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

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

Plaintiff,

v.

D-101-CV-2023-02838

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

Defendants.

**PLAINTIFF STATE OF NEW MEXICO'S SECOND SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO DEFENDANTS' FIRST SET OF
INTERROGATORIES: NOS. 1, 3, 5, 9, 10, 12-15, 17**

Pursuant to Rule 1-033(C) NMRA, Plaintiff State of New Mexico ("Plaintiff" or the "State") hereby provides these second supplemental objections and responses to Defendants' (Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, "Meta" or "Defendants")) First Set of Interrogatories (the "Interrogatories").

PRELIMINARY STATEMENT & GENERAL OBJECTIONS

The State responds and objects to the Interrogatories based on the best of its present knowledge, information, and belief. The State's responses and objections are at all times subject to such additional or different information that discovery or further investigation may disclose. The State reserves the right to amend, modify, supplement, or withdraw any response or objection set forth herein, but disclaims any agreement or obligation to do so.

The State reserves the right to supplement these responses prior to or at the close of discovery. In responding to the Interrogatories, the State does not waive but rather intends to

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preserve the following: (a) all objections as to the relevancy, materiality, and admissibility of any information; (b) all objections as to vagueness, ambiguity, or other infirmity in the form of the Interrogatories; (c) objections on any ground to any further interrogatories or other discovery requests involving or related to the subject matter of the Interrogatories; and (d) all privileges and/or rights under the applicable rule(s) of the New Mexico Rules of Civil Procedure or any statute, guidelines, common law, or other applicable law.

The State objects to the Interrogatories on the following grounds, each of which is incorporated by reference (where appropriate) in the responses and objections to the individual Interrogatories below:

1. The State objects to the Interrogatories to the extent they purport to impose any obligations upon the State that are greater than or different from the State's obligations under the New Mexico Rules of Civil Procedure or applicable law. In responding to the Interrogatories, Plaintiff will comply with the requirements of the state rules and applicable case law.

2. The State objects to the Interrogatories to the extent they call for information protected by the attorney-client privilege, the attorney work product doctrine, the common interest doctrine, and/or any other constitutional, statutory, common law or other applicable privilege or protection. In responding to these Interrogatories, Plaintiff will not divulge protected or privileged information, and in particular will not search for and reveal protected or privileged information from the State's or the State's attorneys' litigation files relating to this case, including information prepared in anticipation of litigation or for trial. *S.F. Pacific Gold Corp. v. United Nuclear Corp.*, 2007-NMCA-133, ¶ 13 (citing Paul R. Rice, Attorney-Client Privilege in the United States §2:3, at 14 (2d ed. 1999)). Producing information that relates specifically to the State's allegations, claims, or legal theories would force counsel to reveal their mental impressions, evaluations, and

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thought processes in which they have engaged in reviewing Defendants' document productions, all of which are protected work product. *See* Rule 1-026 NMRA. Inadvertent production of disclosure by the State of any information that is confidential, privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any such privilege or of any ground for objection to discovery with respect to such information or the subject matter thereof.

3. The State further objects to these Interrogatories to the extent they seek confidential information that is protected from public disclosure pursuant to laws, regulations, or confidentiality agreements. *See e.g.*, Rule 1-026(B)(5) NMRA (work product); Rule 11-503 NMRA (attorney-client privilege); *S.F. Pacific Gold Corp. v. United Nuclear Corp.*, 2007-NMCA-133, ¶ 13 (citing Paul R. Rice, Attorney-Client Privilege in the United States §2:3, at 14 (2d ed. 1999)); NMSA § 14-2-1(D), §14-2-1.2(A)(7).

4. The State objects to Defendants' definitions of "Plaintiff," "You," and "Your" as overbroad and unduly burdensome to the extent they purport to require Plaintiff to produce information that is not within its possession or control, or to the extent the burden or expense of obtaining such information outweighs its likely benefit, taking into account the needs of the case. *See* Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; *see also Ruiz v. S. Pac. Transp. Co.*, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are "exceedingly broad"); *Barela v. Safeco Ins. Co. of Am.*, 2014 WL 11497826, at *2 (D.N.M. Aug. 22, 2014). (noting that "overly burdensome discovery requests" are prohibited).

INTERROGATORIES

1. Identify every Person likely to have discoverable information Related to Plaintiff's claims, including the harms alleged in the Complaint, and the subject matter of the information possessed by each such Person. Include without limitation every Person upon whom Plaintiff

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intends to rely in proving its claims and every Person likely to have discoverable information that supports or contradicts a position or claim Plaintiff has taken or intends to take.

RESPONSE: Plaintiff objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks identification of “every” Person “likely to have discoverable information Related to Plaintiff’s claims.” See Rule 1-026(B)(1)-(2) NMRA; see also Ruiz, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are “exceedingly broad”); Barela, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Plaintiff also objects to this Interrogatory on the grounds that it improperly calls for expert disclosures before the appropriate deadline, particularly to the extent that it seeks to identify any investigator retained by the State whose work was not referenced in the Complaint. See Rule 1-026(B)(6) NMRA; see also Reaves v. Bergsrud, 1999-NMCA-075 (“Pretrial orders,” including those regarding expert disclosure deadlines, “will control the course of action in a case”).

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff provides the following response to Interrogatory No. 1: The Appendix A accompanying these responses contains a spreadsheet listing people who may have discoverable information related to the State’s claims. Plaintiff reserves the right to supplement this response to the extent it identifies additional non-privileged responsive information.

SUPPLEMENTAL RESPONSE: Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff provides the following supplemental response to Interrogatory No. 1: The Supplemental Appendices A.1 (Confidential) and A.2 (Highly Confidential—Attorneys’ Eyes Only) accompanying these responses contain updated spreadsheets that include additional individuals who may have discoverable information related to the State’s

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claims. Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

SECOND SUPPLEMENTAL RESPONSE (May 2, 2025): Plaintiff incorporates its previous objections and responses by reference, and supplements its response to identify additional individuals who may have discoverable information related to the State's claims:

Clarie Miller, New Mexico Department of Health, State Suicide Prevention Coordinator and former Youth Suicide Prevention Coordinator.

Regina Bejarano, New Mexico Department of Health Southeast Region School Mental Health Advocate.

Katherine Holguin, New Mexico Department of Health Southwest Region School Mental Health Advocate.

Jiahua "Bella" Yang, New Mexico Department of Health, Survey Section Manager / NM BRFSS Coordinator / Acting NM YRRS Coordinator.

Sushma Mahadeo, Private Investigator.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

3. Identify all State of New Mexico agencies, offices, departments, divisions, committees, or related entities that are or have been involved with or responsible to address Social Media Use by New Mexico Consumers and all individuals within such entities with decision making authority over matters Related to Social Media Use by New Mexico Consumers since January 1, 2012.

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RESPONSE: Plaintiff objects to this Interrogatory as not relevant to the claims or defenses in this case, and as overly broad, unduly burdensome, and not proportional to the needs of the case, particularly to the extent it seeks information regarding State activities addressing “Social Media Use by New Mexico Consumers,” which would include conduct with no relation to the State’s claims. *See* Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; *see also* Ruiz, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are “exceedingly broad”); *Barela*, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Further, Plaintiff objects to this Interrogatory as vague and ambiguous to the extent that the phrases “address” and “involved with” are undefined and to the extent it seeks to identify individuals with “decision making authority,” which is an undefined phrase that could be subject to multiple interpretations in different contexts. *See* Rule 1-026(B)(1) NMRA.

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff provides the following response to Interrogatory No. 3: The only New Mexico agency involved in addressing the “Social Media Use” of “New Mexico Consumers” within the bounds of the issues raised by the State’s claims is the Department of Justice. The following individuals working within the Department of Justice may, through the course of their work, handle issues relating to the “Social Media Use” of “New Mexico Consumers:” Lauren Rodriguez, Director of Communications; Eric Castillo, Special Assistant; Jenny Bartos, Outreach Coordinator; Juan Mendoza, Special Projects Coordinator. Plaintiff reserves the right to supplement this response to the extent it identifies additional non-privileged responsive information.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response: The following

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departments have been involved with addressing social media use by New Mexico consumers: **New Mexico Public Education Department** (Safe School Program; Safe School Conference) those involved include Kathryn Bolkovac, Anne Marlow-Geter; **New Mexico Department of Health** (Head 2 Toe Conference; Office of Injury and Violence Prevention; New Mexico Youth Risk and Resiliency Survey (NM YRRS); School Mental Health Advocates; Adolescent Wellness and Social Media (AWSM) Survey, f/k/a Social Media and Student Health Survey (SMASH)) those involved include James Farmer, Regina Bejarano, Katherine Holguin, Dylan Pell, Dan Green and Jiahua “Bella” Yang.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

5. Identify and describe each express and implied material misrepresentation and material omission relating to Defendants’ Platforms for which Plaintiff seeks relief.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it improperly calls for expert testimony, as a determination of whether certain conduct constitutes a misrepresentation or an omission may rely upon expert opinion. *See* Rule 1-026(B)(6) NMRA; *see also* *Reaves*, 1999-NMCA-075 (“Pretrial orders,” including those regarding expert disclosure deadlines, “will control the course of action in a case”). Plaintiff also objects to this Interrogatory on the grounds that it is a premature contention interrogatory because the ongoing discovery process has not yet progressed enough for Plaintiff to identify “each” misrepresentation and omission for which it seeks relief. *See* Rule 1-033(D) NMRA; *Lucero v. Valdez*, 240 F.R.D. 591 (D.N.M. 2007) (“[T]here is considerable support for deferring answers to contention interrogatories until after a

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substantial amount of discovery has been completed.”). Indeed, Defendants have yet to complete document production, including production of documents specific to New Mexico.

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff refers Defendants to paragraphs 422-439, 458-464 and 500-502 of the First Amended Complaint. Plaintiff agrees to supplement this response once a substantial amount of discovery has been completed.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and supplements its response to identify the following statements constituting misrepresentations or containing material omissions:

February 2010 – representations to NAAG that Meta has “Ongoing technical and community verification, including identity and age,” a “Robust reporting infrastructure,” “Automated tools to prevent the dissemination of URLs” promoting child pornography, “Dedicated teams to respond to rare instances when child porn is detected,” “Aggressive response to reports of harassment (24hrs)” (METANMAG-005-01367715)

11/15/2018 – “Our Community Standards ban child exploitation. But to avoid potential for abuse, we remove nonsexual content as well, for example innocent photos of children in the bath — which in another context could easily be misused.” (<https://about.fb.com/news/2018/11/enforcing-our-community-standards-2/>)

2/7/2019 – “At Instagram, nothing is more important to us than the safety of the people in our community.” (<https://about.instagram.com/blog/announcements/supporting-and-protecting-vulnerable-people-on-instagram>)

2/17/2019 – “We will not allow any graphic images of self-harm, such as cutting on Instagram – even if it would previously have been allowed as admission. We have never allowed posts that promote or encourage suicide or self harm, and will continue to remove it when reported.” (<https://about.instagram.com/blog/announcements/supporting-and-protecting-vulnerable-people-on-instagram>)

6/26/2019 – “We will do things that mean people use Instagram less if we think that they keep people safe or generally create a healthier environment. And I think we have to be willing to do that.” (<https://www.cbsnews.com/news/adam-mosseri-instagram-is-seriously-considering-hiding-likes-apps-head-reveals/>)

6/26/2019 – “We've been focused on well-being broadly, like I said, it's our number one priority,” (<https://www.cbsnews.com/news/adam-mosseri-instagram-is-seriously-considering-hiding-likes-apps-head-reveals/>)

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8/9/2019 -- “When you send a report, it goes to our trained team of reviewers who check reports 24 hours a day,” she says. “We work quickly to remove any violating content, and [what] defines the violating content is what’s in those community guidelines.” (<https://people.com/parents/keeping-teenagers-safe-on-instagram-explainer/>)

10/27/2019 – Instagram doesn’t “allow people to share content that encourages or promotes self-harm or suicide. We have never permitted that.” (<https://about.fb.com/news/2019/10/taking-more-steps-to-keep-the-people-who-use-instagram-safe/>)

10/27/2019 – “Nothing is more important to me than the safety of the people who use Instagram, particularly the most vulnerable.” (<https://about.fb.com/news/2019/10/taking-more-steps-to-keep-the-people-who-use-instagram-safe/>)

6/11/2020 – “At Facebook, we use sophisticated technology and behavioral signals not only to prevent, detect and remove images and videos that exploit children, but also to detect and prevent grooming, or potentially inappropriate interactions between a minor and an adult. And we use this technology across Facebook, Instagram, Messenger and WhatsApp.” (<https://about.fb.com/news/2020/06/fighting-child-exploitation-online/>)

11/10/2020 – “We use technology to help us proactively find and remove more harmful suicide and self-harm content.” (<https://about.fb.com/news/2020/11/keeping-people-safe-instagram-europe/>)

3/17/2021 – “To protect teens from unwanted contact, we restrict people over 19 years old from sending private messages to teens who don’t follow them.” (<https://about.instagram.com/blog/announcements/continuing-to-make-instagram-safer-for-the-youngest-members-of-our-community>)

5/26/2021 – “[T]here’s no rigorous research that suggests Likes are bad for people’s well-being” (<https://techcrunch.com/2021/05/26/facebook-and-instagram-will-now-allow-users-to-hide-like-counts-on-posts/>)

May 2021 – Instagram’s effects on teen well-being are likely “quite small” (MT-IG-AG-NM-000273005)

7/27/21 – “The company said it has also developed a tool that automatically detects potentially suspicious adult accounts and stops those accounts from interacting with teens’ accounts on the app. An adult’s account might be marked as suspicious if it has been blocked or reported by multiple teen accounts, said Instagram’s head of public policy, Karina Newton in a separate interview. Once they are flagged, adults won’t be shown teen accounts in discovery tools. They also won’t be able to follow young people’s accounts, leave comments on their posts or see comments from teens on other people’s accounts.” (<https://www.nbcnews.com/tech/social-media/instagram-s-new-protections-teens-come-experts-say-tween-venture-n1275069>)

10/29/2021 – “[T]he only marketing to teens [Meta has] done has been on safety and well-being” (MT-IG-AG-NM-000304155)

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10/29/2021 – It “was not a typical user experience to make one interaction and have that prompt exposure to potentially harmful content” (MT-IG-AG-NM-000304155)

10/29/2021 – “[W]e do not have any filters that would alter someone’s body in a way that would require cosmetic surgery” (MT-IG-AG-NM-000304155)

11/22/2021 – “Views of violating content that contains suicide and self-injury are very infrequent, and we remove much of this content before people see it. As a result, many times we do not find enough violating samples to precisely estimate prevalence.” (METANMAG-007-00461433; also METANMAG-007-00477163 (7/1/2022); MT-IG-AG-NM-000272213 (11/15/2022))

12/8/2021 – “If a child is under the age of 13, they are not permitted on Instagram” (Mosseri Testimony to Senate Commerce Committee)

5/31/2023 – “We always want to lean towards letting people express themselves, but when someone posts something that may jeopardize another person’s safety, we step in.” (<https://about.instagram.com/blog/announcements/instagram-ranking-explained>)

12/6/2023 – Implementing end-to-end encryption enabled Meta to “launch a safer ... service.” (<https://about.fb.com/news/2023/12/default-end-to-end-encryption-on-messenger/>)

1/30/2024 – Material omissions in statements regarding “the efficacy of our work enforcing our child safety policies” (<https://about.fb.com/news/2023/12/combating-online-predators/>)

1/31/2024 – “We want teens to have safe, age-appropriate experiences on our apps, and we want to help parents manage those experiences.” (Zuckerberg Senate Testimony)

2/23/2024 – “We launched creator monetization tools with a robust set of safety measures and multiple checks on both creators and their content, such as automatically reviewing content the first time it receives a gift.” (<https://abc3340.com/news/nation-world/instagram-tool-enabled-parents-to-profit-off-sexual-pictures-of-children-report-says-wall-street-journal-meta-tipping-mark-zuckerberg-senate-hearing-congress-dick-durbin-child-safety-online>)

1/1/2025 – “We do not allow content that endangers children, such as content that contains nudity or physical abuse or content that sexually exploits children on Facebook and Instagram. When we find this type of violating content, we remove it, regardless of the context or the person's motivation for sharing it.” (<https://transparency.meta.com/reports/community-standards-enforcement/child-nudity-and-sexual-exploitation/facebook/>)

Undated statement contained in multiple CSERs – “We are working on estimating prevalence for child endangerment violations. We will continue to expand prevalence measurement to more areas as we confirm accuracy and meaningful data.”

Statements concerning effects of the platforms that omit or do not acknowledge internal research showing harms from the platforms, including statements by Zuckerberg and Mosseri set forth here: <https://www.wsj.com/podcasts/the-journal/the-facebook-files-part-2-we-make-body-image-issues-worse/c2c4d7ba-f261-4343-8d18-d4de177cf973>

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Statements concerning transparency of Meta's research concerning the effects and impacts of its platforms on youth well-being

Statements regarding Meta's ability or effectiveness to moderate content, including statements in Meta's CSERs and elsewhere

Statements regarding the ability of Users to report misconduct that omit that many such reports are not actioned, improperly actioned or otherwise overlooked

Statements regarding Teen Accounts that overstate the effectiveness of Meta's changes or fail to disclose that such changes are ineffective to protect Teens and/or can be easily overridden

Statements suggesting or implying that Meta's algorithms will not recommend or deliver harmful or violative content

Statements regarding reporting to NCMEC that omit that the reporting was often inaccurate or insufficient, including the following statements set forth at <https://transparency.meta.com/integrity-reports-q3-2024>:

NCMEC CyberTips

As part of our ongoing work to provide young people with safe, positive online experiences, we're continuing to provide more transparency into our efforts to find and report child exploitation to the National Center for Missing and Exploited Children (NCMEC). We began sharing this data last year.

In Q3 2024, we reported the following number of CyberTips to NCMEC from Facebook and Instagram:

- Facebook and Instagram sent over 1.6 million NCMEC CyberTip reports for child sexual exploitation.
 - Of these reports, over 120 thousand involved inappropriate interactions with children. CyberTips relating to inappropriate interactions with children may include an adult soliciting child sexual abuse material (CSAM) directly from a minor or attempting to meet and cause harm to a child in person. These CyberTips also include cases where a child is in apparent imminent danger.
 - Over 1.5 million reports related to shared or re-shared photos and videos that contain CSAM.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

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9. Identify each New Mexico Consumer who experienced the harms alleged in the Complaint (including depression, anxiety, suicide, self-harm, loss of sleep, compulsive use, and addiction) that Plaintiff alleges were caused by use of Defendants' Platforms, including each New Mexico consumer who you allege experienced "compulsive use." Compl. at 539. For each, identify all communications between Plaintiff and the Consumer regarding their use of Defendants' Platforms, all evidence that those individuals heard or read alleged misstatements from Defendants, and all evidence those individuals considered such statements material and relied on those statements in deciding to use Instagram.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it is not relevant to any claims or defenses in this case, and on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly because it seeks information regarding individual "harms" suffered by individual "New Mexico Consumer[s]" even though none of the State's claims require a particularized showing of harm. *See* Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; NMSA § 57-12-2(D); *see also State ex rel. King v. B & B Inv. Grp., Inc.*, 2014-NMSC-024, ¶ 26 ("The UPA does not require a subjective, individualized showing of detriment."); *State ex rel. Vill. of Los Ranchos de Albuquerque v. City of Albuquerque*, 1994-NMSC-126, ¶ 50-53 (describing the elements of public nuisance). Plaintiff also objects to this Interrogatory as vague and ambiguous in its use of the undefined term "experienced," which could be subject to multiple interpretations when used in the context of diagnosing mental health harms. *See* Rule 1-026(B)(1) NMRA. Further, Plaintiff objects to this Interrogatory on the grounds that it improperly calls for expert testimony and expert disclosures before the appropriate deadline to the extent that demonstrating any of the "harms" described in the Interrogatory may require

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expert opinion. See Rule 1-026(B)(6) NMRA; *see also* Reaves, 1999-NMCA-075 (“Pretrial orders,” including those regarding expert disclosure deadlines, “will control the course of action in a case”).

The State will not rely on individual data analyses, but rather will prove its claims, in whole or in part, through aggregate proof or statistical evidence, consistent with the decisions of numerous courts to consider the propriety of this approach. See Report and Recommendation, *In re: National Prescription Opiate Litig.*, Case No. 1:17-MD-2804 (DAP), Doc. 1025 (N.D. Ohio) (Magistrate Judge David A. Ruiz); *In re Neurontin Litigation*, 712 F.3d 21, 29-39 (1st Cir. 2013); *United States v. Life Care Centers of Am., Inc.*, 114 F.Supp. 3d 549 (E.D. Tenn. 2014); *United States v. Life Care Centers of Am., Inc.*, 1:08-CV-251, 2015 WL 10987029, at *3 (E.D. Tenn. Feb. 18, 2015); Order Regarding Discovery Ruling No. 5, *In re: National Prescription Opiate Litig.*, Case No.1:17-MD-2804 (DAP), Doc. 1047 (N.D. Ohio). As such, discovery of the burdensome evidence sought in this Interrogatory, given the issues noted below, is not proportional to the needs of the case. See, e.g., *City of Chicago v. Purdue Pharma, L.P.*, 2020 WL 3578497, at *3 (N.D. Ill. July 1, 2020) (“Defendants cannot demand discovery based on a proof element the opposing party does not accept as a required element.”).

Plaintiff further objects to this Interrogatory to the extent it seeks production of individualized information that is protected from disclosure by state or federal privacy laws, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. Part 99.

Subject to and without waiving these or any of the foregoing general objections, Plaintiff agrees to meet and confer with Defendants to determine whether Defendants are willing to narrow the scope of Interrogatory No. 9.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

All New Mexico plaintiffs in *Smith v. TikTok Inc.*, No.22STCV21355 (Cal. Super. Ct. L.A. Cnty. filed June 30, 2022), and *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047, 22-MD-3047-YGR (N.D. Cal filed Oct. 24, 2023).

All New Mexico parents, teachers, school counselors, and community members who signed the letter to Mark Zuckerberg. <https://kidscodecoalition.org/2023/12/new-mexico-parents-educators-health-professionals-demand-answers-from-metas-zuckerberg-on-ag-report-call-for-kids-code-legislation/>

New Mexico School Counselor Association, <https://www.nmschoolcounselor.org/>.

Former Principal of Vado Elementary School, Cheryl Coyle. METANMAG-003-00807971.

Lily Luchau, NMAG-SM-0135446.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

10. Identify all research, testing, studies, investigation, or any other efforts taken by Plaintiff or any Person or group acting on behalf of Plaintiff Relating to Minors' Mental Health and Wellbeing and describe all assumptions, findings or outcomes of same, including but not limited to regarding possible causes or factors other than Defendants' Platforms.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case, particularly to the extent that it seeks to identify "***all*** research, testing, studies, investigation, or any other efforts" by or on behalf

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of the State “Relating to Minors’ Mental Health and Wellbeing,” and “*all* assumptions, findings or outcomes of the same.”¹ See Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; *see also* Ruiz, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are “exceedingly broad”); Barela, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Plaintiff also objects to this Interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in this case. As noted by the Court in its Dec. 12, 2024 ruling on Defendants’ Motion to Compel Production of Documents, while *some* information regarding actions taken by the State or third parties addressing the mental health and wellbeing of minors may be relevant, *all* such information is not. Further, Plaintiff objects to this Interrogatory to the extent that it requires expert disclosures before the appropriate deadline. See Rule 1-026(B)(6) NMRA; *see also* Reaves, 1999-NMCA-075 (“Pretrial orders,” including those regarding expert disclosure deadlines, “will control the course of action in a case”).

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff offers the following response to Interrogatory No. 10: Without purporting to provide a comprehensive list, the chart below provides descriptions of responsive activities and the names of State offices affiliated with those activities. Plaintiff reserves the right to supplement this response to the extent it identifies additional non-privileged responsive information.

¹ Emphasis added.

Name of Affiliated State Office	Description of Activity
Department of Health	The New Mexico Youth Risk and Resiliency Survey (NM-YRRS) is the New Mexico sample of the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavioral Surveillance System (YRBSS). This survey is conducted bi-annually in classrooms of middle school and high school students. In 2023, for example, over 30,000 students were surveyed. The survey collected health data across dimensions of adolescent health. Additional information can be found here: https://youthrisk.org .
Department of Health; Department of Public Education	The Adolescent Wellness and Social Media (AWSM) survey asks questions about patterns of social media use among New Mexico high school students to determine associations between types and amounts of social media use, important moderators, and behavioral health among New Mexico's youth. This survey was pilot-tested in one public, state-chartered charter school (Cottonwood Classical Preparatory School) in the spring of 2023.
Department of Health	The Department of Health provides funding for school-based health centers to offer primary care and behavioral health care at schools. Research analyzing school-based health centers in New Mexico can be found here: • <i>A Statewide Profile of Frequent Users of School-Based Health Centers: Implications for Adolescent Health Care.</i> https://pubmed.ncbi.nlm.nih.gov/26930236. • <i>Adolescent substance use: Assessing the knowledge, attitudes, and practices of a school-based health center workforce.</i> https://www.tandfonline.com/doi/abs/10.1080/08897077.2017.1287149.
Department of Health	The Title V Maternal and Child Health (MCH) Block Grant Program is a federal-state partnership that aims to improve the health and well-being of women (particularly mothers) and children. The program provides funds to grantees in the state to work toward that goal. More information can be found here: https://www.hca.nm.gov/family-health-bureau .
Department of Health	The Preventative Health and Health Services (PHHS) Block Grant Program is a federal-state partnership that provides funding to help support unfunded or underfunded public health needs, including prevention services and outbreak control. Health departments receiving funding may use this flexible funding on a wide range of activities to build, improve, and sustain local public health. More information can be found here: https://www.cdc.gov/phhs-block-grant/about/index.html .

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Department of Health; Public Education Department	The annual Head to Toe Conference brings together school health and behavioral health professionals, including school nurses, counselors, social workers, and administrators, as well as school-based health center staff and advisory team members. The conference features resources, support, and expertise for state health educators and school health staff through a variety of presentations and trainings on a wide range of topics related to helping New Mexico youth, such as good nutrition, vaccination coverage rates, and the impacts that technology has on students' daily lives. More information can be found here: https://www.nmstudenthealth.org/head-to-toe-conference .
Department of Health	The New Mexico Peer-to-Peer Helper (YP2PH) program aims to promote youth helping their peers, youth-adult partnership, and positive youth development. The program is based on the premise that when young people have problems, they most often turn to friends whom they trust for help, and that every school has an informal "helping network." Youth selected to be Peer Helpers are trained to develop skills to effectively help and support their friends and peers, take care of themselves, and contribute to creating healthy, safe, and supportive school environments. More information can be found here: https://apexeval.org/our-work/new-mexico-department-of-health-nmdoh-office-of-school-and-adolescent-health-osah-peer-to-peer-helper-program .
Department of Health	The Youth Health Literacy Toolkit was developed by the Department of Health in an effort to strengthen health literacy in New Mexico youth. The toolkit provides information and interactive exercises to help improve health literacy. More information can be found here: https://webnew.ped.state.nm.us/wp-content/uploads/2018/11/SHSB_SHEI-2018_Youth-Health-Literacy-Toolkit-PowerPoint-Tessa-M.L..pdf .
Department of Health	The New Mexico Child Fatality Review (NM-CFR) is an annual report that examines the circumstances that contribute to the death of children in New Mexico and makes recommendations based on that examination. All non-natural child resident deaths in New Mexico are subject to review by the NM-CFR, which entails a thorough review process by multidisciplinary review panels, allowing stakeholders to better understand the circumstances surrounding these deaths. The NM-CFR process seeks to (1) identify risk and preventable causes of illness or injury, (2) develop actionable recommendations to prevent child death, and (3) disseminate findings and recommendations to partners in prevention. For example, the 2023 NM-CFR report can be found here: https://www.nmhealth.org/publication/view/report/8803 .
Public Education Department; Department of Health	The Annual School Health Services Report (ASHSR) provides a snapshot of the health care needs of New Mexico students and the health services provided by school nursing staff during the school year. The ASHSR highlights data submitted to the Public Education Department by school districts within New Mexico. Reports from previous school years are available at the School Health Resources page of the Public Education Department website, found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/school-health-resources .

Public Education Department; Health Care Authority; Department of Health	The Medicaid School-Based Services (MSBS) program allows New Mexico schools to offer key health and health-related services that are designed to integrate and maintain active learning for Medicaid-eligible children and youth with special education and health care needs. The MSBS program, formerly known as Medicaid in the Schools (MITS), was added in 1994 as a Medicaid-covered benefit for children and youth from age three through 20. Under certain circumstances, schools may receive reimbursement for services through the MSBS program. Additional information can be found here: https://www.hca.nm.gov/providers/medicaid-school-based-services-program .
Public Education Department	The Public Education Department advocated for setting up “Wellness Rooms” in schools, which are dedicated spaces designed to support students’ mental health and wellness. The Department received funding from the state legislature to establish Wellness Rooms in schools and works directly with schools to establish them.
Public Education Department	The Public Education Department provides a Social and Emotional Learning (SEL) Framework to help New Mexico schools meet the needs of the whole child by guiding them toward the integration of SEL into the education process. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions. The SEL Framework states that an educational framework rooted in SEL creates stronger communities, builds meaningful life directions for students, staff, and graduates, and complements the underlying reasons why educators are called to work in schools in the first place. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/social-and-emotional-learning-sel/ .
Public Education Department	The Public Education Department amended NMAC 6.12.7 in 2019 to require each school board or governing body in the state to adopt certain bullying prevention policies. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/bullying-prevention/ .
Public Education Department	The New Mexico Healthy Schools Project aims to support healthy school environments in order to improve student health, thereby improving student outcomes. The project notes that schools play an important role in promoting the health and safety of children and adolescents by helping them establish lifelong health patterns. The project is made possible by a federal grant from the CDC. More information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/new-mexico-healthy-schools-project/#:~:text=The%20Healthy%20Schools%20Grant%20provides,Health%20Education .

Public Education Department	New Mexico Graduation, Reality, and Dual-role Skills (GRADS) is a statewide program for expectant and parenting teens that aims to remove barriers to assist expectant and parenting youth to become successful students and parents. GRADS facilitates graduation and the pursuit of higher education and/or employment, provides case management, promotes multi-generational parenting skills, fosters leadership and self-sufficiency, and educates students on ways to reduce risk taking behaviors for their entire family. More information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/support-for-expecting-and-parenting-youth/#:~:text=The%20Mission%20of%20New%20Mexico%20Grads&text=The%20NM%20GRADS%20removes%20barriers,become%20successful%20students%20and%20parents.
Public Education Department	The Public Education Department helps manage the administration of Title IV, Part A: Student Support and Academic Enrichment, which is a U.S. Department of Education grant program that provides supplemental funding to help support academic achievement and enrichment. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/iv-a/ .
Public Education Department	Integrated Systems of Support (ISS) are part of the State's Community School Strategy—they promote healthy learning and development and foster individual and collective wellbeing using an assets-based approach to nurture and strengthen students, families, and the community. ISS provide services to overcome barriers to students' educational and life success, increase, access to essential services and provides preventative care, and help mitigate social determinants of health. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/community-schools/community-schools/key-practices/key-practice-6/ .
Public Education Department	The Expanding Opportunities Project (EOP), which is made possible through a U.S. Department of Education grant, aims to increase the number and quality of school-based mental health providers in high-needs schools and increase access to care for school-aged youth in identified communities. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/the-expanding-opportunities-project-eop/ .
Public Education Department	The Public Education Department receives grant funding from the Substance Abuse and Mental Health Services Administration (SAMHSA) through its Project AWARE (Advancing Wellness and Resiliency in Education) program. The purpose of the Project AWARE program is to develop a sustainable infrastructure for school-based mental health programs and services. In New Mexico, the Project AWARE program helps provide behavioral health and mental health services to certain school districts. Additional information can be found here: https://www.samhsa.gov/mental-health/children-and-families/school-health/project-aware .
Public Education Department; Health Care Authority	The Public Education Department worked with the Health Care Authority to expand Medicaid in New Mexico to provide behavioral health services to all New Mexico students.

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New Mexico Public Schools Insurance Authority	The New Mexico Public Schools Insurance Authority partnered with STOPit Solutions to provide a Safety and Wellness Program to support New Mexico school districts. Some of the services provided through the Program include: an Anonymous Reporting System (ARS) for safety, misconduct, and other concerns; a Crisis Text Line (CTL), Out of Hours Monitoring (OOH) that reviews all incidents during weekends, holidays, and other traditional out-of-business hours; a SEL & Wellness Training Center that trains students in SEL, safety, and trauma-informed care; and a 911-Direct Panic Alert that can instantly alert, inform, and request help from staff and/or 911 for any emergency or non-emergency. More information can be found here: https://www.stopitsolutions.com/nmpsia .
Public Education Department	The Public Education Department's Safe Schools Program provides resources and guidance to New Mexico schools to support safe school environments. Some issues that the Program addresses include: psychological first aid in schools; behavioral threat assessments and trainings; alerts from Fusion Center related to social media threats, such as shootings; bullying, both in person and online; boundaries relating to sex; Vector trainings; restorative health; suicide prevention; and Safe School Plans. Additional information can be found here: https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/safe-schools/ .
Children, Youth, and Families Department	The Children, Youth, and Families Department oversees New Mexico's High-Fidelity Wraparound, which is intensive care coordination that supports the services and systems a youth and family already have in place and helps identify new ones that may be needed. One of the multiple ways that High-Fidelity Wraparound can assist New Mexico youth is by connecting children with mental health services. Additional information can be found here: https://centerofinnovationnm.org/nm-wraparound/ .
Children, Youth, and Families Department	The Children, Youth, and Families Department oversees the administration of the Healthy Transitions Expansion Grant, which was awarded by the Substance Abuse and Mental Health Services Administration (SAMHSA). The grant's purpose is to help serve youth between the ages of 16-25 who are transitioning into adulthood by enhancing behavioral health services and expanding the service array for transition-age youth, among other activities. Additional information can be found here: https://taggs.hhs.gov/Detail/AwardDetail?arg_AwardNum=H79SM082000&arg_ProgOfficeCode=80 .
Children, Youth, and Families Department	The Children, Youth, and Families Department oversees the administration of the Systems of Care Grant, which was awarded by the Substance Abuse and Mental Health Services Administration (SAMHSA). The grant's purpose is to serve children and youth up to 21 years-old with serious emotional disturbances by implementing programs that create system of care services and strengthening the infrastructure of statewide behavioral health service system, as well as providing additional local services in certain counties. Additional information can be found here: https://taggs.hhs.gov/Detail/AwardDetail?arg_AwardNum=H79SM082287&arg_ProgOfficeCode=80 .

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Children, Youth, and Families Department	The Children, Youth, and Families Department is working together with the Behavioral Health Initiative of Bernalillo County to provide comprehensive shelter and support services to address the commercial sexual exploitation of children for youth residing or identified in Bernalillo County, including by working toward opening a Safe House for sexually exploited youth ages 14-18. Additional information can be found here: https://www.bernco.gov/county-manager/behavioral-health-initiative/housing-supports/safe-house-for-sex-trafficked-youth/ .
Children, Youth, and Families Department	The Child and Adolescent Needs and Strengths (CANS) tool is a multi-purpose, person-centered, and trauma informed tool that is used to better gauge children coming into custody and to ensure that their plans are individualized and address both the needs and strengths of the children and their families. The CANS tool is mandatory throughout CYFD-Protective Services and many affiliated community provider agencies. Additional information can be found here: https://centerofinnovationnm.org/training-and-support/cans/ .
Office of the Governor	The Children's Cabinet was originally established by the Office of the Governor. It brings together partners from many state agencies to study and make recommendations for the design of programs that will assist the children of New Mexico. The Children's Cabinet produces a report card that includes information, data, and statistics on issues affecting the children of New Mexico, along with a budget report that outlines the various state government programs that focus on tackling all of the issues discussed within the report, which include health care, behavioral health, and child wellbeing. Additional information can be found here: https://www.childrenscabinet.nm.gov/#

SUPPLEMENTAL RESPONSE:

Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

Department of Health	New Mexico Access to Behavioral Health for Children (NM-ABC) is a collaborative partnership between the Title V (MCH) program in the New Mexico Department of Health (DOH) and the Center for Development and Disability in the University of New Mexico School of Medicine (UNM). NM-ABC addresses the need to increase the capacity of pediatric primary care providers and others who provide care for children with mental and behavioral health needs. NM-ABC offers free consultation, training and resources for healthcare providers and other professionals who support the mental health needs of youth in New Mexico. Additional information can be found here: https://hsc.unm.edu/cdd/training-programs/nm-abc/
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Department of Justice	ICAC - Internet Crimes Against Children Task Force - The New Mexico Office of the Attorney General (NMOAG) supports statewide affiliates working towards the protection of children from exploitation through technology. Efforts include the identification, apprehension, and prosecution of child sexual predators. The target population benefiting from this effort is children, both identified and unidentified, who are victims of Internet exploitation.
Department of Health	Making Connections for Mental Wellbeing Improving Mental Health and Wellbeing Among Men & Boys. The overarching goal is to improve the mental health and wellbeing of men and boys in the New Mexico. This initiative emphasizes community-level strategies, underscores the importance of mental health and social connection and their link with community wellbeing and resilience.
Department of Health	New Mexico Statewide Suicide Prevention Project (SSPP) aims to reduce rates of attempted and completed suicide among the state's youth. SSPP expands youth suicide prevention by building statewide capacity in communities and schools to support populations who are at risk of suicide, with a specific emphasis on Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) youth. SSPP in partnership with NM Center for Rural and Community Behavioral Health (CRCBH) implements activities targeted for school health personnel, specifically school nurses and school counselors, who report little to no support when they are faced with a student who is at imminent risk of suicide.
Department of Health and Public Education Department	Through the Safe and Health Schools program of the PED, DOH offers training on Psychological and Emotional Impact Supports called "PREPaRE I" and "PREPaRE II." The training prepares school administration, counselors, social workers and behavioral health specialists for emergency responses and how to best fill the roles and responsibilities on school crisis response teams. Additional information can be found here: https://www.nasponline.org/professional-development/prepare-training-curriculum/about-prepare .
Department of Health	Cross Sector Coordination to Ensure Life (XSCEL) aims to decrease the rate of suicide attempts and completions among 10-24 year olds in New Mexico through a continuum of local and statewide strategies. These strategies coordinate and align multiple intervention levels across sectors including schools, communities, and healthcare settings.
Department of Health	New Mexico Mental Health Awareness Training program increases mental health training and assists schools and youth serving organizations in sustaining these evidence-based curriculums, improve recovery outcomes, and decrease rates of suicide attempts and deaths by suicide among 10-24 year olds in New Mexico.

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Public Education Department	Improving Student Health and Academic Achievement through Nutrition, Physical Activity and the Management of Chronic Conditions in Schools supports 16 geographically diverse state education agencies (SEAs) related to testing, vaccine confidence, and social, emotional, and mental health needs. This program supports evidence-based strategies and activities to reduce the risk of children and adolescents developing chronic disease in the future, manage chronic conditions prevalent in student populations (asthma, diabetes, epilepsy, food allergies, oral health) and improve academic success. Long-term outcomes include: (1) increasing the number of students who consume nutritious food and beverages, (2) increasing the number of students who participate in daily physical activity, and (3) reducing chronic health issues among students and improving health outcomes in schools.
Department of Public Safety	The State Police investigate crimes against New Mexicans, including the identification and apprehension of child sexual predators.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

12. Identify all programs, initiatives, actions, and efforts taken by the State of New Mexico to identify and address the harms alleged in the Complaint (including depression, anxiety, suicide, self-harm, loss of sleep, compulsive use, and addiction) that Plaintiff attributes to the wrongful conduct of Defendants. Include all information concerning the amount of taxpayer dollars Plaintiff expended to fund these efforts, and, where the activity was funded in whole or in part from another source, the identity of the source and the amount provided.

RESPONSE: Plaintiff objects to this Interrogatory as unnecessarily duplicative of Interrogatory No. 10. *See* Rule 1-026(B)(2)(a). Plaintiff understands Interrogatory No. 10 as seeking information regarding State actions addressing “Minors’ Mental Health and Wellbeing,” and Interrogatory No. 12 seeks a subset of that information: information regarding State actions addressing specific “harms” within youth mental health and wellbeing (“depression, anxiety, suicide, self-harm, loss of sleep, compulsive use, and addiction”). Given that Plaintiff cannot

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ascertain any ways in which the scope of this Interrogatory exceeds the scope of Interrogatory No. 10, Plaintiff responds to this Interrogatory by directing Defendants to the response to Interrogatory No. 10. To the extent Defendants seek additional information, Plaintiff offers to meet and confer.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

During discussions held concerning the State's Interrogatory Responses, counsel advised that it sought information concerning funding for programs identified in the State's responses. Pursuant to Rule 1-033(E), NMRA, Plaintiff refers Defendants to the following business records from which the answer(s) to that inquiry may be derived:

Funding for programs: NMAG-SM-0214386, NMAG-SM-0214387, NMAG-SM-0268909, NMAG-SM-0214226 to NMAG-SM-0214380, NMAG-SM-0267309 to NMAG-SM-0267807, NMAG-SM-0268814 to NMAG-SM-0214223, NMAG-SM-0249934 to NMAG-SM-0249977, NMAG-SM-0214386, NMAG-SM-0214390 to NMAG-SM-0214404, NMAG-SM-0214405 to NMAG-SM-0214437, NMAG-SM-0214459 to NMAG-SM-0214512, NMAG-SM-0214565 to NMAG-SM-0214609, NMAG-SM-0214854 to NMAG-SM-0214916, NMAG-SM-0214997 to NMAG-SM-0215007, NMAG-SM-0268886, NMAG-SM-0215040 to NMAG-SM-0215129, NMAG-SM-0211228, NMAG-SM-0215894 to NMAG-SM-0215899, NMAG-SM-0215915 to NMAG-SM-0215920, NMAG-SM-0215935 to NMAG-SM-0215946, NMAG-SM-0215972 to NMAG-SM-0215983, NMAG-SM-0216012 to NMAG-SM-0216031, NMAG-SM-0215619 to NMAG-SM-0215640, NMAG-SM-0250337 to NMAG-SM-02503452, NMAG-SM-0250379 to NMAG-SM-0250426, NMAG-SM-0216203 to NMAG-SM-0216205, NMAG-SM-0337165, NMAG-SM-0288311, NMAG-SM-0288314, NMAG-SM-0290482, NMAG-SM-0172667, NMAG-SM-0182933, NMAG-SM-0187827, NMAG-SM-0187843, NMAG-SM-

0003677, NMAG-SM-0003629, NMAG-SM-0003811, also see https://taggs.hhs.gov/Detail/CFDADetail?arg_CFDA_NUM=93981.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

13. Identify all actions taken by the State of New Mexico to utilize, encourage or promote the use of Social Media Platforms, including but not limited to the use of Social Media Platforms by Minors, including nature of the actions, the individuals involved in the actions, the time period, and if and why or why not these actions are ongoing.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case, particularly to the extent that it seeks to identify “all” of the State’s “actions...to utilize, encourage or promote the use of Social Media Platforms.” See Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; see also *Ruiz*, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are “exceedingly broad”); *Barela*, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Plaintiff also objects to this Interrogatory on the grounds that it is vague and ambiguous in its use of the undefined terms “utilize,” “encourage,” and “promote,” which could be subject to multiple interpretations in different contexts. See Rule 1-026(B)(1) NMRA. Further, Plaintiff objects to this Interrogatory as not relevant to the claims or defenses in this case to the extent it seeks information unrelated to the harms alleged in the State’s claims. See Rule 1-026(B)(1)-(2) NMRA.

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff offers the following response to Interrogatory No. 13: Plaintiff has thus far been

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unable to locate information responsive to this Interrogatory. Plaintiff reserves the right to supplement this response to the extent it identifies responsive information.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

Psychological First Aid Training (PFA-S) offered through New Mexico Public Education Department and New Mexico Department of Health trains school staff how to respond in case of emergencies. PFA-S encourages school officials to post accurate information and psychoeducational material (including recommendations for where to seek assistance) on social media sites, and on official websites as soon as possible. To enhance access to primary support persons like family and significant others, PFA-S encourages students to reach out in times of crisis including through Internet databases/social media sites.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

14. Identify all actions taken by the State of New Mexico to limit, suspend, or discourage the use of Social Media Platforms, including but not limited to the use of Social Media Platforms by Minors, including the nature of the actions, the individuals involved in the actions, the time period, and if and why or why not these actions are ongoing.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case, particularly to the extent that it seeks to identify “all” of the State’s “actions...to limit, suspend, or discourage the use of Social Media Platforms.” See Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; *see also Ruiz*, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are

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“exceedingly broad”); *Barela*, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Plaintiff also objects to this Interrogatory on the grounds that it is vague and ambiguous in its use of the undefined terms “limit,” “suspend,” and “discourage,” which could be subject to multiple interpretations in different contexts. See Rule 1-026(B)(1) NMRA. Further, Plaintiff objects to this Interrogatory as not relevant to the claims or defenses in this case to the extent it seeks information unrelated to the harms alleged in the State’s claims. See Rule 1-026(B)(1)-(2) NMRA.

Subject to and without waiving the foregoing general objections and the specific objections above, and without contending to offer an exhaustive response, Plaintiff offers the following response to Interrogatory No. 14: The Department of Justice created and administers SMART CHATS (Social Media Awareness Roundtables Creating Healthy Avenues Towards Safety), which provides a dynamic collection of guides, statistics, and other information to support the residents of New Mexico in the effort to protect children from the pervasive dangers of social media and the online landscape. Some of the resources offered by SMART CHATS include: privacy guides for social media and gaming platforms; internet safety guides to help equip parents, guardians, and educators with tools to help children understand the dangers of sharing information online, including in the contexts of cyberbullying and sextortion; resources to help with removing explicit content from the internet, such as explicit images or videos taken when individuals were under 18 years-old and non-consensual intimate images; and guides to help parents, guardians, and educators navigate conversations with children about internet safety.

Plaintiff reserves the right to supplement this response to the extent it identifies additional non-privileged responsive information.

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SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

Senate Bill 288, the Safe Schools for All Students Act, passed during the 2019 New Mexico Legislature and was signed by Governor Michelle Lujan Grisham on April 3, 2019. This legislation amended the Public School Code providing for the repeal of § 22-2-21, NMSA 1978 and creating § 22-35 NMSA, requiring the New Mexico Public Education Department to promulgate rules that require school districts to develop and implement bullying, including cyber-bullying prevention policies and programs consistent with the Safe Schools for All Students Act.

The New Mexico Public Education Department (NMPED) amended New Mexico Administrative Code (NMAC) 6.12.7 requiring that by January 1, 2020 each school board or governing body shall adopt bullying, including cyber-bullying, prevention policies that reflect these changes. The Public Education Department's Safe & Healthy Schools Program develops and disseminates tips to stop cyberbullying. *See, e.g.*, NMAG-SM-0137491, NMAG-SM-0136889, NMAG-SM-0292735, NMAG-SM-0136878, NMAG-SM-0136771, NMAG-SM-0292818, NMAG-SM-0292846, NMAG-SM-0292631, <https://web.ped.nm.gov/bureaus/safe-and-healthy-schools/bullying-prevention/>.

The New Mexico Department of Justice provides anti-cyberbullying presentations in schools, communities and conferences. *See, e.g.*, NMAG-SM-0173250, NMAG-SM-0176748, NMAG-SM-0184459, NMAG-SM-0156708, NMAG-SM-0156863, NMAG-SM-0157717, NMAG-SM-0157833, NMAG-SM-0157999, NMAG-SM-0338695, NMAG-SM-0199270, NMAG-SM-0199524, NMAG-SM-0339002, NMAG-SM-0199619, NMAG-SM-0292650.

The New Mexico Department of Health presents on cyberbullying, internet safety and social media in schools, communities and conferences. *See, e.g.*, NMAG-SM-0213645, NMAG-

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SM-0136608, NMAG-SM-0136615, NMAG-SM-0136627, NMAG-SM-0241824, NMAG-SM-0251967, NMAG-SM-0252288, NMAG-SM-0217316, NMAG-SM-0254652, NMAG-SM-0221179.

House Bill 287, Telephone, Text & Social Media to Terrify, Intimidate, Threaten, Harass, Annoy or Offend, was proposed in the 2025 Regular Session. This bill amends Section 30-20-12 of the New Mexico Statutes to expand the definition of unlawful communication intended to terrify, intimidate, threaten, harass, annoy, or offend. The term "telephone" is replaced with "electronic communication," which encompasses various forms of communication including wire line, cable, wireless or cellular calls, social media posts, text messages, instant messages, and emails.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

15. Identify any proposed legislation and/or proposed regulations (regardless of whether such legislation or regulations were passed) and/or committees created by the State of New Mexico, regarding Minors' use of Social Media Platforms or Minors' Mental Health and Wellbeing from January 1, 2012 to present.

RESPONSE: Plaintiff objects to this Interrogatory on the grounds that it is irrelevant, overly broad, unduly burdensome, and not proportional to the needs of the case, particularly to the extent that it seeks to identify "any" proposed legislation, proposed regulations, or committees created by the State "regarding Minors' use of Social Media Platforms or Minors' Mental Health and Wellbeing." See Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; see also *Ruiz*, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are "exceedingly broad");

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Barela, 2014 WL 11497826, at *2 (noting that “overly burdensome discovery requests” are prohibited). Plaintiff objects to this Interrogatory as not relevant to the claims or defenses in this case to the extent it seeks information unrelated to the harms alleged in the State’s claims. See Rule 1-026(B)(1)-(2) NMRA. Plaintiff also objects to this Interrogatory on the grounds that it is vague and ambiguous in its use of the undefined term “proposed,” which could be subject to multiple interpretations in different circumstances, particularly in the context of the legislative and regulatory processes. See Rule 1-026(B)(1) NMRA. Further, Plaintiff objects to this Interrogatory as unnecessarily duplicative of Interrogatory No. 10 in its request for information concerning State actions addressing “Minors’ Mental Health and Wellbeing,” which is within the scope of Interrogatory No. 10’s request for information concerning the same. See Rule 1-026(B)(2)(a) NMRA.

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff offers the following response to Interrogatory No. 15: To the extent this Interrogatory is unnecessarily duplicative of Interrogatory No. 10, as described above, Plaintiff directs Defendants to the response to Interrogatory No. 10. Beyond the information provided in response to Interrogatory No. 10, Plaintiff has thus far been unable to locate information responsive to this Interrogatory. However, Plaintiff reserves the right to supplement this response to the extent it identifies additional non-privileged responsive information.

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response:

The Sexual Exploitation of Children Act, § 30-6A-1 *et seq.*, NMSA (1978) was amended in 2016 to increase the penalties for sexual exploitation of children offenses and exempted certain behavior from the offense of possession of prohibited material where the person possessing the

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material is a minor and the person depicted in the material is a minor between the ages of fourteen and eighteen and consented to the creation, production and possession of the material. (*See, e.g.*, § 30-6A-3(E) (“It is unlawful for a person to intentionally cause or permit a child under eighteen years of age to engage in any prohibited sexual act or simulation of such an act if that person knows, has reason to know or intends that the act may be recorded in any obscene visual or print medium or performed publicly.”); § 30-6A-3(F) (“It is unlawful for a person to intentionally manufacture any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that the obscene medium depicts a prohibited sexual act or simulation of such an act and if that person knows or has reason to know that a real child under eighteen years of age, who is not a participant, is depicted as a participant in that act.”); § 30-6A-3(G) (“It is unlawful for a person to intentionally distribute any obscene visual or print medium depicting any prohibited sexual act or simulation of such an act if that person knows or has reason to know that the obscene medium depicts a prohibited sexual act or simulation of such an act and if that person knows or has reason to know that a real child under eighteen years of age, who is not a participant, is depicted as a participant in that act.”))

The Safe Schools for All Students Act, replaced § 22-2-21, NMSA and created § 22-35 NMSA. New Mexico Administrative Code (NMAC) 6.12.7 was amended in response to this new law. By January 1, 2020 each school board or governing body shall adopt bullying prevention policies that reflect these changes, including addressing Cyber Bullying. Additional information available at: <https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/bullying-prevention/>.

HB70 – School-Based Mental Health Counselors - 2024 Regular Session. House Bill 70 would appropriate \$38 million to the state equalization guarantee (SEG) to sponsor school-based mental health counselors in public schools. In 2023, 21 individuals had been licensed through the

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Public Education Department (PED) as behavioral health counselors. There is approximately 1 behavioral health counselor for 10 percent of any school's population – that is, in a school with a student enrollment of 500, 50 students have access to a behavioral health counselor.

HB112 – Public School Wellness Room Pilot – 2023 Regular Session. House Bill 112 creates a six-year pilot project, “Building Student Resiliency,” to provide one or more student wellness rooms in public schools. The bill defines “wellness room” as a room or an area that provides some privacy for students who need to release emotional, mental, and behavioral stress by resting and relaxing.

HB 287 – Amending the Crime of the Use of a Telephone to Terrify, Intimidate, Threaten, Harass, Annoy or Offend to Include Text Messages and Social Media - 2025 Regular Session. The bill amends Section 30-20-12 of the New Mexico Statutes to expand the definition of unlawful communication intended to terrify, intimidate, threaten, harass, annoy, or offend. The term "telephone" is replaced with "electronic communication," which encompasses various forms of communication including wire line, cable, wireless or cellular calls, social media posts, text messages, instant messages, and emails. The bill establishes that it is unlawful for any person to use electronic communication to engage in such behaviors, and it specifies that the use of obscene, lewd, or profane language, or making threats, serves as prima facie evidence of intent to commit these offenses.

SB 58 – Increase School Nurses - 2022 Regular Session. Senate Bill 68 appropriates \$1 million from the general fund to the New Mexico Public Education Department (PED) for expenditure in FY23 to increase the number of school nurses.

SB 67 – Expand School Based Health Clinics – 2022 Regular Session. Senate Bill 67 would appropriate \$2 million to the New Mexico Department of Health (DOH) to expand school-based

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health clinics for expenditure in FY23 and subsequent fiscal years. School-based health centers (SBHCs) are facilities that provide preventive and primary health care services to students, located on or near a school campus. In New Mexico, more than 70 SBHCs provide a variety of health care and behavioral health services, which students may not have access to otherwise.

HB 48 - No Sex Offender Use of Certain Media, sponsored by Nate Gentry, Died (API.) - 2013 Regular Session. “A sex offender required to register under Section 29-11A-4 NMSA 1978 shall not knowingly or intentionally use or access the following types of internet interfaces that the sex offender knows allow a person who is under eighteen years of age to access or use: (1) an instant messaging or chat room program; or (2) a social networking web site.”

HB 73 Human Trafficking & Child Exploitation Act, sponsored by Christine Trujillo - 2021 Regular. “The purpose of the Human Trafficking and Child Exploitation Act is to regulate indecent deceptive trade practices, cause existing laws to catch up to modern technology and deter the erosion of contemporary community standards of decency.”

HM 49 Media Literacy Best Practices, sponsored by Antonio "Moe" Maestas, Signed, 2017 Regular. “[T]he legislative education study committee or other appropriate interim committee be requested to hold a hearing during the interim to discuss safe media and technology use, with the goal of establishing media literacy and digital citizenship as part of the state's education goals and essential academic learning requirements.”

SB 195 – Statewide Media Literacy School Program – Roberto "Bobby" J. Gonzales, Died (API.), 2022 Regular. Senate Bill 195 would appropriate \$400 thousand to the New Mexico Public Education Department (PED) for the expansion of a statewide media literacy program in public schools for the 2022-2023 school year.

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SB 146 - Create Crime of School Threat, Craig W. Brandt, Died (API.), 2019 Regular. Senate Bill 146 makes it unlawful for a person to make a school threat. Violation of this provision of New Mexico Criminal Code would become a fourth-degree felony.

Plaintiff reserves the right to further supplement this response to the extent it identifies additional non-privileged responsive information.

17. Identify the username for each user account You have created on Defendants' Platforms for purposes of investigating facts relevant to this Action.

RESPONSE: Plaintiff objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or the law enforcement privilege. Rule 1-026(B)(1) NMRA; Rule 1-026(B)(5) NMRA (work product); Rule 11-503 NMRA (attorney-client privilege); *S.F. Pacific Gold Corp. v. United Nuclear Corp.*, 2007-NMCA-133, ¶ 13 (citing Paul R. Rice, Attorney-Client Privilege in the United States §2:3, at 14 (2d ed. 1999)); NMSA § 14-2-1(D), § 14-2-1.2(A)(7). Plaintiff also objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case, and on the grounds that it seeks information that is not relevant to the claims or defenses in this case, to the extent that it seeks to identify usernames for accounts created in the course of Plaintiff's investigation into Defendants that were not relied upon in the Complaint. *See* Rule 1-026(B)(1)-(2) NMRA; Rule 1-033(D) NMRA; *see also Ruiz*, 1981-NMCA-094, ¶ 39 (interrogatories may be impermissible when they are "exceedingly broad"); *Barela*, 2014 WL 11497826, at *2 (noting that "overly burdensome discovery requests" are prohibited).

Subject to and without waiving the foregoing general objections and the specific objections above, Plaintiff offers the following list of accounts in response to Interrogatory No. 17, all of

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which were created on Defendants' platforms in the course of investigating Defendants and were relied upon in the Complaint. For accounts on Instagram and Threads, the username is provided; for accounts on Facebook, either the account identifier or the username is provided; for accounts on WhatsApp, the WhatsApp number is provided.

Platform	Account Information
Instagram	hanniec408
Instagram	glitter.cupcake2013
Instagram	BobbiFun13
Instagram/Threads	majorpoptart
Instagram	taya1234ohno
Instagram	emosweetie
Instagram	nicole_walton76
Instagram	of.evelynoc19
Instagram	zonesjachary297
Instagram	nickj_ga_tx
Instagram	lakeside_kyle_b
Facebook	Name: Sophia Keys Account Identifier: 100027443739387
Facebook	Name: Marco Gonzales Username: gdidrbjsidb@gmail.com
Facebook	Name: Hannah Cefore Account Identifier: 61553189658001
Facebook	Name: Rosalind Cereceres Account Identifier: 61551570051190
Facebook	Name: Issa Bee Account Identifier: 61550576072003
Facebook	Name: Sonseearay "Sunny" Paxton Account Identifier: 61553636270465
Facebook	Name: Taya Neils Account Identifier: 61553064000404
WhatsApp	505-378-4220

SUPPLEMENTAL RESPONSE: Plaintiff incorporates its previous objections and responses by reference, and provides the following supplemental response identifying accounts established in connection with civil enforcement investigations of Defendants²:

Platform	Account Information
Instagram	meekerstaya
Instagram	beautiful_bree
Instagram	fbellafddavis
Instagram	grrrrlyss
Instagram	sophiedavie396
Instagram	ehmuhwuzhere
Instagram	lyssa.xcx
Instagram	em.mamiller2
Instagram	browniebear e
Instagram	miasmi8374
Instagram	bellatrixledavis
Instagram	emmalamaaaAaAAa
Instagram	issy.ssy0707
Instagram	heather.smith.abq
Instagram	mich.elle.davis
Instagram	classrsq7
Instagram	mc.adams2009
Instagram	Gabby_May_6
Instagram/Threads	kiaracutie111
Instagram/Threads	tarantual terror
Facebook	Name: Lexi Anderson Username: lexi94762@gmail.com
Facebook	Name: Michelle Anderson Username: m29059841@gmail.com
Facebook	Name: Frankie Braga Account Identifier: 100092404388466
Facebook	Name: Charla Mckee Account Identifier: 61552228430357
Facebook	Name: McKinley Adams Username: mc.adams2023@protonmail.com
Facebook	Name: Gabby May Username: gabby4252@proton.me
Facebook	Akemi Vega
Facebook	Samantha Votto

² Two accounts intended to represent 12-year-olds were established but never used. The account information for these two unused accounts is no longer available. Additionally, account information is no longer available for one account that an investigator created but ceased using shortly after creation.

Signed this 2nd day of May, 2025.

RAÚL TORREZ
ATTORNEY GENERAL OF NEW MEXICO

/s/ David I. Ackerman

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Second Supplemental Responses to Defendants' First Set of Interrogatories was served electronically on counsel of record by email on this 2nd day of May, 2025.

/s/ David I. Ackerman

































