

1 *[Parties and Counsel Listed on Signature Pages]*

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7 UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 IN RE: SOCIAL MEDIA ADOLESCENT  
11 ADDICTION/PERSONAL INJURY PRODUCTS  
12 LIABILITY LITIGATION

13 This Document Relates To:  
14 ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**JOINT STATUS REPORT ON  
FORENSIC IMAGING AND DEVICE  
DATA**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

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2 Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the  
3 Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices  
4 (hereinafter “Main Devices”)<sup>1</sup> as well as the Parties’ progress in conferring on certain other topics as  
5 directed by the Court.

### 6 7 **I. Search Terms & Word Searchable Databases**

8 In DMO 9, the Court ordered the Parties “to finalize their agreed upon search terms by no later  
9 than August 16, 2024.” In the week following the August 8, 2024 DMC, the Parties continued to meet and  
10 confer on Bellwether PI Plaintiffs search terms and made significant progress on finalizing those terms.  
11 On August 16, 2024, the Parties filed a joint Stipulation and Proposed Order requesting a one-week  
12 extension to continue their conferrals to further narrow disputes regarding a small number of remaining  
13 search terms, which the Court granted. *See* ECF 1072. On August 23, 2024, the Parties filed an additional  
14 joint Stipulation and Proposed Order (1) noting that they had reached agreement on general search terms  
15 to be run across Bellwether PI Plaintiffs’ data sources, and (2) requesting a one-week extension until  
16 August 30, 2024 to continue their conferrals and attempt to narrow disputes regarding a small number of  
17 remaining case-specific search terms, which the Court granted. *See* ECF 1083.

### 18 **II. Forensic Imaging**

19 In DMO 9, the Court ordered: (1) the Parties “work out an agreement regarding an appropriate  
20 procedure for dealing with CSAM on devices;” and (2) that Plaintiffs “produce full forensic imaging for  
21 the remaining thirty-one devices at issue by no later than **August 30, 2024.**” *Id.* 2:20–23. The Court  
22 further ordered that “[s]uch production shall be on a rolling basis with full imaging of a minimum of five  
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26 <sup>1</sup> The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from  
27 which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers,  
28 and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they  
have habitually, routinely, or regularly used during the relevant time period to access the Defendants’  
platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

1 devices due by **August 16, 2024**, a minimum of five additional devices due by **August 23, 2024**, and all  
2 remaining devices due by **August 30, 2024**.” *Id.* at 2:23–25.

3 As of the August 8, 2024, Discovery Management Conference, the Parties relayed that Plaintiffs  
4 completed full file system (“FFS”) images of 10 Main Devices. At the Court’s direction, Plaintiffs agreed  
5 to complete the FFS imaging of all Bellwether Plaintiffs’ Main Devices by August 30, 2024.

6 Seven additional FFS images were completed by August 16, 2024. On August 16, 2024, Plaintiffs  
7 provided Defendants with an updated table which indicated FFS extractions had been performed on a total  
8 of 17 Main Devices. On August 26, 2024, Plaintiffs provided Defendants with an updated table indicating  
9 that an additional 9 FFS images were completed and that FFS extractions had been performed on a total  
10 of 26 Main Devices.

11 The Parties are continuing to confer regarding an agreement to address CSAM produced to  
12 Plaintiffs’ counsel by Plaintiffs in the course of the production of forensic imaging data. Earlier today,  
13 the Parties presented their disputes regarding a CSAM protocol to Judge Kuhl for resolution at this  
14 Thursday’s case management conference, and the MDL parties agree that a substantively similar process  
15 for the MDL would be of benefit. The Parties agree that entry of a CSAM order should not hold up review  
16 or production of data from Plaintiffs’ devices. As directed by ECF No. 1077, the Parties will confer this  
17 week regarding agreed upon deadlines for the completion of production of files and data from the devices.

### 18 **III. Device Identifying Information**

19 In DMO 8, the Court ordered Plaintiffs to produce in chart form certain device and application  
20 identifying information. DMO 8 at 5–6. Because the Parties were not aligned on the content of the chart,  
21 the Court clarified its intentions in DMO 9 and ordered the Parties to meet and confer by August 16, 2024  
22 “regarding what should be included in the chart of missing device identifying information, after which  
23 Plaintiffs should begin supplementing the chart of agreed upon information.” DMO 9 at 3:21–23. The  
24 chart shall be organized in a sufficient manner such that each device can be readily identified with the  
25 corresponding data or files that are produced.” *Id.* at 3:11–13.

26 The Parties met and conferred on August 16, 2024 on the substance of a joint chart. Defendants  
27 agreed to omit the columns for “Estimated Routine Usage,” “Operating System History,” “Application  
28

1 Version,” “Date Application Installed” and “Date Application Deleted” from Appendix A for now, with  
2 the understanding Defendants may request that information in the future depending on the device data that  
3 Plaintiffs produce.<sup>2</sup>

4 As of August 26, Plaintiffs have provided:

- 5 • The serial number or ICCID number for 18 devices<sup>3</sup>;
- 6 • The IMEI, MEID, or MAC address for 26 devices<sup>4</sup>;
- 7 • The current operating system for 25 devices; and
- 8 • A list of applications on 20 devices.

9 Defendants provided an updated version of Appendix A to Plaintiffs on August 16, and Plaintiffs  
10 provided further responsive information on August 19 and on August 26, 2024. Plaintiffs have agreed to  
11 substantially complete the agreed upon information in Appendix A by August 30.

#### 12 **IV. Datasets, Relevant Applications, and Production format and logistics**

13 During the July 11 hearing, Plaintiffs represented that they would produce relevant information  
14 from various data sources on Main Devices. Hrg. Tr. at 26:4–21, 34:15–21; *see also* Order at 6:6-12. In  
15 DMO 9, the Court ordered Plaintiffs to complete the “full forensic imaging for the remaining thirty-one  
16 devices at issue by no later than August 30, 2024,” with other interim rolling production deadlines. DMO  
17 9 at 2:21-27; *Id.* 2:20–25; *see* ECF 1077. To date, Plaintiffs have not produced data and files from the  
18 Main Devices.

19 Plaintiffs provided a list of all applications on 20 Main Devices in Appendix A. Plaintiffs are  
20 currently working with their forensics vendor to identify the best way to compile various app usage data  
21 points from these device images in an effort to assist in identification of relevant applications in  
22 discussions with Defendants.

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25 <sup>3</sup> The quantity provided in the August 19 status report was erroneously inflated due to some MAC  
26 addresses being misplaced in the column dedicated for serial numbers and ICCIDs.

27 <sup>4</sup> Devices that connect only via Wi-Fi and do not have cellular capabilities do not need an IMEI or  
28 MEID. This includes many laptops, tablets, and some e-readers. Plaintiffs have provided other Device  
Identifying information (like MAC addresses and Serial Numbers) for these Wi-Fi only Main Devices.

1 The Parties intend to schedule a meet and confer between their ESI vendors following Plaintiffs'  
2 production of a substantially complete Appendix A.

3 **V. Lost Devices**

4 Based upon information provided by bellwether Plaintiffs in discovery responses and separate  
5 correspondence, several Plaintiffs have lost or disposed of Main Devices since filing their complaints. In  
6 addition, on August 22, Plaintiffs informed Defendants that Plaintiff Clevenger inadvertently performed  
7 a factory reset on her iPhone 13 in August 2024 after the Court ordered that Plaintiffs conduct a full file  
8 system extraction of all Main Devices. The Parties have met and conferred on some of these devices and  
9 will continue to meet and confer regarding any lost devices or data, and present any disputes to the Court  
10 in a timely fashion.

11 **VI. Supplemental Status Reports**

12 Given the Labor Day holiday next Monday, the Parties will provide a Supplemental Status  
13 Report to the Court on September 6, 2024, unless the Court directs otherwise.

14 Respectfully submitted,

15 DATED: August 26, 2024

16 By: /s/ Lexi J. Hazam

17 LEXI J. HAZAM  
18 **LIEFF CABRASER HEIMANN &**  
19 **BERNSTEIN, LLP**  
20 275 BATTERY STREET, 29<sup>TH</sup> FLOOR  
21 SAN FRANCISCO, CA 94111-3339  
22 Telephone: 415-956-1000  
lhazam@lchb.com

23 PREVIN WARREN  
24 **MOTLEY RICE LLC**  
25 401 9th Street NW Suite 630  
26 Washington DC 20004  
27 Telephone: 202-386-9610  
pwarren@motleyrice.com

28 Co-Lead Counsel

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
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15  
16  
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19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CHRISTOPHER A. SEEGER  
**SEEGER WEISS, LLP**  
55 CHALLENGER ROAD, 6<sup>TH</sup> FLOOR  
RIDGEFIELD PARK, NJ 07660  
Telephone: 973-639-9100  
cseeger@seegerweiss.com

Counsel to Co-Lead Counsel

JENNIE LEE ANDERSON  
**ANDRUS ANDERSON, LLP**  
155 MONTGOMERY STREET, SUITE 900  
SAN FRANCISCO, CA 94104  
Telephone: 415-986-1400  
jennie@andrusanderson.com

Liaison Counsel

EMILY C. JEFFCOTT  
**MORGAN & MORGAN**  
633 WEST FIFTH STREET, SUITE 2652  
LOS ANGELES, CA 90071  
Telephone: 213-787-8590  
ejeffcott@forthepeople.com

JOSEPH VANZANDT  
**BEASLEY ALLEN**  
234 COMMERCE STREET  
MONTGOMERY, LA 36103  
Telephone: 334-269-2343  
joseph.vanzandt@beasleyallen.com

Federal/State Liaisons

MATTHEW BERGMAN  
GLENN DRAPER  
**SOCIAL MEDIA VICTIMS LAW CENTER**  
821 SECOND AVENUE, SUITE 2100  
SEATTLE, WA 98104  
Telephone: 206-741-4862  
matt@socialmediavictims.org  
glenn@socialmediavictims.org

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2  
3  
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21  
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23  
24  
25  
26  
27  
28

JAMES J. BILSBORROW  
**WEITZ & LUXENBERG, PC**  
700 BROADWAY  
NEW YORK, NY 10003  
Telephone: 212-558-5500  
jbilsborrow@weitzlux.com

JAYNE CONROY  
**SIMMONS HANLY CONROY, LLC**  
112 MADISON AVE, 7TH FLOOR  
NEW YORK, NY 10016  
Telephone: 917-882-5522  
jconroy@simmonsfirm.com

ANDRE MURA  
**GIBBS LAW GROUP, LLP**  
1111 BROADWAY, SUITE 2100  
OAKLAND, CA 94607  
Telephone: 510-350-9717  
amm@classlawgroup.com

ALEXANDRA WALSH  
**WALSH LAW**  
1050 Connecticut Ave, NW, Suite 500  
Washington D.C. 20036  
Telephone: 202-780-3014  
awalsh@alexwalshlaw.com

MICHAEL M. WEINKOWITZ  
**LEVIN SEDRAN & BERMAN, LLP**  
510 WALNUT STREET  
SUITE 500  
PHILADELPHIA, PA 19106  
Telephone: 215-592-1500  
mweinkowitz@lfsbalw.com

Plaintiffs' Steering Committee Leadership

RON AUSTIN  
**RON AUSTIN LAW**  
400 MANHATTAN BLVD.  
HARVEY, LA 70058  
Telephone: 504-227-8100  
raustin@ronaustinlaw.com

1  
2  
3  
4  
5  
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18  
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21  
22  
23  
24  
25  
26  
27  
28

PAIGE BOLDT  
**WALSH LAW**  
4 Dominion Drive, Bldg. 3, Suite 100  
San Antonio, TX 78257  
Telephone: 210-448-0500  
PBoldt@alexwalshlaw.com

THOMAS P. CARTMELL  
**WAGSTAFF & CARTMELL LLP**  
4740 Grand Avenue, Suite 300  
Kansas City, MO 64112  
Telephone: 816-701-1100  
tcartmell@wcllp.com

SARAH EMERY  
**HENDY JOHNSON VAUGHN EMERY PSC**  
600 WEST MAIN STREET, SUITE 100  
LOUISVILLE, KY 40202  
Telephone: 859-600-6725  
semery@justicestartshere.com

CARRIE GOLDBERG  
**C.A. GOLDBERG, PLLC**  
16 Court St.  
Brooklyn, NY 11241  
Telephone: 646-666-8908  
carrie@cagoldberglaw.com

RONALD E. JOHNSON, JR.  
**HENDY JOHNSON VAUGHN EMERY PSC**  
600 WEST MAIN STREET, SUITE 100  
LOUISVILLE, KY 40202  
Telephone: 859-578-4444  
rjohnson@justicestartshere.com

SIN-TING MARY LIU  
**AYLSTOCK WITKIN KREIS &  
OVERHOLTZ, PLLC**  
17 EAST MAIN STREET, SUITE 200  
PENSACOLA, FL 32502  
Telephone: 510-698-9566  
mliu@awkolaw.com



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2  
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26  
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28

JAMES MARSH  
**MARSH LAW FIRM PLLC**  
31 HUDSON YARDS, 11TH FLOOR  
NEW YORK, NY 10001-2170  
Telephone: 212-372-3030  
jamesmarsh@marshlaw.com

JOSEPH E. MELTER  
**KESSLER TOPAZ MELTZER & CHECK LLP**  
280 KING OF PRUSSIA ROAD  
RADNOR, PA 19087  
Telephone: 610-667-7706  
jmeltzer@ktmc.com

HILLARY NAPPI  
**HACH & ROSE LLP**  
112 Madison Avenue, 10th Floor  
New York, New York 10016  
Telephone: 212-213-8311  
hnappi@hrsclaw.com

EMMIE PAULOS  
**LEVIN PAPANTONIO RAFFERTY**  
316 SOUTH BAYLEN STREET, SUITE 600  
PENSACOLA, FL 32502  
Telephone: 850-435-7107  
epaulos@levinlaw.com

RUTH THI RIZKALLA  
**THE CARLSON LAW FIRM, PC**  
1500 ROSECRANS AVE., STE. 500  
MANHATTAN BEACH, CA 90266  
Telephone: 415-308-1915  
rrizkalla@carlsonattorneys.com

ROLAND TELLIS  
DAVID FERNANDES  
**BARON & BUDD, P.C.**  
15910 Ventura Boulevard, Suite 1600  
Encino, CA 91436  
Telephone: 818-839-2333  
rtellis@baronbudd.com  
dfernandes@baronbudd.com

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MELISSA YEATES  
**KESSLER TOPAZ MELTZER & CHECK LLP**  
280 KING OF PRUSSIA ROAD  
RADNOR, PA 19087  
Telephone: 610-667-7706  
myeates@ktmc.com

DIANDRA “FU” DEBROSSE ZIMMERMANN  
**DICELLO LEVITT**  
505 20th St North  
Suite 1500  
Birmingham, Alabama 35203  
Telephone: 205-855-5700  
fu@dicellolevitt.com

Plaintiffs’ Steering Committee Membership

*Attorneys for Individual Plaintiffs*

**PHILIP J. WEISER**

Attorney General  
State of Colorado

/s/ Bianca E. Miyata

Bianca E. Miyata, Admitted *pro hac vice*  
Senior Assistant Attorney General  
Lauren M. Dickey, Admitted *pro hac vice*  
First Assistant Attorney General  
Megan Paris Rundlet, Admitted *pro hac vice*  
Senior Assistant Solicitor General  
Elizabeth Orem, Admitted *pro hac vice*  
Assistant Attorney General  
Colorado Department of Law  
Ralph L. Carr Judicial Center  
Consumer Protection Section  
1300 Broadway, 7th Floor  
Denver, CO 80203  
Phone: (720) 508-6651  
bianca.miyata@coag.gov

*Attorneys for Plaintiff State of Colorado, ex rel.  
Philip J. Weiser, Attorney General*

**ROB BONTA**

Attorney General  
State of California

/s/ Megan O'Neill

Nicklas A. Akers  
Senior Assistant Attorney General  
Bernard Eskandari)  
Emily Kalanithi  
Supervising Deputy Attorneys General  
Nayha Arora  
Megan O'Neill  
Joshua Olszewski-Jubelirer  
Marissa Roy  
Brendan Ruddy  
Deputy Attorneys General  
California Department of Justice  
Office of the Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102-7004  
Phone: (415) 510-4400  
Fax: (415) 703-5480  
Megan.Oneill@doj.ca.gov

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23  
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25  
26  
27  
28

*Attorneys for Plaintiff the People of the State of California*

**RUSSELL COLEMAN**  
Attorney General  
Commonwealth of Kentucky

/s/ J. Christian Lewis  
J. Christian Lewis, Admitted *pro hac vice*  
Philip Heleringer, Admitted *pro hac vice*  
Zachary Richards, Admitted *pro hac vice*  
Daniel I. Keiser, Admitted *pro hac vice*  
Matthew Cocanougher, Admitted *pro hac vice*  
Assistant Attorneys General  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
christian.lewis@ky.gov  
philip.heleringer@ky.gov  
zach.richards@ky.gov  
daniel.keiser@ky.gov  
matthew.cocanougher@ky.gov  
Phone: (502) 696-5300  
Fax: (502) 564-2698

*Attorneys for Plaintiff the Commonwealth of Kentucky*

**MATTHEW J. PLATKIN**  
Attorney General  
State of New Jersey

/s/ Kashif T. Chand  
Kashif T. Chand, Admitted *pro hac vice*  
Section Chief, Deputy Attorney General  
Thomas Huynh, Admitted *pro hac vice*  
Assistant Section Chief, Deputy Attorney General  
Verna J. Pradaxay, Admitted *pro hac vice*  
Mandy K. Wang, Admitted *pro hac vice*  
Deputy Attorneys General  
New Jersey Office of the Attorney General,  
Division of Law  
124 Halsey Street, 5th Floor  
Newark, NJ 07101  
Tel: (973) 648-2052  
Kashif.Chand@law.njoag.gov  
Thomas.Huynh@law.njoag.gov  
Verna.Pradaxay@law.njoag.gov  
Mandy.Wang@law.njoag.gov

1 *Attorneys for Plaintiff New Jersey*  
2 *Division of Consumer Affairs*

3 COVINGTON & BURLING LLP

4 By: /s/ Ashley M. Simonsen  
5 Ashley M. Simonsen  
6 1999 Avenue of the Stars  
7 Los Angeles, CA 90067  
8 Telephone: (424) 332-4800  
9 Facsimile: + 1 (424) 332-4749  
10 Email: asimonsen@cov.com

11 Phyllis A. Jones, Admitted *pro hac vice*  
12 Paul W. Schmidt, Admitted *pro hac vice*  
13 COVINGTON & BURLING LLP  
14 One City Center  
15 850 Tenth Street, NW  
16 Washington, DC 20001-4956  
17 Telephone: + 1 (202) 662-6000  
18 Facsimile: + 1 (202) 662-6291  
19 Email: pajones@cov.com

20 *Attorney for Defendants Meta Platforms, Inc.*  
21 *f/k/a Facebook, Inc.; Facebook Holdings,*  
22 *LLC; Facebook Operations, LLC; Facebook*  
23 *Payments, Inc.; Facebook Technologies, LLC;*  
24 *Instagram, LLC; Siculus, Inc.; and Mark Elliot*  
25 *Zuckerberg*

26 FAEGRE DRINKER LLP

27 By: /s/ Andrea Roberts Pierson  
28 Andrea Roberts Pierson, Admitted *pro hac vice*  
300 N. Meridian Street, Suite 2500  
Indianapolis, IN 46204  
Telephone: + 1 (317) 237-0300  
Facsimile: + 1 (317) 237-1000  
Email: andrea.pierson@faegredrinker.com

31 Amy R. Fiterman, Admitted *ro hac vice*  
32 FAEGRE DRINKER LLP  
33 2200 Wells Fargo Center  
34 90 South Seventh Street  
35 Minneapolis, MN 55402  
36 Telephone: +1 (612) 766-7768  
37 Facsimile: +1 (612) 766-1600  
38 Email: amy.fiterman@faegredrinker.com

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20  
21  
22  
23  
24  
25  
26  
27  
28

Geoffrey Drake, Admitted *pro hac vice*  
KING & SPALDING LLP  
1180 Peachtree Street, NE, Suite 1600  
Atlanta, GA 30309  
Tel.: 404-572-4600  
Email: gdrake@kslaw.com  
Email: dmattern@kslaw.com

David Mattern, Admitted *pro hac vice*  
KING & SPALDING LLP  
1700 Pennsylvania Avenue, NW, Suite 900  
Washington, D.C. 20006  
Telephone: +1 (202) 626-2946  
Email: dmattern@kslaw.com

*Attorneys for Defendants TikTok Inc. and ByteDance Inc.*

MUNGER, TOLLES & OLSEN LLP  
By: /s/ Jonathan H. Blavin  
Jonathan H. Blavin  
MUNGER, TOLLES & OLSON LLP  
560 Mission Street, 27th Floor  
San Francisco, CA 94105-3089  
Telephone: (415) 512-4000  
Facsimile: (415) 512-4077  
Email: jonathan.blavin@mto.com

Rose L. Ehler  
Victoria A. Degtyareva  
Laura M. Lopez  
Ariel T. Teshuva  
MUNGER, TOLLES & OLSON LLP  
350 South Grand Avenue, 50th Floor  
Los Angeles, CA 90071-3426  
Telephone: (213) 683-9100  
Facsimile: (213) 687-3702  
Email: rose.ehler@mto.com  
Email: victoria.degtyareva@mto.com  
Email: Ariel.Teshuva@mto.com

Lauren A. Bell (*pro hac vice forthcoming*)  
MUNGER, TOLLES & OLSON LLP  
601 Massachusetts Ave., NW St., Suite 500 E  
Washington, D.C. 20001-5369  
Telephone: (202) 220-1100  
Facsimile: (202) 220-2300  
Email: lauren.bell@mto.com

*Attorneys for Defendant Snap Inc.*

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Brian M. Willen

Brian M. Willen, Admitted *pro hac vice*  
1301 Avenue of the Americas, 40th Floor  
New York, New York 10019  
Telephone: (212) 999-5800  
Facsimile: (212) 999-5899  
Email: bwillen@wsgr.com

Lauren Gallo White  
Samantha A. Machock  
WILSON SONSINI GOODRICH & ROSATI  
One Market Plaza, Spear Tower, Suite 3300  
San Francisco, CA 94105  
Telephone: (415) 947-2000  
Facsimile: (415) 947-2099  
Email: lwhite@wsgr.com  
Email: smachock@wsgr.com

Christopher Chiou  
Matthew K. Donohue  
WILSON SONSINI GOODRICH & ROSATI  
953 East Third Street, Suite 100  
Los Angeles, CA 90013  
Telephone: (323) 210-2900  
Facsimile: (866) 974-7329  
Email: cchiou@wsgr.com  
Email: mdonohue@wsgr.com

*Attorneys for Defendants YouTube, LLC and Google LLC*

WILLIAMS & CONNOLLY LLP

By: /s/ Joseph G. Petrosinelli

Joseph G. Petrosinelli Admitted *pro hac vice*  
jpetrosinelli@wc.com  
Ashley W. Hardin, Admitted *pro hac vice*  
ahardin@wc.com  
680 Maine Avenue, SW  
Washington, DC 20024  
Telephone.: 202-434-5000  
Fax: 202-434-5029

*Attorneys for Defendants YouTube, LLC and Google LLC*

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Yardena R. Zwang-Weissman  
Yardena R. Zwang-Weissman  
300 South Grand Avenue, 22nd Floor  
Los Angeles, CA 90071-3132  
Tel.: 213.612.7238  
Email: yardena.zwang-weissman@morganlewis.com

Brian Ercole, Admitted *pro hac vice*  
600 Brickell Avenue, Suite 1600  
Miami, FL 33131-3075  
Tel.: 305.415.3416  
Email: brian.ercole@morganlewis.com

Stephanie Schuster, Admitted *pro hac vice*  
1111 Pennsylvania Avenue NW  
NW Washington, DC 20004-2541  
Tel.: 202.373.6595  
Email: stephanie.schuster@morganlewis.com

*Attorneys for Defendants YouTube, LLC and Google LLC*

**ATTESTATION**

I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: August 26, 2024

/s/ Andrea R. Pierson  
Andrea R. Pierson