 13 could
24 represent themselves as 13 or even older. That
25 people -- that a teen might sign up with an

1 account and represent themselves as older so
2 that they wouldn't have any default safety
3 settings turned on.

4 Also that an adult could set their
5 age to be a minor so that -- which could also
6 sometimes circumvent safety settings.

7 Q. Okay. And then under -- on Bates
8 number 2219 under paragraph 3 "Reporting and
9 Blocking."

10 A. If I -- if I could add.

11 In conversation after around
12 age-lying that was discussed in this meeting
13 with Lina Nealon, she shared with me that Meta
14 said that they often relied -- we were asking --
15 they were asking questions about: How do you
16 identify children being under the age of 13?

17 And Meta said that they often rely
18 on user reports. So for users to report if they
19 suspect that an account is under 13, which we
20 viewed as highly problematic because, of course,
21 if someone is a predator, I mean, who's
22 reporting an account that they think that under
23 13. We thought that was underutilized and
24 really putting the onus of it on random users.

25 And then in addition, Lina Nealon

1 at the time tried to do that, tried to report an
2 account of someone that she knew was under the
3 age of 13 who was on Instagram, and the process
4 was incredibly complicated and even required her
5 adding external documents of knowledge about
6 that child in order to verify that the child was
7 under the age of 13, and it didn't work.

8 So she thought it was a cumbersome
9 process to do and inappropriate to rely on user
10 reports as one of their primary methods of
11 identifying children under the age of 13.

12 MR. HESTER: Object to the
13 narrative, not in response to a question.

14 BY MS. SINGER:

15 Q. So going back to this question
16 about age-lying, did anyone at NCOSE check to
17 see whether user reports were an adequate or
18 sufficient means of identifying under 13
19 accounts?

20 A. Yes. Lina Nealon on our team
21 shared that in this meeting Instagram said one
22 of their primary methods of identifying minors
23 under the age of 13 on Instagram was relying on
24 user reports.

25 She attempted to do that for an