

FILED UNDER SEAL

EXHIBIT 14

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

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

Plaintiff,

v.

NO. D-101-CV-2023-02838

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

Defendants.

**DEFENDANTS' SIXTH SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS
(Interrogatory 12)**

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

RECURRING SPECIFIC OBJECTIONS

1. Meta objects to the Interrogatories to the extent they conflict with the Rules of Civil Procedure for the District Courts of New Mexico or the local rules of this Court (“Discovery

S to the extent it seeks information about individuals under age 13, given they are not permissible users of Meta's services.

14. Meta objects generally to Definition T ("You" or "Your") as vague, ambiguous, overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it includes entities and individuals over which Meta exercises no control or includes subsidiaries or affiliate services that are not at issue in this action. *See* Rule 1-026(B)(1), (2); *see also* *Lara*, 1999-NMCA-012, ¶ 10 (discovery must be narrowly tailored to avoid irrelevant information); *Ruiz*, 1981-NMCA-094, ¶ 3 (interrogatories that are "exceedingly broad" are objectionable); *Archuleta*, 2005-NMSC-006, ¶ 23 ("a party will not be required to respond to an overly broad discovery request unless adequate guidance exists as to what extent the request is not objectionable.") (internal quotation marks and citation omitted). Meta construes this term as including Facebook and Instagram, the only platforms at issue in Plaintiffs' operative complaint. *Id.*; *see also* Rule 1-033(C)(1).

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

OBJECTIONS AND RESPONSES

Interrogatory 12. For each youth feature referenced in response to Interrogatory No. 11, Identify that tool or feature's adoption rate among age 13-17 Users in New Mexico and the total number of age 13-17 Users who have used that feature in New Mexico.

RESPONSE: Meta incorporates its Recurring Specific Objections by reference as though fully set forth herein.

Meta objects to Interrogatory 12 to the extent that it seeks information protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, right,

Certain tools or features are settings that age 13-17 Users can select to enable in their profile settings or in response to interstitials from Instagram recommending use of a particular setting.

Meta provides adoption rate for the following profile setting features:

- **Quiet Mode:** [REDACTED] of age 13-17 Users predicted to reside in the U.S. enabled Quiet Mode on Instagram between July 9, 2023 and April 1, 2024.
- **Take a Break:** [REDACTED] of age 13-17 Users predicted to reside in the U.S. had Take a Break enabled on Instagram between January 8, 2023 and September 24, 2024. The Take a Break tool was consolidated into the Daily Limit tool on September 24, 2024 to simplify the time management features available to age 13-17 Users. This process began taking effect on September 17, 2024. As such, the percentage of use or adoption includes a period of time where the feature was no longer available to some users.
- **Nighttime Nudge:** [REDACTED] of age 13-17 Users predicted to reside in the U.S. were shown a Nighttime Nudge on Instagram between July 9, 2023 and April 1, 2024. Nighttime Nudges are interstitials prompting teen users to enable Quiet Mode after certain use during nighttime hours. The tool is enabled for 100% of users because it is automatically triggered by the specified use.
- **Nighttime Nudge for Teens:** [REDACTED] of age 13-17 Users predicted to reside in the U.S. were shown a Nighttime Nudge for Teens on Instagram Direct between January 18, 2024 and April 1, 2024. Nighttime Nudge for Teens also runs on Reels, but Meta does not have available data for these nudges on Reels. Nighttime Nudge for Teens encourages age 13-17 Users to close the app after spending more than ten minutes in Direct Messages at night. The tool is enabled for 100% of age 13-17 Users because it is automatically triggered by the specified use.

APPENDIX B

REPLY TO META’S RESPONSE TO STATE’S STATEMENT OF FACTS

1. Expert testimony shows that teens have a diminished capacity for sound judgment and emotional regulation. *See* true and correct copy of Expert Summary of Opinions, Kimothi N. Cain, MD, MPH at 2 attached as Exhibit 1. As a result of puberty-related changes, teens experience increases in reward sensitivity and risk-taking behavior. *Id.* at 5.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claims that that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, the State directs the Court to the State’s responses as set forth in those Paragraphs and their subsections.

2. Expert testimony shows that teens’ developing brains also make them less able to exert cognitive or emotional control, leaving them particularly vulnerable to the addictive designs of social media platforms, which exploit the same cognitive reward systems as gambling mechanisms. *See* true and correct copy of Summary of Expert Opinions, Anna Lembke, M.D. at 19-20 attached as Exhibit 2; *see also* Ex. 1 at 5.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were “vulnerable to the addictive designs of social media

platforms,” Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claims that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, the State directs the Court to the State’s responses as set forth in those Paragraphs and their subsections.

3. Expert testimony shows that students in middle and high school demonstrate concerning rates of problematic use of addictive social media, which involves negative impacts on sleep, work, and/or life. *See* Ex. 1 at 4.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claims that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, the State directs the Court to the State’s responses as set forth in those Paragraphs and their subsections.

4. Expert testimony shows that over the past decade, there has been a documented increase in the number of New Mexico youth diagnosed with conditions associated with social media use, with particularly notable increases in anxiety disorders, depression, and eating disorders. *Id.* at 3.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claims that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, the State directs the Court to the State’s responses as set forth in those Paragraphs and their subsections.

5. Expert testimony shows that teens are more vulnerable to sexual exploitation and abuse while using social media given that they may engage in risky behaviors online that they would be less likely to engage in in-person. *See* true and correct copy of Expert Summary of Opinions, Jennifer O’Brien, Ph.D. at 9 attached as Exhibit 3.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claims that teens were “vulnerable to the addictive designs of social media platforms,” Mot. 4, the State directs the Court to the State’s responses as set forth in those Paragraphs and their subsections.

6. Expert testimony indicates that predators often specifically seek out vulnerable teens on social media platforms, and Meta's platforms host such predators in large numbers and make teens easily discoverable to them. *See* true and correct copy of Expert Report of Dr. Brian N. Levine at 26 attached as Exhibit 4.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that teens were "vulnerable to the addictive designs of social media platforms," Mot. 4, Meta directs the Court to Paragraphs 2 and 8 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraphs 2 and 8 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claims that teens were "vulnerable to the addictive designs of social media platforms," Mot. 4, the State directs the Court to the State's responses as set forth in those Paragraphs and their subsections.

7. A May 2020 internal Meta presentation discussing teens' use of Meta's platforms states that "our own product foundation research has shown teens are unhappy with the amount of time they spend on our app" and that "they have a much harder time stopping even though they want to" because of their "immature brain[s]." *See* true and correct copy of METANMAG-028-00115005 at 5078 attached as Exhibit 5.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 20 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State's responses as set forth in Paragraph 20 and its subsections of Meta's Counterstatement of Material Facts.

8. A 2019 internal Meta document stated that teens “have an addicts’ narrative about their use” of Instagram and that “[t]hey wish they could spend less time caring about it, but they can’t help themselves.” *See* true and correct copy of METANMAG-003-00325916 at 5917 attached as Exhibit 6.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

9. An internal Meta presentation from 2020 stated that “[t]eens say [Instagram’s] tools around managing time on the app are ineffective and easily ignored.” *See* true and correct copy of METANMAG-002-01385430 at 29 attached as Exhibit 7.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

10. A Meta employee stated in a 2020 internal chat that “(1) teens feel addicted to [Instagram] ... (2) like addicts, they feel that they are unable to stop themselves from being on [Instagram], and (3) the tools we currently have aren’t effective at limiting their time on the ap[p].”
See true and correct copy of METANMAG-002-00157546 at 7546 attached as Exhibit 8.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

11. A Meta employee wrote in an internal post that while “[t]eens make up 15% of [daily active people] in the US” on Instagram, “they make up 63% of people who spend more than

28 hours a week” on the platform. *See* true and correct copy of METANMAG-011-00705872 at 5874 attached as Exhibit 9.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

12. An internal Meta presentation stated that rates of problematic use “are highest for those aged 13-17 & 18-24 on [Instagram] (24% - 25% prevalence),” which is “more than double the rate” for people ages 35-44 and “4x” that of people ages 45+. *See* true and correct copy of METANMAG-002-00978604 at 8636 attached as Exhibit 10.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

13. Meta’s internal research from 2023 found that 22% of teen users reported that their use of Instagram “‘often’ or ‘all the time’ takes priority over other areas of their life (e.g., work, school, relationships).” *See* true and correct copy of METANMAG-010-00022033 at 12 attached as Exhibit 11.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

14. In 2023, a study surveying New Mexico students in grades 6-12 found that among students who used Instagram, 55% had tried to cut down on the use of social media without success

and 56% used social media so much that it had a negative impact on their studies. *See* true and correct copy of Supplemental Expert Summary of Opinions, Dylan Pell, LMSW, MPH (August 22, 2025) at 5 attached as Exhibit 12. It also found that among students who used Facebook, 51% had tried to cut down on the use of social media without success and 74% used social media so much that it had a negative impact on their studies. *Id.* at 7.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 22 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State’s responses as set forth in Paragraph 22 and its subsections of Meta’s Counterstatement of Material Facts.

15. Meta’s internal data shows that in 2024, [REDACTED] of New Mexico youth users spent at least two hours per day on Instagram, with trends increasing in recent years. *See* true and correct copy of Summary of Expert Opinions, Zachary Jonathan Ward, MPH, PhD at 12 attached as Exhibit 13.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its

subsections.

16. A Meta internal research document from 2020 stated that “[t]he teenage brain is usually about 80% mature,” with the remaining 20% being responsible for processes including judgment and foresight. *See* Ex. 5 at 5017. The same internal Meta document described teens’ use of Meta’s platforms as “their brains deliver[ing] them a dopamine hit” and noted that “[t]eens are insatiable when it comes to ‘feel good’ dopamine effects.” *Id.* at 5020-21. It also stated that “[t]een brains are much more sensitive to dopamine,” that this is “one of the reasons that...keeps them scrolling and scrolling” on Meta’s platforms, and that “due to the[ir] immature brain[s],” teens “have a much harder time stopping even though they want to.” *Id.* at 5078.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, Meta directs the Court to Paragraph 9 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 9 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s documents “confirm” that teens are “often unable to control or curb their use,” and that teens are “especially vulnerable to addiction on Meta’s platforms,” Mot. 4, 6, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

17. A Meta employee stated in a September 2020 internal chat that “[Instagram] is a drug,” that “[w]e’re basically pushers,” and that “[i]t’s biological and psychological.” *See* true and correct copy of METANMAG-002-01117553 at 7553 attached as Exhibit 14.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 23 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State’s responses as set forth in Paragraph 23 and its subsections of Meta’s Counterstatement of Material Facts.

18. Internal Meta research from 2018 concerning problematic use of Facebook found that teens were one of the groups in which problematic use was highest and noted that this was “consistent with previous findings that younger people generally have more problems with self-regulation.” *See* true and correct copy of METANMAG-002-00195950 at 5953 attached as Exhibit 15.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 21 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State’s responses as set forth in Paragraph 21 and its subsections of Meta’s Counterstatement of Material Facts.

19. A Meta internal document from 2017 stated that “[t]he goal of the teens team is to maximize aggregate teen time spent.” *See* true and correct copy of METANMAG-005-01681472 at 1472 attached as Exhibit 16.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the

expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

20. A 2017 internal document discussing youth issues stated that “our product exploits weaknesses in the human psychology to promote engagement and time spent,” and that “[p]roduct features that are designed to exploit insecurity, or provide a dopamine rush (likes, notification, the pull-down-to-see, the infinite scroll, etc), to increase time spent, are inherently at odds with well-being and take away from people’s ability to consciously focus[] on activities that add value to their lives.” *See* true and correct copy of METANMAG-005-00027651 at 7660 attached as Exhibit 17.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

21. An October 2016 internal presentation stated that Meta’s “[s]trategic goal” for teen users in 2017 was “[t]ime [s]pent [s]hare.” *See* true and correct copy of METANMAG-002-00135229 at 5233 attached as Exhibit 18.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . .

revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

22. An employee stated in a November 2016 internal email that Meta’s “overall company goal is total teen time spent.” *See* true and correct copy of MT-IG-AG-NM-000009725 at 9726 attached as Exhibit 19.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

23. A former Meta employee testified that Meta’s executives demonstrated a “broad pattern of decisions” that “prioritize[d] the existing system of engagement over other safety considerations.” *See* true and correct copy of excerpts of Joshua Simons Dep. Tr. (April 1, 2025) at 61:6-11, attached as Exhibit 20.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

24. A Meta employee stated in a September 2020 internal chat that Meta’s leadership gave “directives [that] drive it all towards making sure people keep coming back for more.” *See* Ex. 14 at 7554.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

25. Expert testimony indicates that Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue, at the expense

of its users, including teen users. *See* true and correct copy of Summary of Expert Opinions, Arvind Narayanan, Ph.D. at 3 attached as Exhibit 21; *see* Ex. 2 at 18.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, Meta directs the Court to Paragraph 5 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 5 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta prioritized growth over safety and sought to “boost[] . . . revenue at the expense of the wellbeing of its users—including teens,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

26. Expert testimony indicates that Meta optimizes its recommendation algorithms to present users with content that it predicts will lead to those users spending more time on Meta’s platforms. *See* Ex. 21 at 29.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its

users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

27. A Meta employee stated in an October 2023 internal chat that Meta’s “algorithm is absolutely tuned to maximize engagement.” *See* true and correct copy of METANMAG-005-01392310 at 2310 attached as Exhibit at 22.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

28. A Meta internal document from October 2017 states that when recommendation algorithms “favor content or functionality that encourages people to spend more time on Facebook,” they can “make addictive/compulsive usage more severe and more widespread.” *See* true and correct copy of METANMAG-002-00225291 at 5293 attached as Exhibit 23.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the

wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

29. A former Meta employee testified that “the best way to increase engagement is addiction in some way.” *See* Ex. 20 at 67:14-16.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

30. Expert testimony indicates that, by using recommendation algorithms that prioritize engagement metrics, Meta's platforms foster addiction in its users, especially teen users, by exploiting psychological vulnerabilities. *See* Ex. 2 at 22.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

31. A Meta employee stated in an October 2023 internal chat that "we literally optimize Teen feeds for engagement." *See* true and correct copy of METANMAG-011-00034219 at 4224 attached as Exhibit 24.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

32. A Meta employee stated in an August 2023 internal chat that Meta’s algorithms “rank [teens’] content based on engagement much more than other cohorts.” *See* true and correct copy of METANMAG-002-01529600 at 9600 attached as Exhibit 25.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

33. A Meta employee stated in an October 2023 internal chat that its content ranking systems for youth users were designed “to squeeze even more sessions out of them,” *see* Ex. 24 at 4225, even though “it seems to genuinely be the case that optimizing for sessions just naturally

distributes more harm to teenagers...it's been too consistent over time," *id.* at 4228.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

34. Expert testimony shows that recommendation algorithms can be tuned to prioritize metrics other than engagement, and that safer designs for recommendation algorithms on social media platforms have been implemented before and proven to work. *See* Ex. 21 at 65-69.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that "Meta designed its recommendation algorithms to maximize users' engagement on its platforms, which in turn boosts Meta's revenue at the expense of the wellbeing of its users," Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that "Meta designed its recommendation algorithms to maximize users' engagement

on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

35. Expert testimony indicates that Meta designed its platforms to exploit its users, particularly vulnerable teens, through its use of engagement-maximizing recommendation algorithms. *See* true and correct copy of Summary of Expert Opinions, Colin M. Gray, PhD at 30-31 attached as Exhibit 26.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, Meta directs the Court to Paragraph 11 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 11 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta designed its recommendation algorithms to maximize users’ engagement on its platforms, which in turn boosts Meta’s revenue at the expense of the wellbeing of its users,” Mot. 7, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

36. Aza Raskin, the person credited with investing the “infinite scroll” feature, which provides an endless stream of content to users through their social media feed instead of allowing users to reach a natural stopping point, stated that the feature was designed “deliberately to keep [users] online for as long as possible.” *See* true and correct copy of Raskin Deposition Ex. 12 attached as Exhibit 27; *see also* true and correct copy of excerpts of Aza Raskin Dep. Tr. (DATE)

at 13:7-21 attached as Exhibit 28; *see also* true and correct copy of Summary of Expert Opinions, Damon L. McCoy, Ph.D. at 31-32 attached as Exhibit 29.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta implemented “infinite scroll” “to addict teen users,” Mot. 8, Meta directs the Court to Paragraph 12 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 12 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta implemented “infinite scroll” “to addict teen users,” Mot. 8, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

37. A Meta internal document from November 2017 states that infinite scroll is a feature that is “designed to exploit insecurity, or provide a dopamine rush.” *See* Ex. 17 at 7660.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 25 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State’s responses as set forth in Paragraph 25 and its subsections of Meta’s Counterstatement of Material Facts.

38. A Meta researcher testified that when she recommended alternatives to infinite scroll, she was “laughed at” and told that the company “wouldn’t be able to do something like that because it would lower engagement.” *See* true and correct copy of excerpts of Natalie Troxel Dep. Tr. (March 11, 2025) at 74:2-25 attached as Exhibit 30.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta implemented “infinite scroll” “to addict teen users,” Mot. 8, Meta directs the Court to Paragraph 12 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 12 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta implemented “infinite scroll” “to addict teen users,” Mot. 8, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

39. A Meta internal document from June 2020 confirms that Meta sends users notifications that “encourage teens to continue engaging and keep coming back to the app.” *See* Ex. 5 at 5043.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

40. A Meta internal document from September 2023 states that an “[o]bjective” in Meta’s “[n]otifications [s]trategy” is to “[d]rive [g]rowth.” *See* true and correct copy of METANMAG-005-01260941 at 4 attached as Exhibit 31.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

41. A Meta employee testified that the Meta employees responsible for “[n]otifications” are “part of the growth team,” and that “their main metric is trying to drive daily active users.” *See* true and correct copy of excerpt of Darius Kilstein Dep. Tr. (December 18, 2024) at 697:4-9, attached as Exhibit 32.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

42. A Meta internal document from September 2023 stated that Meta’s notifications incorporated “[t]een specific engagement data.” *See* true and correct copy of METANMAG-005-01028876 at 28 attached as Exhibit 33.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue

engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

43. A Meta employee testified that Meta’s use of notifications could “increas[e] the dependency” of teens on its platforms. *See* true and correct copy of excerpt of Vaishnavi Jayakumar Dep. Tr. (January 30, 2025) at 141:5-142:2 attached as Exhibit 34.

RESPONSE: Disputed as incomplete and misleading. Meta directs the Court to Paragraph 24 of its Counterstatement of Material Facts.

REPLY: The State directs the Court to the State’s responses as set forth in Paragraph 24 and its subsections of Meta’s Counterstatement of Material Facts.

44. A Meta internal document from October 2019 states that features such as notifications are “inherently at odds with well-being” because they were “designed to exploit insecurity...to increase time spent.” *See* true and correct copy of METANMAG-007-00183811 at 3820 attached as Exhibit 35.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

45. A Meta internal document from October 2017 states that notifications are one of Facebook’s features that “enable mindless usage” of the platform and make it difficult for teens to stop using it. *See* true and correct copy of METANMAG-002-01026507 at 6507 attached as Exhibit 36.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, Meta directs the Court to Paragraph 13 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 13 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta sends users notifications that ‘encourage teens to continue engaging and keep coming back to the app,’ with the explicit goal of driving growth,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

46. An internal Meta research presentation from March 2019 stated that the “[o]verall impact of Facebook on well-being is negative,” including for youth. *See* true and correct copy of METANMAG-002-01038516 at 6-7 attached as Exhibit 37.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta “conducted, but failed to release, research finding that its

platforms negatively impact youth mental health and wellbeing,” Mot. 10, Meta directs the Court to Paragraph 16 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 16 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

47. An internal Meta research presentation from June 2020 stated that “[t]eens say that Instagram can negatively impacts their mental well-being through bullying, social comparison, and social pressure.” *See* true and correct copy of Ex. 7 at 29.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, Meta directs the Court to Paragraph 16 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 16 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

48. Meta’s internal research from October 2019 found that “[o]verall, teens have significantly more negative experiences than adults” on Instagram. *See* true and correct copy of METANMAG-008-00000216 at 0222 attached as Exhibit 38.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, Meta directs the Court to Paragraph 16 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 16 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

49. An internal Meta document from June 2020 stated that “[t]eens are more likely to have issues with negative experiences” on Instagram. *See* Ex. 5 at 5100.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, Meta directs the Court to Paragraph 16 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 16 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

50. Adam Mosseri, the head of Instagram, stated in a September 2019 email that wellbeing is the platform’s “biggest problem” and “the existential question we face.” *See* true and correct copy of METANMAG-002-00150115 at 0115 attached as Exhibit 39.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, Meta directs the Court to Paragraph 16 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 16 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta “conducted, but failed to release, research finding that its platforms negatively impact youth mental health and wellbeing,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

51. A Meta internal document from June 2020 stated that “social comparison” is “the most common negative experience” for teen users on Instagram. *See* Ex. 7 at 29.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

52. Expert testimony indicates that social comparison can lead to the development or worsening of mental health issues and eating disorders. *See* true and correct copy of Expert Summary of Opinions, Kristina Sowar, M.D. at 4 attached as Exhibit 40.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

53. Meta’s internal research from January 2021 found that one-third of users reported that they “compare their appearances to others’ often or always,” with “[n]early half” of teen girls reporting the same, and that teens reported experiencing appearance comparison on Instagram at higher levels than general body image concerns. *See* true and correct copy of METANMAG-002-00049317 at 9317, 9320 attached as Exhibit 41.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

54. A Meta internal research presentation from April 2019 stated that Facebook is a “contributor” to “negative social comparison,” and found that 19% of people surveyed “thought[] Facebook made social comparison somewhat or a lot worse.” *See* true and correct copy of METANMAG-002-00869854 at 20, 22 attached as Exhibit 42.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

55. Meta’s internal research from 2019 found that “[o]ne in five teens say that Instagram makes them feel worse about themselves” and that “[t]eens blame Instagram for increases in the rates of anxiety and depression among teens.” *See* true and correct copy of MT-IG-AG-NM-000000122 at 22, 26 attached as Exhibit 43.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s

claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

56. Meta’s internal research from June and July of 2021 found that users aged 13-15 experienced the highest incidence “negative comparison” on Instagram (21.4%). *See* true and correct copy of METANMAG-002-00207366 at 7385 attached as Exhibit 44.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

57. Meta’s internal research from 2023 found that Instagram is one of the social media platforms on which teens most frequently experience appearance comparison. *See* true and correct copy of METANMAG-017-00020949 at 10 attached as Exhibit 45.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

58. An internal Meta document from June 2020 stated that negative social comparison among teens “is worse on Instagram than other apps.” *See* Ex. 7 at 29.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

59. An internal Meta document from 2019 stated that teens described social comparison as “the number one reason why [Instagram] is worse than other platforms for mental health.” *See* Ex. 42 at 26.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

60. An internal Meta document from May 2021 stated that “[u]sers feel that IG is the worst app for social comparison compared to our competitors (Snap, TikTok).” *See* true and correct copy of METANMAG-002-00744030 at 6 attached as Exhibit 46.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

61. An internal Meta presentation from March 2020 described Instagram as “a perfect storm” for social comparison. *See* true and correct copy of METANMAG-002-00002525 at 2557 attached as Exhibit 47.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social

comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

62. A Meta employee stated the following about Instagram in an internal chat from July 2020: “It’s a social comparison app, f[***]ing get used to it.” *See* true and correct copy of METANMAG-002-01313310 at 3313 attached as Exhibit 48.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, Meta directs the Court to Paragraph 17 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 17 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s research showed its role “in causing negative social comparison on its platforms,” Mot. 10, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

63. An internal document from March 2020 noted that Meta had temporarily banned the use of effects simulating plastic surgery after “[p]ublic complaints and regulatory questions,” and that “experts from around the world...generally agree that these effects are cause for concern for mental health and wellbeing, especially amongst vulnerable populations,” including “youth.”

See true and correct copy of METANMAG-002-00179976 at 9976-77 attached as Exhibit 49. . The same document indicated that maintaining the ban on these filters would mitigate wellbeing concerns, but that Meta weighed these wellbeing concerns against the ban’s impact on engagement metrics. *Id.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, Meta directs the Court to Paragraph 14 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 14 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

64. Meta executive Nick Clegg stated in internal correspondence from April 2020 that if Meta “revers[ed] our ban on surgical cosmetic features,” it “would – rightly – be accused of putting growth over responsibility.” *See* true and correct copy of METANMAG-002-00285294 at 5294 attached as Exhibit 50.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, Meta directs the Court to Paragraph 14 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 14 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s

claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

65. An internal document from March 2020 describes for Meta CEO Mark Zuckerberg options that Meta could take concerning its temporary ban on cosmetic surgery filters, including one that would lift the temporary ban but not promote such filters on Instagram—an option that the document described as having “notable wellbeing risk” but a “lower impact on growth.” *See* Ex. 49 at 9976.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, Meta directs the Court to Paragraph 14 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 14 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

66. Internal Meta correspondence from May 2020 shows that Meta CEO Mark Zuckerberg decided to lift the ban on cosmetic surgery image filters but not promote such filters on Instagram. *See* true and correct copy of METANMAG-002-00285546 at 5546 attached as Exhibit 51.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta also prioritized growth over wellbeing in offering image

filters and effects on its platforms,” Mot. 11, Meta directs the Court to Paragraph 14 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 14 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta also prioritized growth over wellbeing in offering image filters and effects on its platforms,” Mot. 11, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

67. Former Meta employee Arturo Bejar testified that while Meta had the ability to implement parental controls at least as early as 2011, they were “not a priority.” *See* true and correct copy of Deposition of Arturo Bejar (580:15-581:1) attached as Exhibit 52.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

68. Meta did not adopt parental controls on Instagram until 2022 and Facebook until 2023. *See* true and correct copy of <https://about.fb.com/news/2022/03/parental-supervision-tools->

instagram-vr/ attached as Exhibit 53; *see also* true and correct copy of <https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/> attached as Exhibit 54.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

69. According to Meta’s response to an Interrogatory served by the State, as of March 2025, only [REDACTED] of U.S. teens ages 13-17 were enrolled in Family Center Supervision on Instagram. *See* true and correct copy of Defendants’ Sixth Suppl. Responses to Plaintiff’s First Set of Interrogatories (May 15, 2025) at 15 attached as Exhibit 55.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

70. A Meta internal document from November 2016 stated that “[t]eens create a private second Instagram accounts (finstagram) to keep their audience smaller which they can post wider range of moments” and that “[o]ne advantage of these accounts are getting away from parents or relatives.” *See* true and correct copy of METANMAG-002-01668259 at 8259 attached as Exhibit 56.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

71. Expert testimony indicates that there is a mental health crisis among New Mexico

youth, to which Meta’s platforms are a significant contributing factor. *See* true and correct copy of Summary of Expert Opinions, Dylan Pell, LMSW, MPH at 6-7 attached as Exhibit 57.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

72. According to 2023 data from the New Mexico Department of Health, New Mexico high school students who used social media more than once per hour were 36% more likely to have symptoms of depression and 17% more likely to have symptoms of anxiety when compared to students who used social media less frequently. *See id.* at 14. It also found that 31% of New Mexico middle school students had symptoms of depression, and 32% had symptoms of anxiety. *Id.* at 8.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years

to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

73. Expert testimony shows that teens who have preexisting mental health vulnerabilities or who are from marginalized communities face even greater risk because they are particularly susceptible to the negative mental health impacts from Meta’s platforms. *See* true and correct copy of Expert summary of Opinions, Kimothi N. Cain MD, MPH at 11 attached as Exhibit 1.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to

implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

74. A 2023 study from the University of New Mexico Prevention Research Center and the New Mexico Department of Health surveying New Mexico students in grades 6-12 found that among students who used Instagram, 31% had symptoms of depression and 38% had symptoms of anxiety, and that among students who used Facebook, 43% had symptoms of depression and 37% had symptoms of anxiety. *See* Ex. 12 at 4, 6.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, Meta directs the Court to Paragraph 15 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 15 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta not only withheld its knowledge about risks that teens faced when using its platforms, but prevented parents from protecting their kids by waiting years to implement parental controls,” Mot. 12, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

75. Meta’s internal research from October 2019 found that 17% of teens reported seeing content related to “SSI,” an acronym used by Meta for “suicide and self-injury,” within the last seven days on Instagram. *See* Ex. 38 at 0222.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, Meta directs the Court to Paragraph 26 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 26 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

76. Meta’s internal research from December 2023 found that teens have a higher probability of being exposed to SSI content on Meta’s platforms. *See* true and correct copy of METANMAG-122-00001604 at 1604 attached as Exhibit 58.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, Meta directs the Court to Paragraph 26 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 26 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

77. Meta executive Nick Clegg stated in internal correspondence from January 2019 that “we appear to be unwilling or unable to implement our own existing policy” concerning SSI content. *See* true and correct copy of MT-IG-AG-NM-000052367 at 2367 attached as Exhibit 59.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, Meta directs the Court to Paragraph 26 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 26 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

78. A Meta employee stated in an internal document from February 2019 that “I would urge us to think again about why we are allowing this imagery to stay up – it is truly horrific . . . goes to the heart of defending the feed which we need to protect.” *See* true and correct copy of MT-IG-AG-NM-000052898 at 2899 attached as Exhibit 60.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, Meta directs the Court to Paragraph 26 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 26 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “Meta’s “SSI classifiers are inadequate and often fail,” Mot. 13, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

79. Molly Russell, a 14-year-old girl from the United Kingdom, died by suicide after Instagram’s recommendation algorithms provided her with dangerous content related to suicide and self-harm. *See* true and correct copy of METANMAG-002-00296996 at 6997 attached as Exhibit 61. Ms. Russell’s father, Ian Russell, described the dangerous suicide and self-harm content that Instagram recommended to his daughter as a “drip feed of daily hopelessness.” *See* true and correct copy of METANMAG-011-00974523 at 4534 attached as Exhibit 62.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s,

and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

80. A coroner’s investigation found that Instagram contributed to Ms. Russell’s death and noted that the platform’s recommendation algorithms provided her with graphic SSI content even though she did not search for it. *See* Ex. 61 at 6997.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

81. Following Ms. Russell’s death, Meta publicly committed to change its policies so that it would not expose users to harmful SSI content in a blog post published to its website in February 2019. *See* true and correct copy of

<https://about.instagram.com/blog/announcements/supporting-and-protecting-vulnerable-people-on-instagram> attached as Exhibit 63.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

82. A Meta employee stated in a 2023 internal chat that the company’s classifiers for borderline SSI and eating disorder content performed at only “50% precision” and “are unusable.” *See* true and correct copy of METANMAG-011-00139025 at 9025 attached as Exhibit 64.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

83. Meta’s internal research from October 2024 found that Instagram still recommended SSI content to teens. *See* true and correct copy of METANMAG-055-00025115 at 5130 attached as Exhibit 65.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

84. Lotte Rubaek, a former member of Meta’s SSI Global Expert Group, an advisory board of experts focused on suicide, self-injury, and eating disorders, testified that “there haven’t been any changes that ha[ve] improv[ed] the conditions on [Meta’s] platforms” with respect to SSI content. *See* true and correct copy of Deposition of Lotte Rubaek (196:9-16) attached as Exhibit 66.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s

claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

85. According to analysis of New Mexico aggregate child fatality review data, in 2020, 16% of suicide deaths among New Mexico children involved social media. *See* Ex. 57 at 18.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

86. A 2023 study surveying New Mexico students in grades 6-12 found that among students who used Instagram, 28% engaged in non-suicidal self-injury, 21% considered a suicide attempt, and 10% had attempted suicide. *See* Ex. 12 at 4. The same study found that among students who used Facebook, 31% engaged in non-suicidal self-injury, 37% considered a suicide attempt, and 17% had attempted suicide. *Id.* at 6.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

87. According to New Mexico Department of Health data from 2023, New Mexico high school students who used social media more than once per hour were 25% more likely to have attempted suicide and 38% more likely to be injured in a suicide attempt than students who used social media less frequently. *See* Ex. 57 at 14.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

88. Data shows that the five-year rate of suicide deaths among New Mexico youth ages 17 and younger for 2019-2023 was 31.3% higher than the five-year rate for 2009-2013, *id.* at 10, and suicide rates for New Mexico children ages 10-14 tripled in the decade prior to 2022, *see* true and correct copy of NMAG-SM-0650239 at 0240 attached as Exhibit 67.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

89. According to 2023 data from the New Mexico Department of Health, New Mexico AI/AN middle school students who used social media more than once per hour were 75% more likely to have attempted suicide than AI/AN students who did not use social media that often. *See* Ex. 57 at 11.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, Meta directs the Court to Paragraph 18 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 18 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that there is a “relationship between social media, including Meta’s, and suicide,” Mot. 14, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

90. An internal Meta document from 2020 describing child safety issues related to Meta's platforms noted that one "[i]mmediate product vulnerabilit[y]" was "[u]nconnected adults being able to find and message minors in Instagram Direct." *See* true and correct copy of METANMAG-002-00286864 at 6865 attached as Exhibit 68.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

91. A Meta employee stated in an internal chat from 2018 that "Facebook allows pedophiles to find each other and kids." *See* true and correct copy of METANMAG-002-00392940 at 2940 attached as Exhibit 69.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

92. A 2021 Meta internal research presentation stated that child safety experts and organizations described Instagram as “a ‘Marketplace for kids,’” noted that “[p]redators come to Instagram to...[c]onnect with targets,” and confirmed that those predators did so “with...[t]he help of” Instagram’s features, including “explore, suggestions, [and] search.” *See* true and correct copy of METANMAG-002-01723624 at 13-14 attached as Exhibit 70.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

93. Internal Meta research from 2019 concerning inappropriate interactions with children (“IIC”) on Instagram found that “27% of all follow recommendations to groomers were minors,” and that a root cause of Instagram recommending minors to groomers was simply “[t]he recommendation algorithms work[ing] as intended.” *See* true and correct copy of METANMAG-002-01825786 at 19, 20 attached as Exhibit 71.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s

claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

94. In an internal document from 2018, an employee described Facebook’s “People You May Know” (“PYMK”) feature, which recommends new connections among users, as “the top victim discovery channel” for predators suspected of IIC. *See* true and correct copy of METANMAG-002-00251258 at 1258 attached as Exhibit 72.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

95. Meta’s internal research stated that one reason that adults “are easily able to find minors to inappropriately interact with on [Instagram]” is because the platform does not “take age into account when deciding what to recommend to someone.” *See* true and correct copy of METANMAG-021-00151987 at 1990-91 attached as Exhibit 73.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

96. According to a 2022 internal audit conducted by Meta, on a single day of testing, Instagram’s “Accounts You May Follow” (“AYMF”) feature recommended at least 3.4 million teen accounts to potential groomers. *See* true and correct copy of METANMAG-007-00351830 at 1833 attached as Exhibit 74. When asked about this data, a representative from the National Center for Missing and Exploited Children (“NCMEC”) stated that she “can’t see how a platform would be able to keep children safe if they’re recommending their accounts to potential [IIC] violators.” *See* true and correct copy of Deposition of NCMEC (103:4-104:25) attached as Exhibit 75.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

97. According to internal research conducted by Meta in 2021, Meta had received feedback from child safety experts and organizations that issues on Meta’s platforms, including “[s]exual exploitation and sextortion” and “[g]rooming and manipulation of young and at-risk

populations,” would have consequences such as “[s]evere and negative outcomes to health (e.g., suicide).” *See* Ex. 70 at 8-9.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

98. In a June 2020 internal email discussing IIC on Instagram, a Meta employee stated that the platform hosted “~500,000 victims per DAY in English markets only” and that, despite Instagram regularly facilitating such a large number of inappropriate interactions between children and potential groomers, “[c]hild safety is explicitly called out as a non-goal in our H2 plans.” *See* true and correct copy of METANMAG-002-00232040 at 2042 attached as Exhibit 76.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

99. Instagram’s internal research from 2021 found that 13% of users aged 13-15 reported experiencing “unwanted advances” on Instagram within the last seven days, and 14.1% of users aged 16-17 reported the same. *See* Ex. 44 at 7385-86.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

100. A 2021 internal audit conducted by Meta found that even if Meta knew that an adult user previously had an account that was disabled for inappropriate interactions with children, Meta may still recommend teens’ accounts to those known violators. *See* true and correct copy of METANMAG-002-02341951 at 1956 attached as Exhibit 77.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

101. An internal audit conducted by Meta in September found that, on just one day in 2023, approximately 238,000 new Instagram message threads were initiated by an unconnected adult with a teen, despite the fact that two years earlier, Meta publicly claimed that “unconnected adults cannot initiate a private 1:1 message with a teen on [Instagram Direct].” *See* true and correct copy of METANMAG-002-02471121 at 1129 attached as Exhibit 78.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

102. A 2020 internal presentation stated that “[d]efaulting teens to private will prevent high severity actions such as child grooming and inappropriate contact with minors” and that safety experts “regularly flag for us that defaulting teens to private accounts is necessary to give them a safe onboarding experience to our platform.” *See* true and correct copy of METANMAG-002-01716600 at 6606 attached as Exhibit 79.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s

claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

103. An internal document from 2020 stated that defaulting teens’ accounts to private caused a “negative impact in engagement metrics,” including a 1.6% decrease in new teen monthly active users. *Id.* at 6609.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

104. An internal document from 2020 noted that the wellbeing team recommending launching private-by-default for teens, but the growth team recommended against doing so. *Id.* at 6605.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the

State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

105. A Meta employee testified that the negative impact on growth caused by private-by-default for teen users delayed its implementation. *See* true and correct copy of Darius Kilstein Dep. Tr. (December 17, 2024) at 384:1-4 attached as Exhibit 80.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

106. Meta launched a limited version of private-by-default in 2021 that applied to some teen users, and launched an expanded version in 2024. *See* true and correct copy of <https://www.theverge.com/2021/7/27/22595897/instagram-under-16-accounts-private-default-limited-advertising> attached as Exhibit 81; *see also* true and correct copy of <https://about.fb.com/news/2024/09/instagram-teen-accounts/> attached as Exhibit 82.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta's "features enable sexual abuse and exploitation of children," Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's

claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

107. Meta employees stated in a 2021 internal chat that not defaulting teens into private accounts because it would cause “a huge growth hit” would be “unforgiveable,” but that “we did NOT do it for a very long period of time because of that.” *See* true and correct copy of METANMAG-002-00903925 at 3927 attached as Exhibit 83.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

108. A Meta employee stated in a 2021 internal message that Meta’s “leadership” was only “willing to take a 4% hit on teen ecosystem metrics for these default changes,” and noted that “we will definitely have to keep an eye on the wellbeing guys.” *See* true and correct copy of METANMAG-002-00016560 at 6560 attached as Exhibit 84.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

109. A Meta employee stated in a November 2021 internal message that “we will never get out of this mess if [Instagram CEO Adam Mosseri]/we’re not prepared to ERR ON THE SIDE OF SAFETY.” *See* Ex. 83 at 3927.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

110. A Meta internal document from 2020 recognizes that when Meta finds that a user violated its policies, it has the ability to block the device on which the user accessed Meta’s platforms. *See* true and correct copy of METANMAG-078-00052401 at 2405-06 attached as Exhibit 85. The same internal document indicates that Meta does not block a user’s device when it identifies a user on Instagram as a “sex offender,” and that when it confirms that someone is using Instagram for sextortion or to solicit child exploitative imagery (“CEI”), [REDACTED] [REDACTED]. *Id.* at 2406.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

111. An internal document from March 2021 states that “[c]hildren don’t want to shut the door to any interactions putting them at high risk,” making them “vulnerable to bad actors.” *See* Ex. 70 at 3.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, Meta directs the Court to Paragraph 19 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 19 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that Meta’s “features enable sexual abuse and exploitation of children,” Mot. 15, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

112. Data indicates that over 70,000 New Mexico children experienced technology-facilitated sexual abuse, and over 7,000 experienced commercial sexual exploitation of children online. *See* Ex. 3 at 3-4.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, Meta directs the Court to Paragraph 27 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 27 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

113. Former Meta employee Allison Lee testified that Instagram Teen Accounts “was released in 2024, September, which was certainly three years after I was proposing this, and I was certainly not alone in proposing many of these suggestions around content restrictions, messaging, and unwanted interactions, and a tailored experience for teenagers. In fact, those -- that research probably dates back to, to my earliest knowledge, 2018, when some of my colleagues were working on teen safety.” *See* true and correct copy of Deposition of Allison Lee (400:16-25) attached as Exhibit 86.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, Meta directs the Court to Paragraph 27 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 27 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

114. A representative for NCMEC testified that Meta’s platforms still facilitate the grooming solicitation, sextortion, sexual exploitation, and trafficking of children New Mexico, that Meta’s platforms still facilitate the distribution of child sexual abuse material, and that Meta is still failing to do all that it can to keep children safe on its platforms. *See Ex. 75 at 235:23-236:15; 237:11-16.*

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, Meta directs the Court to Paragraph 27 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 27 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

115. 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://www.facebook.com/terms/> attached as Exhibit 87; *see* true and correct copy of <https://help.instagram.com/termsofuse> attached as Exhibit 88.

RESPONSE: Undisputed.

116. The Terms of Service for Facebook states that “[w]e use your personal data...to show you personalized ads.” *See* Ex. 87.

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. 20, Meta directs the Court to Paragraph 28 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 28 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 20, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

117. The Terms of Use for Instagram states that “[w]e use your personal data...to show you ads.” *See* Ex. 88.

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. 20, Meta directs the Court to Paragraph 28 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 28 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 20, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

118. In response to the State’s Interrogatory No. 3, Meta described the types of personal data it collects from users, including: “(1) user activity across Meta’s Services and information a user provides, where “activity” is defined as all of the things a user does on Meta’s Services, such as sending messages, taking photos and videos, buying or selling things, and much more; (2) information about a user’s friends, followers, groups, accounts, Pages, and other users and communities a user is connected to and interacts with; and (3) information from and about the different devices a user uses and how they use them.” *See* true and correct copy of Defendants’ First Supplemental and Amended Objections and Responses to Plaintiff’s First Set of Interrogatories to Defendants at 18-20 attached as Exhibit 89.

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. 20, Meta directs the Court to Paragraph 28 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 28 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 20, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

119. In response to the State's Interrogatory No. 4, Meta identified advertisers located in New Mexico who paid for ads on Meta's platforms, along with audiences they targeted and revenue Meta received from them. *See* true and correct copy of Defendants' Seventh Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories to Defendants at 19-23 attached as Exhibit 90.

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. 20, Meta directs the Court to Paragraph 28 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 28 of its Counterstatement of Material Facts as support for an attempted contradiction of the State's claim that "New Mexico consumers engage in an exchange of value with Meta in order to access Meta's platforms," Mot. 20, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.

120. Meta utilized a testimonial aid during its deposition testimony pursuant to Rule 1-030(B)(6) NMRA on October 31, 2025 that recognized "advertising revenue Meta was due to be paid on account of [New Mexico-specific users'] use of Facebook and Instagram." *See* true and correct copy of Structured Data - NM AG 30(b)(6) [Testimonial Aid] at 6-7 attached as Exhibit 91.

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. 20, Meta directs the Court to Paragraph 28 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 28 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “New Mexico consumers engage in an exchange of value with Meta in order to access Meta’s platforms,” Mot. 20, the State directs the Court to the State’s responses as set forth in that Paragraph and its subsections.

121. An investigator working on behalf of the State set up a decoy account on Facebook posing as a 13-year-old girl from New Mexico named Issa Bee. *See* true and correct copy of NMAG-PLTF-META-0000230 at 0230 attached as Exhibit 92. A report from the investigator noted that thousands of adult men followed the Issa Bee account. *Id.* at 0230-31. The report stated that the account received suggestive messages and that comments left by other users on the Issa Bee account that were sexually suggestive and sometimes threatening. *Id.* at 0231. The report stated that the account received pictures and videos of genitalia and showed messages sent to the Issa Bee account from adult men who were soliciting sex. *Id.* at 0232-41.

RESPONSE: Disputed as incomplete and misleading. To the extent the State uses this fact to support its claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s investigation of Meta’s platforms,” Mot. 18, Meta directs the Court to Paragraph 27 of its Counterstatement of Material Facts.

REPLY: To the extent that Meta uses its contentions set forth in Paragraph 27 of its Counterstatement of Material Facts as support for an attempted contradiction of the State’s claim that “[t]he consequences of Meta’s failures to address or disclose the risks of child sexual abuse and exploitation on its platforms are evident in the results of the State’s

investigation of Meta's platforms," Mot. 18, the State directs the Court to the State's responses as set forth in that Paragraph and its subsections.