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EXHIBIT 35

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

STATE OF NEW MEXICO, EX REL,
RAUL TORREZ, ATTORNEY GENERAL,
Plaintiff,
V. No. D-101-CV-2023-02838
META PLATFORMS, INC.;
INSTAGRAM, LLC;
META PAYMENTS, INC.; and
META PLATFORMS TECHNOLOGIES, LLC,
Defendants.

Confidential - Pursuant to Protective Order

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

Thursday, July 3, 2025
8:32 AM EST

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

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

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

6 Have I read that correctly?

7 A. Yes.

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

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

14 A. Yes.

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

20 MR. CHAPUT: Object to form.

21 THE WITNESS: Yes.

22 BY MS. SINGER:

23 Q. And what is that change?

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

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

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

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

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

17 MR. CHAPUT: Object to form.

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

1 smiley face.

2 Have I read that correctly?

3 A. Yes.

4 Q. Okay. So you referenced this a
5 minute ago, Ms. McNulty, but did NCMEC raise its
6 concerns about end-to-end encryption to Meta?

7 A. Yes.

8 Q. How and to whom did NCMEC raise
9 those concerns?

10 A. There would have been numerous
11 meetings and conversations at different
12 operational levels, at a leadership level, when
13 NCMEC was first made aware of Meta's plans to
14 implement end-to-end encryption, the impact that
15 would have both in the quality of reports and
16 the volume of reports that Meta was able to
17 make.

18 Q. To your knowledge, to NCMEC's
19 knowledge and yours personally, did other
20 organizations and individuals express concern
21 about Meta's implementation of end-to-end
22 encryption?

23 A. Yes, there would have been a
24 number of NGOs that expressed that concern.

25 Q. As well as law enforcement? Was

1 Do you see that?

2 A. Yes.

3 Q. And it says:

4 "IIC Tier 1: We will upset reports
5 to children, aiming for a 10X -- or 10 times --
6 volume increase, and focus on correctly
7 actioning and escalating these reports following
8 the don't miss a thing or (DMaT) playbook."

9 Do you see that?

10 A. Yes, I do.

11 Q. In NCMEC's opinion, are user
12 reports an adequate substitute for scanning
13 messages and images that are now encrypted?

14 MR. CHAPUT: Object to the
15 form.

16 THE WITNESS: No. They are
17 only one facet of child safety for a
18 platform, but it can't be the only thing
19 that a platform relies on.

20 BY MS. SINGER:

21 Q. Okay. In NCMEC's experience, are
22 children likely to report their own
23 victimization to a platform?

24 A. Based on NCMEC's information, no,
25 the majority of the time children are choosing

1 not to report.

2 Q. And does NCMEC have an
3 understanding of why that is?

4 A. Several years ago, NCMEC conducted
5 a survey of minors who had accesses -- accessed
6 our public reporting form, and some of the
7 reasons that minors chose not to report was a
8 belief that nothing would come of the report.
9 So why bother. That minors wanted the
10 interaction to stop, but they didn't want to
11 necessarily get law enforcement or their parents
12 involved, or that they were not aware
13 necessarily of what the outcome would be.

14 Q. Okay. And for all of those
15 reasons, does NCMEC have an understanding that
16 user reports from children isn't going to fully
17 take the place of scanning images and messages?

18 MR. CHAPUT: Object to the
19 form.

20 THE WITNESS: Yes, that is our
21 understanding. Also, being reliant on
22 children to report is not going to catch
23 any of the harm where two adults are
24 communicating with one another.

25 BY MS. SINGER:

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

4 MS. SINGER: Okay.

5 BY MS. SINGER:

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

10 A. Yes.

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

15 A. Yes.

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

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

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

1 decline?

2 A. Yes. The most significant factor
3 when comparing volume from 2023 to 2024 was a
4 decline in the number of reports that we
5 received from Facebook.

6 Q. And by Facebook you also mean
7 Meta; is that right? Or Facebook specifically?

8 A. So Meta certainly. We really
9 narrowed down into the reporting volume for
10 Facebook specifically.

11 Q. Okay. And to what did -- did
12 NCMEC come to an understanding of the reason
13 behind the decline in reporting from Meta and
14 Facebook?

15 A. So we were aware that Meta had
16 announced in December 2023 their plans to
17 continue moving forward with end-to-end
18 encryption across Facebook Messenger. To
19 NCMEC's understanding, that work was completed
20 in June of 2024.

21 And when we look at the totality
22 of reports received in calendar year 2024, we
23 saw approximately 6.9 million less reports than
24 we had seen from Facebook in calendar year 2023.

25 Q. And does that represent a decline

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

3 A. Yes.

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

8 A. Yes.

9 MR. CHAPUT: Object to the
10 form.

11 BY MS. SINGER:

12 Q. What have you observed?

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

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

20 A. That is NCMEC's understanding.

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