

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 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 Supplemental 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.



PLTF EX-03553_0001

PLTF EX

PLTF EX-03553

OBJECTIONS AND RESPONSES

Interrogatory 38. With respect to each of the three individuals who were arrested through Operation Metaphile, Fernando Clyde, Marlon Kellywood, and Christopher Reynolds, indicate whether Meta detected these individuals' high risk or suspicious activity or inappropriate contacts with any other Meta Product User (including the State's decoy account of Dazee Roanhoarse or any other State decoy account), when it detected each such activity or contact, whether, when, and to whom it reported these individuals or interactions, and whether any of the messages exchanged between these individuals and the State's decoy accounts or any high risk or suspicious activity or inappropriate contacts by these individuals identified by Meta were subject to end-to-end encryption.

INITIAL RESPONSE (August 28, 2025): 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.

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Meta further objects to this Request as overbroad, unduly burdensome, not proportional to the needs of the case, and vague, in referring to “any other State decoy account” without identifying such accounts. Meta construes “decoy accounts” to be limited to the account the State has identified as “Dazee Roanhoarse.”

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) (“[T]he Court notes that its compound nature necessarily renders it vague. This single interrogatory seeks explanations for Plaintiff’s denials of twenty-three distinct RFAs. As such, it cannot realistically specify what details it is requesting Plaintiff to include in each of twenty-three distinct explanations.”). In particular, Interrogatory 38 would require Meta to conduct many separate factual investigations, as it asks Meta to provide information separately for three individuals, each of whom had multiple accounts, and asks for at least three categories of information with respect to each individual or account, i.e. (i) whether and when “Meta detected these individuals’ high risk or suspicious activity or inappropriate contacts with any other Meta Product User (including the State’s decoy account of Dazee Roanhoarse or any other State decoy account),” (ii) “whether, when, and to whom it reported these individuals or interactions,” and (iii) “whether any of the messages exchanged between these individuals and the State’s decoy accounts or any high risk or suspicious activity or inappropriate contacts by these individuals identified by Meta were subject to end-to-end encryption.” Meta’s position is that this Interrogatory constitutes at least 9 separate interrogatories. Furthermore, when combined with Meta’s prior compound objections to Interrogatory 37, and considering that Interrogatory 37 constituted 9 separate interrogatories, Plaintiff is over its numerical limit for interrogatories. To the extent Meta nonetheless responds

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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 “high risk,” “suspicious activity,” “inappropriate contacts,” “decoy account,” and “subject to” making this Interrogatory vague, ambiguous, and not reasonably tailored to this litigation. Meta interprets “high risk or suspicious activity or inappropriate contacts” to mean communications that violate Meta’s Community Standards in certain specific “harm areas”: suicide and self-injury (SSI) and eating disorder (ED), bullying and harassment, graphic and violent content, adult nudity, and child safety. Meta further objects to the term “reported” as vague; Meta interprets “reported” to mean reported to law enforcement authorities and/or the National Center for Missing and Exploited Children (NCMEC). 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, is subject to protections and limitations of the Stored Communications Act, and seeks discovery that is not relevant to the claims and defenses in this action, particularly to the extent that it seeks information concerning the content of any messages sent by the identified individuals.

Meta further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it requires extensive and highly burdensome data analysis and extraction. Meta further objects to this Interrogatory to the extent that it seeks information that Meta does not maintain in the ordinary course of business in the form requested, that does not exist or is not in Meta’s possession, and/or that would be unduly burdensome, and not proportional to the needs of the case to provide. Meta further objects to this Interrogatory to the extent that it seeks detailed technical information or underlying data for which production,

aggregation, and/or assortment would be highly burdensome and/or disproportional to the needs of the case.

Subject to and without waiving the foregoing objections, Meta provides the below Response, based on its reasonable investigation to date.

1. Fernando Clyde

Meta detected multiple instances of potential inappropriate activity by accounts believed to be operated by user Fernando Clyde. One account was disabled in October 2023. Additionally, Meta detected potential policy violations by two accounts believed to be operated by Clyde. On one account, Meta detected violations of Meta's policies on adult nudity and sexual activity on April 27, 2024, and violations of Meta's policies on bullying and harassment on February 5, 2024. On the second account, Meta detected violations of Meta's policies on adult nudity and sexual activity on October 2, 2023, violations of Meta's policies on bullying and harassment on March 5, 2024, and violations of Meta's policies on bullying and harassment on November 12, 2023. Meta reported activity by an account believed to be operated by Fernando Clyde to the National Center for Missing and Exploited Children ("NCMEC") on May 9, 2024. All active accounts believed to be operated by Fernando Clyde have been disabled. At least some of this user's message threads were encrypted.

2. Marlon Kellywood

Meta detected potential inappropriate activity by accounts believed to be operated by user Marlon Kellywood. Meta reported activity by an account believed to be operated by Marlon Kellywood to NCMEC on May 9, 2024 and disabled all active accounts believed to be operated by Kellywood on May 9, 2024. At least one message thread of this user was encrypted.

3. Christopher Reynolds

Meta detected potential inappropriate activity by accounts believed to be operated by user Christopher Reynolds. Meta disabled one of Christopher Reynolds' accounts on October 5, 2021, after determining that Reynolds was a convicted sex offender. Meta also detected violations of Meta's policies on violent content on one account believed to be operated by Reynolds on December 18, 2023. Meta reported activity by an account believed to be operated by Christopher Reynolds to NCMEC on May 9, 2024, and disabled all active accounts believed to be operated by Reynolds on May 9, 2024. This user does not appear to have any encrypted messaging threads.

SUPPLEMENTAL RESPONSE (October 31, 2025): Meta incorporates by reference its prior objections to this Interrogatory. Subject to and without waiving its objections, Meta supplements its response as follows:

The Response describes various soft actions—prophylactic measures that Meta imposes when it detects activity that has a statistical possibility of being policy-violating but which Meta has not actually determined is policy violating with a high degree of confidence—as well as previously disclosed hard actions that Meta imposes when it detects activity that violates the Community Standards.¹

1. Fernando Clyde

Meta identified seven accounts believed to be operated by Fernando Clyde, all of which have been disabled.

¹ Meta's response to New Mexico Interrogatory 40 includes additional information about hard and soft actions.

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On the first such account, Meta's bullying and harassment classifiers detected and hid content posted by the account between January 12, 2024 and May 1, 2024, twenty-two times. On February 6, 2024, Meta received a report from the Dazee Roanhorse account regarding a message thread with this account; Meta actioned the account on February 6, 2024 based on a violation of its policies on bullying and harassment. On April 20, 2024, Meta's adult nudity classifiers detected and hid content posted by this account two times. On April 27, 2024, Meta detected and deleted a comment posted by this user that violated Meta's policies on adult nudity. On May 9, 2024, Meta detected and deleted a comment posted by this account that violated Meta's policies on bullying and harassment. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

Between January 9, 2023 and July 18, 2023, a second account believed to be operated by Clyde was removed from People You May Know ("PYMK") suggestions on Facebook to accounts that Meta determined to be likely associated with minors. Between January 25, 2023, and May 27, 2023, Meta detected that this account exceeded spam limits and, as a result, the account was subject to various limits over this period that are intended to protect against spam. Between August 24, 2023 and May 4, 2024, Meta hid comments posted by this account that violated Meta's policies on bullying and harassment thirty-four times. On October 2, 2023, Meta detected and deleted content posted by this account for violating Meta's policies on adult nudity. On November 12, 2023, and March 5, 2024, Meta detected and deleted content posted by this user that violated Meta's policies on bullying and harassment. On May 9, 2024, Meta detected and deleted content that was posted by this account that violated Meta's child safety policies. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate

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interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

On a third account believed to be operated by Fernando Clyde, Meta detected a high rate of friend requests between August 15, 2014 and January 20, 2015. On July 31, 2014, Meta checkpointed the account as fake due to a high rate of rejected friend requests. The user ultimately provided information sufficient to establish they were an authentic user. On December 16, 2021, Meta detected and deleted content posted by this account that violated Meta's policies on adult nudity. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

Between April 20, 2023 and April 23, 2023, a fourth account believed to be operated by Clyde was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors. In April 2023, due to inactivity, Meta determined that this account was potentially inauthentic. Meta disabled the account on October 12, 2023 because the user failed to provide information sufficient to establish that they were an authentic user.

On a fifth account believed to be operated by Fernando Clyde, Meta detected signals that the account was potentially inauthentic on February 27, 2024 and the user provided information sufficient to establish they were an authentic user on the same day. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

Meta disabled a sixth account believed to be operated by Clyde on May 9, 2024, after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor.

On May 10, 2024, Meta disabled payments for a seventh account believed to be operated by Clyde. Meta disabled this account on July 10, 2024, after identifying that the account was associated with a convicted sex offender.

All active accounts believed to be operated by Fernando Clyde have now been disabled.

2. Marlon Kellywood

Meta identified four accounts believed to be operated by user Marlon Kellywood, all of which have been disabled.

The first such account was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors between October 2, 2020 and April 10, 2023. In July 2021, Meta temporarily blocked the account's ability to send friend requests to accounts belonging to users under eighteen; this limit applied for approximately two weeks. On February 6, 2024, Meta received a report from the Dazee Roanhorse account regarding a message thread with this account; Meta actioned the account on February 6, 2024 based on a violation of its policies on bullying and harassment. This account was disabled on May 9, 2024 after Meta determined that the account had engaged in inappropriate interactions with a minor or was linked to an account that had engaged in inappropriate interactions with a minor. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

Meta disabled the three other accounts believed to be operated by Marlon Kellywood on May 9, 2024 after Meta determined that the accounts had engaged in inappropriate interactions

with a minor or were linked to an account that had engaged in inappropriate interactions with a minor.

3. Christopher Reynolds

Meta detected sixteen accounts believed to be operated by Christopher Reynolds.

Meta disabled one such account on October 5, 2021 after a manual review identified that the account was associated with a Convicted Sex Offender.

A second account believed to be operated by Reynolds was restricted from sending messages to unconnected accounts for 24 hours, starting November 25, 2021. This account was disabled on May 9, 2024 after it was identified that the account was associated with a convicted sex offender.

Between December 14, 2022 and March 28, 2023, a third account believed to be operated by Reynolds was removed from PYMK suggestions on Facebook to accounts that Meta determined to be likely associated with minors. On August 30, 2022 and September 1, 2022, Meta removed content posted by this account that violated Meta's policies on graphic and violent content. On December 4, 2022, this account received a pop-up offering resources and support options that Meta provides to accounts that engage in or with activity relating to suicide and self-injury. Meta disabled the account on May 9, 2024, after identifying that the account was associated with a Convicted Sex Offender.

On December 20, 2023 and December 31, 2023, Meta's bullying and harassment classifiers and graphic and violent content classifiers hid two comments posted by a fourth account believed to be operated by Reynolds. On May 9, 2024, Meta disabled this account after it was identified that the account was associated with a convicted sex offender. Meta reported the account activity to NCMEC on May 9, 2024 for online enticement of minors for sexual acts.

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The remaining accounts believed to be operated by Reynolds had very little activity and were disabled on May 9, 2024 after identifying that these accounts were associated with a Convicted Sex Offender.

Dated: October 31, 2025

Submitted by,

HOLLAND & HART LLP

/s/ John C. Anderson

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CERTIFICATE OF SERVICE

I, John C. Anderson, hereby certify that on October 31, 2025, I caused a copy of the foregoing to be served via email and/or hand delivery on the following:

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

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

Plaintiff,

V.

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

Defendants.

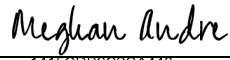
NO. D-101-CV-
2023-02838

**DEFENDANTS' VERIFICATION OF RESPONSES TO THE STATE'S FIFTH SET OF
INTERROGATORIES PURSUANT TO RULES 1-011 (B) and 1-33(C) NMRA**

I hereby declare that I am an authorized representative for Defendants Meta Platforms, Inc., Instagram, LLC, Meta Payments, Inc., and Meta Platforms Technologies, LLC (collectively, “Meta”) and am authorized to make this verification on their behalf. The facts and information set forth in Meta’s Responses to the State of New Mexico’s Fifth Set of Interrogatories were assembled by employees of Meta from the company’s records and files, and from personal knowledge of the matters contained therein. Certain portions of the responses may be based not on my personal knowledge, but are based on reasonable inquiry and documents and information available to Meta, and have been prepared with the assistance of counsel based on the aforementioned information. I declare, under penalty of perjury under the laws of the state of New Mexico, that the information set forth in Meta’s Answers to Interrogatory 38 and all statements contained therein are true and correct.

Executed on October 31, 2025.

Signed by:

A handwritten signature in black ink that reads "Meghan Andre". The signature is written in a cursive, flowing style. It is positioned above a horizontal line and to the right of a purple bracket-like graphic element.

1415CDB8C2CA448...
Meghan Andre

Legal Investigator and Data Analyst