

EXHIBIT 89

**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' FIRST SUPPLEMENTAL AND AMENDED OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANTS**

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 Rules”). See Rule 1-026(B) NMRA (defining the scope of permissible

will not make wholesale re-productions of the Collections, or of documents produced in connection with any other investigations.

4. Separate from the Collections review described above, Meta is reviewing for responsiveness and then producing responsive written responses to requests for information made in the international investigations above, as well as the corresponding underlying requests for information (i.e., the questions).
5. Meta has already produced relevant written responses to requests for information made in the Multistate AG investigation, as well as the corresponding underlying requests for information (i.e., the questions).
6. Otherwise, Meta is not producing any written responses or underlying requests for information in connection with the investigations above, or any other investigations.

Interrogatory 3. Identify all “personal data” you collect from users.

RESPONSE: Meta incorporates its Recurring Specific Objections by reference as though fully set forth herein. Meta objects to Interrogatory 3 as overly broad and not proportional to the needs of the case, because it seeks information about “all” “personal data” Meta collects from users, without regard to the relevance of such data to the parties’ claims and defenses. *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 further objects to the extent that this Interrogatory requires the disclosure of information relating to users of any Meta social media service other than Facebook and Instagram,

as Facebook and Instagram are the only social media services at issue in Plaintiff's operative complaint. *Id.* Meta also objects to this Interrogatory to the extent it is not limited to the State of New Mexico or New Mexico users on Facebook and Instagram or the relevant time period. *Id.*

Meta additionally objects to the undefined phrase "personal data" as vague and ambiguous. *See* Rule 1-026(B)(1) (requirement to provide "responsive information" implies a clearly stated request). Meta will define "personal data" to mean "Personal Information" as defined in Meta's United States Regional Privacy Notice currently in effect: information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked with an individual, directly or indirectly. *See* Rule 1-033(C)(1). Meta further objects on the grounds that it does not collect the same "personal data" from each user of its Services, and that the categories of Personal Information it has collected from its users have changed over time. *See* Rule 1-026(B)(1).

Subject to and without waiving the foregoing objections, Meta provides the following response to Interrogatory No. 3: The information Meta currently collects and processes about its users depends on how users use Meta's Services, as described in Meta's [Privacy Policy](#) and [United States Regional Privacy Notice](#) that are currently in effect.

SUPPLEMENTAL RESPONSE: Subject to and without waiving the foregoing objections, Meta provides the following supplemental response to Interrogatory No. 3: Depending on how a user uses Meta's Services, Meta may collect from a user: (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. Meta offers users a variety of tools to view, manage, download, and delete their information. Users can also manage their information by visiting the settings of the Services they use. The information Meta has historically collected and processed about its users depended on how users used Meta’s Services, as described in past versions of Meta’s Privacy Policy and United States Regional Privacy Notice:

[Privacy Policy effective June 26, 2024](#)

[Privacy Policy effective December 27, 2023](#)

[Privacy Policy effective June 15, 2023](#)

[Privacy Policy effective January 1, 2023](#)

[Privacy Policy effective July 26, 2022](#)

[Privacy Policy effective January 4, 2022](#)

[Privacy Policy effective September 9, 2016](#)

[United States Regional Privacy Notice effective July 1, 2024](#)

[United States Regional Privacy Notice effective July 1, 2023](#)

[United States Regional Privacy Notice effective January 1, 2023](#)

Interrogatory 4. Identify all advertisers located in New Mexico with whom you have contracted or otherwise arranged to display advertisements, and, for each advertiser, identify: (a) the time frame(s) in which the advertisement was displayed; (b) the revenue you received for each advertisement displayed; (c) the total views or impressions for each advertisement; and (d) the audience to which the advertisement was targeted.

RESPONSE: Meta incorporates its Recurring Specific Objections by reference as though fully set forth herein. Meta objects to this Interrogatory as vague and ambiguous, including with respect to the phrases “advertisers located in New Mexico,” “contracted or otherwise arranged to

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Submitted by,

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