

FIRST JUDICIAL DISTRICT COURT

**COUNTY OF SANTA FE
STATE OF NEW MEXICO**

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

Plaintiff,

v.

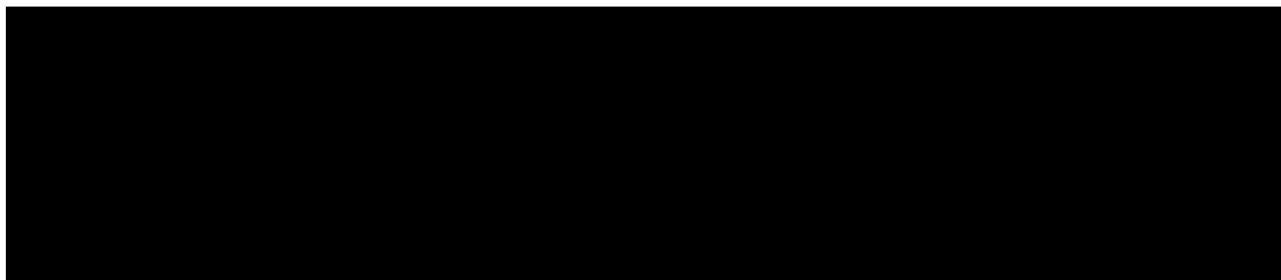
NO. D-101-CV-2023-02838

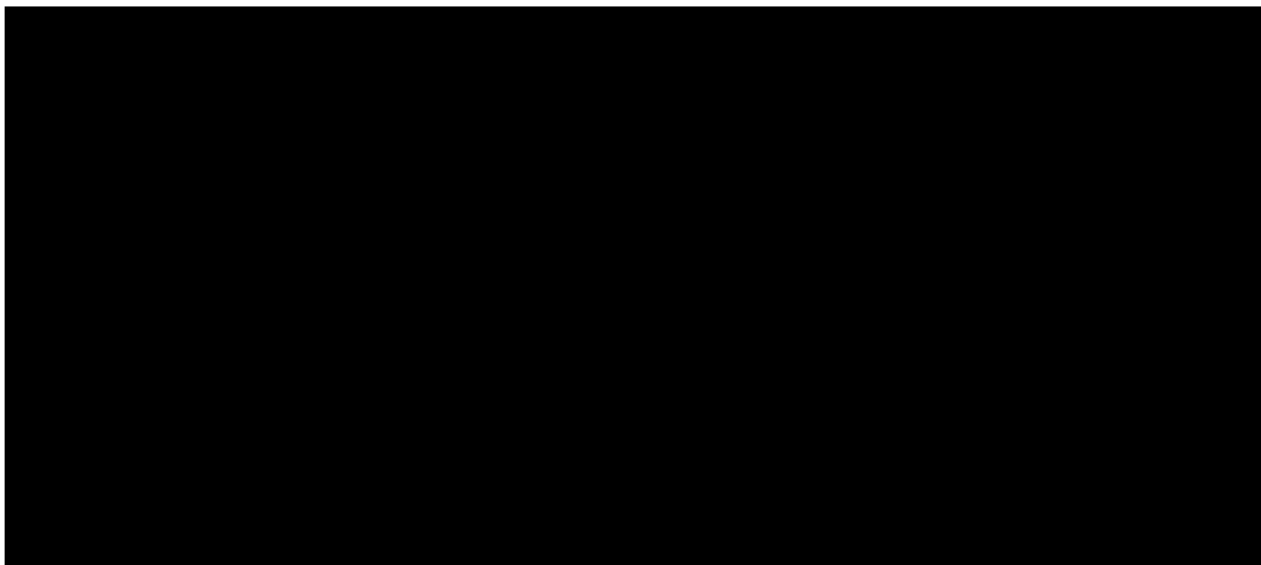
META PLATFORMS, INC.;
INSTAGRAM, LLC;
META PAYMENTS, INC.; and
META PLATFORMS TECHNOLOGIES, LLC,

Defendants.

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S
FIFTH SET OF INTERROGATORIES TO DEFENDANTS**

Defendants Meta Platforms, Inc., Instagram, LLC, Meta Payments, Inc., and Meta Platforms Technologies, LLC (collectively "Meta" or "Defendants"), by and through their attorneys, Holland & Hart LLP and Covington & Burling LLP, hereby provide Objections and Responses to Plaintiff's Fifth 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.





Interrogatory 39. For each of Your Products, identify the date when end-to-end encryption of messages or other content was implemented, and the scope of messages or other content subject to such encryption.

AMENDED RESPONSE: Meta incorporates its Recurring Specific Objections by reference as though fully set forth herein. Meta further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks information without limitation to the relevant time period. Meta construes the relevant time period as the period beginning on January 1, 2009, and ending on April 1, 2024.

Meta further objects to this Interrogatory on the ground that it is compound, effectively constituting multiple embedded interrogatories. *See Knittles Towing, Inc. v. Danlar Collision, Inc.*, No. 14-211 JCH/KK, 2014 WL 11515014, at *2 n.1 (D.N.M. Dec. 9, 2014). In particular, Interrogatory 39 would require Meta to conduct multiple separate factual investigations, as it asks Meta (i) with respect to each of Meta’s Products, (ii) to “identify the date when end-to-end encryption of messages or other content was implemented,” and (iii) to identify “the scope of messages or other content subject to such encryption.” Furthermore, when combined with Meta’s

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prior compound objections to Interrogatories 37 and 38, and considering that Interrogatories 37 and 38 each constituted 9 separate interrogatories, Plaintiff is over its numerical limit for interrogatories. To the extent Meta nonetheless responds to this Interrogatory, it reserves its right to assert its compound objection in response to any motion to compel in respect of this Interrogatory, and in respect of any future interrogatories Plaintiff might seek to serve.

Meta further objects to the use of the undefined terms “implemented,” “scope,” and “subject to” making this Interrogatory vague, ambiguous, and not reasonably tailored to this litigation. Meta further objects on the grounds that it is overly broad, seeks to impose an undue burden on Meta that is not proportional to the needs of the case, and seeks discovery that is not relevant to the claims and defenses in this action. Meta further objects to the undefined term “other content” as vague, ambiguous, and not reasonably tailored to this litigation. Meta interprets “other content” to exclude message content stored in backups.

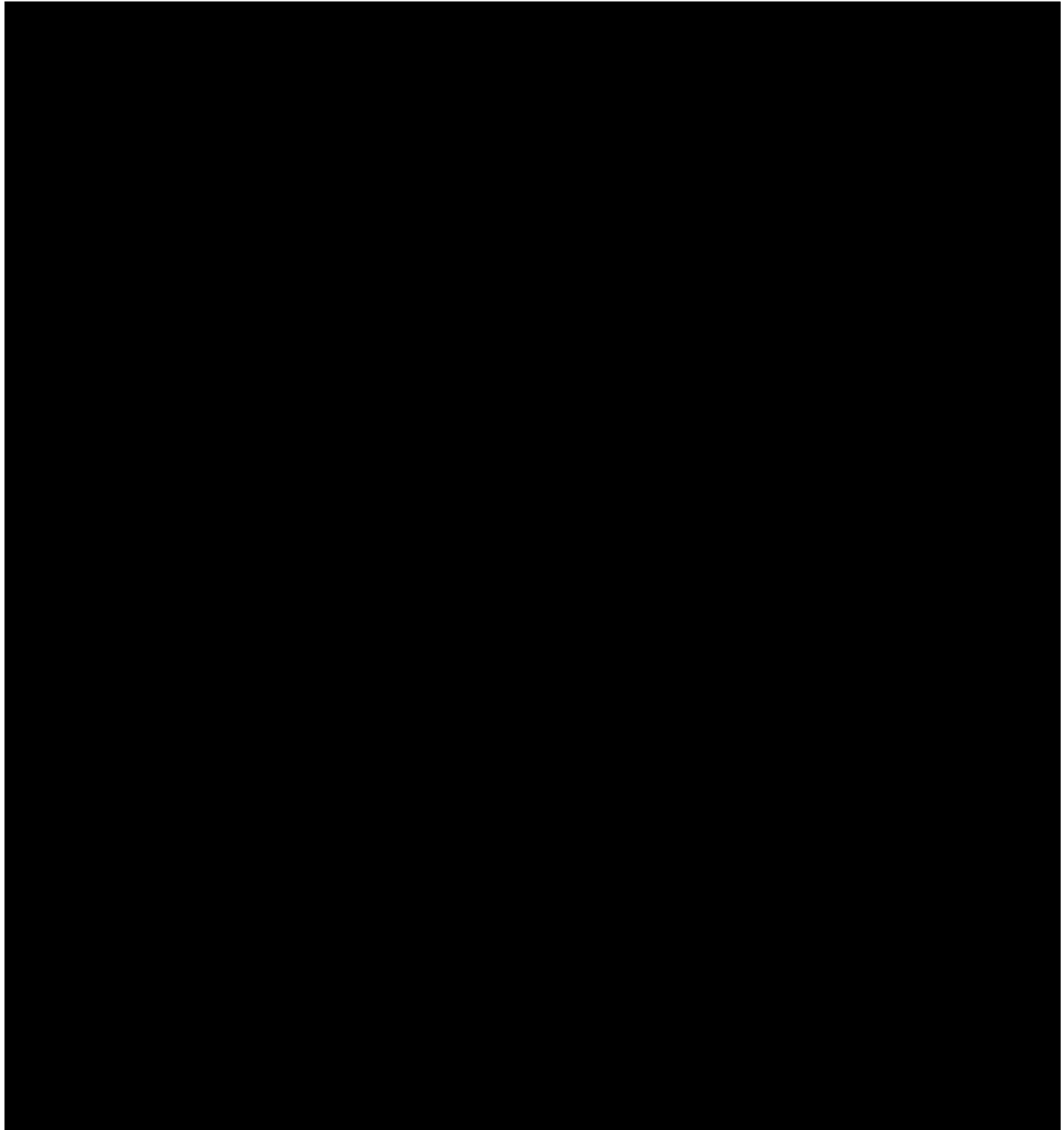
Meta further objects to the phrase “when end-to-end encryption [] was implemented” to the extent that asking for a single date on which end-to-end encryption was deployed is vague, ambiguous, and counter-factual. Meta construes “when end-to-end encryption [] was implemented” to mean a general time period during which end-to-end encryption was launched across or within its various products.

Subject to and without waiving the foregoing objections, Meta provides below a Response which generally describes Meta’s end-to-end-encryption.

End-to-end encryption (E2EE) has been available as an optional setting on Facebook Messenger since 2016, and Messenger started the global rollout of default E2EE for personal chats in December 2023. Meta launched optional E2EE for personal chats on Instagram Direct (IGD) globally starting in the first quarter of 2023. When E2EE messaging is used on Facebook

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Messenger or IGD, messages in the end-to-end encrypted thread—including texts, images, and videos—are end-to-end encrypted, meaning Meta can only view the messages if they are shared with Meta for reporting purposes or for other optional features such as translation. Users are able to report to Meta content contained in encrypted threads.



Dated: September 4, 2025

Submitted by,

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/s/ John C. Anderson

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CERTIFICATE OF SERVICE

I, John C. Anderson, hereby certify that on September 4, 2025, I caused a copy of the foregoing to be served via email and/or hand delivery on the following:

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