UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION This Document Relates To: *People of the State of California, et al. v. Meta Platforms, Inc., et al.*	MDL No. 3047 Case Nos.: 4:22-md-03047-YGR (PHK) 4:23-cv-05448-YGR **JOINT LETTER BRIEF ON META'S AMENDED 30(b)(6) NOTICE TO STATE PLAINTIFFS** Judge: Hon. Yvonne Gonzalez Rogers Magistrate Judge: Hon. Peter H. Kang

Dear Judge Kang:

Defendants Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, "Meta") and the State AGs that are pursuing consumer protection claims in this litigation (collectively, the "Consumer Protection States" or the "States")[1] respectfully submit this letter brief regarding disputes over the following Topics included in Meta's Amended 30(b)(6) Notice to the States: Topics 2-8, 10, 15, 17-19, and 31. An example of Meta's amended notice to the States is attached as Exhibit A. A document setting forth Meta's narrowing of the disputed topics and agreement to provide advance notice of representative documents and information is attached as Exhibit B.

Pursuant to the Discovery Standing Order and Civil Local Rule 37-1, the Parties attest that they repeatedly met and conferred by video conference, email, and correspondence before filing this brief. Because all lead counsel were not located in the geographic region of the Northern District of California or otherwise located within 100 miles of each other, they met via videoconference for an H.2 conferral on March 14, 2025, and continued to confer in writing and by videoconference thereafter. Lead trial counsel have concluded that no agreement or negotiated resolution can be reached.

[1] For purposes of this Joint Letter Brief, the "Consumer Protection States" (or, alternatively, the "States") are California, Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Virginia, Oregon, South Carolina, and Wisconsin. As set forth in prior letter briefing, Meta reserves all rights to seek additional discovery of States not included in this list to the extent they fail to finalize dismissal of their consumer protection claims with prejudice or later seek to assert consumer protection claims in any way.

Dated: March 28, 2025

Respectfully submitted,

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Meta's Position: Meta has worked to address the Consumer Protection States' scope and burden concerns, including by offering to (i) provide advance notice of representative documents and information, and (ii) materially narrow the disputed topics in dispute in other ways (as reflected in the attached Exhibit B). The States completely fail to note those substantial concessions in arguing that Meta's topics are "vague, overbroad, and unduly burdensome." Instead, the States seek further unreasonable limitations. For example:

- Despite alleging broadly that "social media" has caused teen mental health issues, the States seek to avoid questioning on any platforms other than Facebook and Instagram, frustrating Meta's ability to defend against non-specific allegations of harm.
- The Consumer Protection States seek to impose limitations "consistent with the March DMC," but disregard that the March DMC exclusively involved COPPA claims that the COPPA-only States conceded "had nothing to do with" teen mental health.
- The States seek to avoid providing testimony by deferring to experts, but disregard that (i) Meta has a right to obtain the *States'* knowledge on issues separate from its experts and (ii) if the State lacks knowledge on a topic, it can say so during the deposition
- The States seek to prevent questioning on topics this Court has repeatedly determined are relevant and discoverable, including potential alternate causes of teen mental health issues (Topic 17). *See* ECF 1479 at 16–17.

The States' objections to Meta's substantially narrowed 30(b)(6) topics should be denied.

1. Topics About Other Platforms and "Social Media" Generally Should Be Allowed.

The States' consumer protection claims rely on broad allegations about the purportedly harmful effects of social media *generally*, including non-Meta services. *See, e.g.*, Compl. ¶508-26 (alleging that "[i]ncreased use of social media platforms, including those operated by Meta" result in harms). As such, Topics 2–6, 8, 10, and 31 match the scope of the States' claims by seeking information relating to "Social Media Platforms" generally.[2] In response to the States' burden and scope concerns, Meta agreed to limit its questioning to six specific platforms that have been involved in teen mental health litigation: Facebook, Instagram, TikTok, Snapchat, YouTube, and Twitter/X. Meta offered to further limit its topics to Facebook and Instagram, but only *if* the States would be willing not to use documents referring generally to "social media" harms without specific attribution. The States refused.

Information about other platforms and "social media" generally is relevant to Meta's defenses, particularly if the States intend to use general evidence. For example, if the States encouraged the use of Twitter, Snapchat, or TikTok to improve teen mental health during the pandemic, or discouraged use of one service but not others, that evidence rebuts the States' causation theories.

[2] The Consumer Protection States argue that the Court's COPPA-only ruling should apply to them. But unlike here, the COPPA-only states confirmed that their statutory claims do not relate to "social media" generally or teen mental health, but instead just to Facebook and Instagram.

Similarly, Meta should be allowed to ask about any State-related studies that discuss social media's benefits to teen mental health even if they are general or cover other platforms.

2. The States' Topic-Specific Objections Should Be Denied.

Topic 2: Topic 2 originally sought testimony about the States' "use" of Social Media Platforms. In response to the States' (and the Court's) concerns, Meta agreed to limit Topic 2 to three types of use: (i) advertisements, (ii) promotions, and (iii) posts. Meta also agreed to identify exemplar documents in advance, to ease the States' preparation burden. These narrowed forms of use are critically relevant: efforts to advertise to teenagers or posts extolling the benefits of social media could undermine the credibility of the States' claims that social media causes teen mental health issues (which is a core issue in their consumer protection claims). Even though some of this information may be publicly available, Meta should still be permitted to ask the Plaintiff States *questions* about their advertisements and posts–*i.e.*, to get testimony about purposes and content. The States' arguments are not reasons to strike the narrowed Topic 2 entirely.

Topic 5: Meta agreed to narrow Topic 5 in three respects: (i) deleting "communications," (ii) limiting it to "collaborations" that target social media use, and (iii) identifying any Facebook- or Instagram-specific collaborations in advance. Even if some of this information is in Meta's possession (collaborations with other platforms is not), Meta should be permitted to develop testimony regarding *the States'* knowledge and understanding of their half of the collaboration—*e.g.*, if the State agrees that their collaboration with a platform *improved* teen mental health. The States ignore these points.

Topic 7: Meta has agreed to narrow Topic 7 by focusing on *State-directed* efforts (as opposed to purely local or county-directed efforts) and excluding colleges, but there is no basis to arbitrarily exclude State-directed efforts to make internet or devices available through elementary, middle, or high schools or their libraries. Among other things, internet access and devices increase access to social media, and it is relevant if State efforts increased social media use or if the States made technology available without limiting social media access (including after filing this case).

Topics 8 and 15: Meta agreed to (i) limit these topics to studies, research, tests, etc. that the States "created, considered, relied on, or contributed to in any way" and (ii) identify specific examples in advance (which should address the States' prep burden concerns). The States still refused, demanding that these topics be further limited to research the States "conducted and/or directly funded." The States' demand is too narrow; among other things, it would exclude studies that a State closely reviewed or made meaningful contributions to if there was no "direct funding"--something Meta may not even be able to discern without a deposition. It would also unjustifiably exclude research that the States considered or chose to rely (or not rely) on when taking action on core social media or teen mental health issues. That information is critically important to Meta's defenses–*e.g.*, if State mental health policy decision-makers disagreed with conclusions concerning a purported link between social media and teen mental health in a way that undermines the State's current litigation position or the positions taken by its experts.

Topic 10: Meta has agreed to limit the scope of Topic 10 to "public or *identified* non-public" State meetings on Social Media Platforms. The States claim it would be "infeasible" to prepare a State witness on this topic, but there is nothing infeasible about preparing a witness to testify about

meetings that happened publicly or that Meta specifically identifies in advance. There is no basis to further limit this Topic, and the States tellingly do not suggest anything specific.

Topic 17: This topic exclusively seeks the States' *factual* knowledge of factors besides social media that may have negatively impacted teen mental health, an issue this Court has repeatedly held is relevant and discoverable. The States claim that it would be too hard to prepare a State witness on this topic because information might reside with employees, but the Court has also repeatedly rejected that argument, including at the most recent DMC. *See* 3/20 DMC Tr. at 41:24–42:2 (excusing the States from "drilling down to each individual employee"). Moreover, it makes no difference if the States may later offer expert evidence on these issues. Right now, Meta is only seeking *the States'* knowledge; if the States don't have any knowledge, it is important to Meta's defense that the States say so. Finally, the States' suggestion that this is a "contention" topic is wrong for several reasons: (i) the States have not made any contentions here about alternate causes of teen mental health harms, (ii) the topic as written only seeks the States' factual knowledge and bears no resemblance to topics that this Court previously struck, and (iii) the States' tellingly did not include Topic 17 in prior briefing on contention issues.

Topic 18: This topic seeks testimony about teen mental health services. The States seek to limit this topic to "direct services," but that would carve out broad swathes of relevant services that States provide indirectly, such as the youth mental health services that the Kentucky Department of Behavioral Health provides "through contracts with the regional Community Mental Health Centers and other entities." The States' limitation also would exclude analyses of State services, such as State conclusions about the sufficiency of its funding of teen mental health services. Meta should be entitled to develop testimony about relevant State services even if those services were not "directly" to patients. Moreover, Meta's agreement to identify representative services and documents in advance allays any potential burden or preparation concerns.

Topic 19: Meta will not ask witnesses to recite budgets or expenditures from memory, but it should be permitted to ask clarifying questions about financial documents that have been produced. The States have noticed Meta's Rule 30(b)(6) testimony on audited financial statements, so there is no basis for the States to resist reciprocal testimony.

Plaintiffs' Position: Despite this Court's instructions advising that Rule 30(b)(6) topics require "painstaking specificity," Meta refuses to adequately narrow certain vague and overbroad topics served on State Plaintiffs. "The court has wide discretion to determine what constitutes a showing of good cause and to fashion a protective order that provides the appropriate degree of protection." *Grano v. Sodexo Mgt., Inc.*, 335 F.R.D. 411, 414 (S.D. Cal. 2020) (citation omitted). "While [Rule] 26(b)(1) permits a party to obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense, courts have limited discovery where the breadth of subjects and number of topics identified in a [Rule] 30(b)(6) deposition notice renders a responding party's efforts to designate a knowledgeable person unworkable." *Luken v. Christensen Grp. Inc.*, 2018 WL 1994121, at *2 (W.D. Wash. Apr. 27, 2018) (internal quotations omitted); *Apple Inc. v. Samsung Elecs. Co.*, 2012 WL 1511901, at *2 (N.D. Cal. Jan. 27, 2012). As stated more fully below, the State AGs thus respectfully request this Court to issue a Protective Order under Fed. R. Civ. P. 26(c) limiting the scope of Meta's Amended Topics as follows: (a) to entirely strike Topics 2, 5, 15, 17, and 19; and (b) to narrow Topics 3, 4, 6, 7, 8, 10 and 18, and 31, including as relevant, to pertain only to the platforms at issue in the State AGs' action, Facebook and Instagram.

I. Topics that Should be Stricken Entirely (Topics 2, 5, 15, 17, and 19)

Meta seeks testimony for how each State has "used" social media platforms and has only offered to identify examples of such use. (Topic 2). At the March Discovery Management Conference ("DMC"), Meta identified posts by a specific Washington State agency as an example of "use" per this Topic. Regarding Meta Defendants, such "use" information is more readily within Defendants' possession, and this Topic is unsuited for examination given the breadth of the term, "use." (Mar. DMC Tr.50:16-51:22). Meta's further request for testimony regarding "use" of *other* social media platforms also lacks foundation. Whether and how State Plaintiffs (not to mention state agencies or employees) *used other* platforms has no bearing on whether Meta's platforms were directed to children, whether Meta deceived the public, or whether Meta's features unfairly exploited or harmed young users. Meta's request for the State's collaborations with both Defendants and other, nonparty social media platforms (Topic 5) is similarly improper. Meta does not need a witness to tell it how States have collaborated with Meta, (Mar. DMC Tr. 56:15-21), and Meta has no basis to seek 30(b)(6) testimony regarding States' work with an entire industry.

Meta seeks 30(b)(6) testimony regarding research, investigations, tests, studies, surveys, reports, evaluations, or analysis "to address"[3] harms of social media platforms generally, which in conferrals, Meta claimed to include research state employees may have "considered" (Topic 15), as well as the Plaintiff's "knowledge and/or understanding" of the mental health impacts of twenty-one-plus sophisticated subtopics. (Topic 17(a)-(u)). In conferrals, Meta claimed it could not narrow Topic 17 because it needs to be able to ask Plaintiffs if they "believe" (i.e., contend) that various issues harm youth. First, the practical reality is that any testimony about Plaintiffs' "knowledge and/or understanding" would need to be derived from individual employees. Second, the Topics amount to improper contention topics seeking the Plaintiffs' beliefs regarding alternate explanations of harm and issues of causation and relatedly, third, these Topics seek expert testimony on the mental health impacts of sophisticated issues for which designated experts will provide reports and testimony. Meta will undoubtedly confront Plaintiffs' experts on these issues, so deposing 30(b)(6) designees about Plaintiffs' contentions and beliefs about such complex, science-based issues is unproductive. *U.S. v. HVI Cat Canyon, Inc.*, 2016 WL 11683593, at *7 (C.D. Cal. Oct. 26, 2016) (collecting cases).

Meta seeks testimony regarding budgeted and actual expenditures for health services to minors. (Topic 19). Much like the Court recognized at the March DMC, and much like how Meta has agreed to rely on documents or financial statements for investments and revenues, Topic 19 is better suited for review of publicly available information or documents. The State AGs agreed to identify such information, but Meta insists that, by flagging specific budget documents and promising not to "quiz" witnesses, the Topic should be acceptable. It is not, because relevant information for budgets would be best reflected in documents themselves, and requiring a 30(b)(6) deponent to provide further details would be unduly burdensome given any marginal relevance.

II. Topics Requiring Specific Limitations (3, 4, 6, 7, 8, 10, 18 and 31)

[3] Meta omits "to address" from Topic 15 in its argument, but doing so actually broadens rather than narrows that already disproportionately broad Topic.

State Research (Topic 8): The State AGs seek to make Topic 8 proportionate and feasible for 30(b)(6) testimony by limiting it to the State's *own* research or studies it conducted regarding the use, harms or benefits of Defendants' social media platforms to persons under age 18. Meta refused, claiming that Topic 8 includes any research or study a state employee "considered" or "relied on." Preparing for a 30(b)(6) deposition becomes "less realistic and increasingly impossible as the number and breadth of noticed subject areas expand." *HVI Cat*, 2016 WL 11683593, at *7 (cleaned up). It is not feasible to identify, much less prepare a designee on what research state employees considered or knew, as opposed to the Plaintiff States' own studies or research. Further, if any such other studies are relied upon by the States' experts, the cross-examination and probing of those scientific findings are for expert discovery. *Id*.

Limitations Consistent with the March DMC (Topics 3, 4, 6, 10, and 31): Meta has partially agreed to limit Topic 6 consistent with the Court's instructions during the March 20 DMC relating to striking "communications" and agreeing to limit questioning to "actual or identified potential" programs. But Meta still seeks to question the Plaintiffs about *other* social media platforms on this Topic. Like set forth above, that has no bearing on issues in this case, and to the extent they seek the States' beliefs via this Topic, that amounts to seeking alternate explanation contentions more suited for expert testimony. The same arguments apply to Topic 10, which Meta has merely agreed to limit to "identified non-public meetings," but that is still infeasible for preparing the State party witness on the contents of internal conversations between State employees within their respective agencies, and meetings regarding *other* social media platforms are similarly improper. Meta likewise refuses to limit its definition of "Social Media Platforms" in Topics 3, 4 and 31 because, supposedly, the States' (but not individual agencies' or employees') views about other social media are relevant for defeating or limiting liability as alternate explanations of alleged harms. But it is hard to understand how State programs or efforts to "encourage, promote, or discourage the use of" *other* platforms or States' "views" about *non*-Meta platforms directed to kids under age 13, are probative of alternate causes of harm, or again, substantive contentions on subjects being addressed by experts. (Topics 3, 4 and 31).[4]

Topics Regarding Large State Administrative Programs (Topics 7 and 18): Meta's Topic 7 about efforts "involving the State" to provide telecommunication services or devices to young people is overly broad and vague as it implicates States' broad and complex education systems and their relationships with localities across each State, even if funding or resources are provided at the State level. The State AGs asked to exclude programs or funding of local schools and libraries, but Meta refused and did not explain how testimony about state education systems providing schools with access to technology is relevant, much less proportionate to the burden of preparing a designee on this vast and complex area of state government. Similarly, the State AGs asked Meta to confirm that Topic 18 did not call for testimony regarding administrative programs by which States do not directly provide health services to patients. Meta refused, claiming that even a State's Medicaid programs would be covered as to the behavioral health services delivered through third-party providers to youth. Given this disproportionate burden and marginal relevance, Topics 7 and 18 should be limited to the State's direct provision of telecommunication services, devices or behavioral health treatments to youth.

[4] Meta has agreed to limit Topic 31 to the "relevant period" (January 1, 2012 – April 1, 2024).

ATTESTATION

I, Ashley M. Simonsen, 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: March 28, 2025

By: */s/ Ashley M. Simonsen*
Ashley M. Simonsen

Exhibit A

[*Counsel Listed on Signature Pages*]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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

THIS DOCUMENT RELATES TO:

People of the State of California, et al. v. Meta Platforms, Inc. et al.,

Case No.: 4:23-cv-05448

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

MDL No. 3047

META DEFENDANTS' AMENDED NOTICE OF DEPOSITION TO PLAINTIFF COMMONWEALTH OF KENTUCKY PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendants Meta Platforms, Inc., Instagram, LLC, Meta Payments, Inc., and Meta Platforms Technologies, LLC (collectively, "Defendants"), by their attorneys, will take the deposition upon oral examination of Plaintiff Commonwealth of Kentucky ("Plaintiff"). The deposition will begin at 9:00 am on February 28, 2025, at the offices of Covington & Burling LLP, 1999 Avenue of the Stars, Los Angeles, California, 90067-4643, or at some other time and place mutually agreed upon by counsel.

Plaintiff shall designate one or more officers, directors, managing agents, employees, or other persons who consent to testify on its behalf to the extent of information known or reasonably known by Plaintiff or any of its agents concerning the topics set forth in Schedule A. The person(s) designated to testify as to each topic should have knowledge of the topic, the documents referring to or relating to the topic, and the identity of other persons with knowledge of the topic.

The deposition will be taken before a qualified, certified shorthand reporter or other officer authorized by law to administer oaths and will continue on the day noticed and for additional days, if necessary, from day to day, excluding Saturdays, Sundays, and holidays, until completed. The deposition, upon oral examination, shall be recorded by videotape, sound, and stenographic means, pursuant to Rule 30(b)(3) of the Federal Rules of Civil Procedure.

Defendants request that Plaintiff identify in writing, at least seven (7) business days in advance of the deposition, the person(s) designated by Plaintiff, the job title of each such person(s), and the topic(s) on which each such person(s) will testify. Pursuant to Rules 30(b)(2) and 34 of the Federal Rules of Civil Procedure, Plaintiff is hereby requested to produce, at least seven (7) business days in advance of the deposition, any and all documents and things in its possession, custody, or control that in any way refer to or concern any of the topics set forth in Schedule A that have not previously been produced to Defendants in this action. Defendants reserve the right to continue the deposition should Plaintiff fail to produce such documents and things at least seven (7) days before the deposition.

Dated: January 21, 2025

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SCHEDULE A

DEFINITIONS

1. "Complaint" refers to the Civil Enforcement Complaint in this matter filed by Plaintiff on October 24, 2023, in the United States District Court for the Northern District of California.

2. "Defendants" refers to Meta Platforms, Inc., Instagram, LLC, Meta Payments, Inc., and Meta Platforms Technologies, LLC.

3. "Defendants' Services" means Facebook and Instagram.

4. "JUUL Litigation" refers to investigations conducted by and litigation brought by state attorneys general against JUUL Labs, Inc., alleging that the company marketed e-cigarettes and vaping products to minors and misled consumers about the safety and addictiveness of its products.

5. "Opioid Litigation" refers to investigations conducted by and litigation brought by state attorneys general against opioid manufacturers, distributors, and related parties, alleging that they created or contributed to an opioid crisis.

6. "State" refers to the Commonwealth of Kentucky, including, but not limited to, the executive and legislative branches, agencies, offices, departments, divisions, commissions, committees, agents, employees, boards, instrumentalities, vendors (to the extent the State has possession, custody, or control over them), administrators, and other persons or entities acting on behalf of the State, including, but not limited to, the agencies and other entities whose information has been deemed within the State's control for the purposes of discovery in Magistrate Judge Kang's September 6, 2024 order (ECF No. 1117) and any other related entities.

7. "Social Media Platforms" means a digital service that facilitates interactions between two or more distinct but interdependent sets of users, including but not limited to Facebook, Instagram, Snapchat, TikTok, YouTube, Twitter (or "X"), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.

8. "Relevant Period" is defined as January 1, 2012 to April 1, 2024.

9. All words, terms, and phrases not specifically defined herein are to be given their normal and customary meaning in the context in which they are used in this Notice.

TOPICS

1. Policies, procedures, and practices applicable to the State (including without limitation to employees of the State and its agencies) regarding the use of Social Media Platforms, including without limitation any changes to these policies, procedures, and practices during the Relevant Period.

2. The State's use of Social Media Platforms including but not limited to advertisement or promotion of, or by, the State or the State's programs on Social Media Platforms during the Relevant Period.

3. Programs, initiatives, efforts, or actions considered, proposed, taken by, and/or involving the State (including without limitation any State agency) to encourage, promote, or discourage the use of Social Media Platforms during the Relevant Period.

4. During the Relevant Period, programs, initiatives, efforts, or actions considered, proposed, taken by, and/or involving the State to address the use of Social Media Platforms by individuals under the age of 18, including without limitation:

a. Any program, initiative, effort, or action to discourage or prevent individuals under the age of 18 from using, or to decrease their usage of, Social Media Platforms; and

b. Any program, initiative, effort, or action to encourage or promote the use of Social Media Platforms by individuals under the age of 18.

5. The State's communications and/or collaboration with any Social Media Platform on any program, initiative, effort, or other action related to, or directed at, individuals under the age of 18 who use Social Media Platforms during the Relevant Period.

6. The State's communications and/or collaboration with any third party concerning any actual or potential program, initiative, effort, or other action related to, or directed at, the use of Social Media Platforms by individuals under the age of 18, and/or the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18, during the Relevant Period.

7. Studies, reports, programs, initiatives, efforts, or actions proposed, taken by, or involving the State that sought to provide internet access or phones, computers, or other electronic devices to individuals under the age of 18 during the Relevant Period.

8. Research, investigations, tests, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms during the Relevant Period, including without limitation the use of Social Media Platforms by individuals under the age of 18 and the potential benefits and/or harms created by the use of Social Media Platforms by individuals under the age of 18.

9. Consumer complaints to the State about the use of Social Media Platforms by individuals under the age of 18 during the Relevant Period, including without limitation any harms caused by such use.

10. Any public or non-public meetings held by the State related to Social Media Platforms during the Relevant Period, including without limitation the use of Social Media Platforms by individuals under the age of 18.

11. Any investigations or inquiries by the State into Social Media Platforms for possible violations of the State's consumer protection laws during the Relevant Period.

12. Any State effort to suspend, revoke, fine, or otherwise sanction Defendants or any other company owning or operating a Social Media Platform for possible violations of the State's consumer protection laws during the Relevant Period.

13. The State's investment in and/or revenues, income, or any other financial benefit from or related to any of the Defendants, Defendants' Services, and/or any Social Media Platform during the Relevant Period.

14. Legislation or policies proposed by or on behalf of the State, regardless of whether such legislation or policies were enacted, regarding the use of Social Media Platforms by individuals under the age of 18 during the Relevant Period.

15. Studies, research, tests, programs, initiatives, efforts, or actions proposed, taken by, or involving the State to address the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18 during the Relevant Period (including, but not limited to, depression, anxiety, suicide, eating disorders, self-harm, loss of sleep, compulsive use of Social Media Platforms, and addiction).

16. Legislation or policies proposed by or on behalf of the State, regardless of whether such legislation or policies were enacted, regarding the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18 during the Relevant Period.

17. The State's knowledge and/or understanding of different factors that impacted the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18 during the Relevant Period, including but not limited to any assessment or evaluation of such factors by the State. For avoidance of doubt, this Topic includes, without limitation, the State's knowledge and/or understanding of how the following factors impacted the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18:

a. Social Media Platforms;

b. Video games usage;

c. Cell phone usage;

d. Messaging usage;

e. Usage of other electronics, applications, or internet sites apart from usage of Social Media Platforms;

f. COVID-19 and/or remote learning;

g. Use of drugs or alcohol;

h. The opioid and fentanyl epidemic;

i. Poverty, homelessness, lack of health insurance, and/or food insecurity;

j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;

k. Family trauma or deaths;

l. Family dynamics, such as divorce, adoption, and foster care;

m. Academic pressure;

n. Violence, including school violence, gang violence, and domestic violence;

o. Bullying or verbal abuse apart from usage of Social Media Platforms;

p. Political polarization;

q. Physical and mental disabilities;

r. Natural disasters;

s. Climate change;

t. Discrimination and inequity; and/or

u. Global warfare and conflict.

18. Mental, social, emotional, or behavioral health services provided by the State during the Relevant Period to individuals under the age of 18, including without limitation such individuals who use Social Media Platforms.

19. Budgeted and actual expenditures by the State during the Relevant Period related to the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18, including without limitation such individuals who use Social Media Platforms.

20. The factual basis for the State's belief that Defendants have made misrepresentations to the State or State residents during the Relevant Period, including but not limited to the identification of such misrepresentation, when and where the misrepresentation was made, who made it, and the factual basis for the State's belief that such misrepresentation was material to the State or the State residents.

21. The factual basis for the State's belief that Defendants engaged in unfair, deceptive, or unconscionable practices during the Relevant Period, including but not limited to any assessment or evaluation of such practices by the State.

22. The factual basis for the State's belief that the State or State residents suffered harm related to the use of Social Media Platforms by individuals under the age of 18 during the Relevant Period, including but not limited to any assessment or evaluation by the State of such harm.

23. The factual basis for the relief that the State seeks in this case, including but not limited to statutorily defined methodologies or formulas cited in this case as supporting requested relief (as offered by the MDL State Plaintiffs in a January 6, 2025 e-mail to Meta).

24. The factual basis for any expenses or costs incurred by the State or State residents related to the use of Social Media Platforms by individuals under the age of 18 during the Relevant Period, including but not limited to any assessment or evaluation of such expenses or costs by the State.

25. Any financial arrangements, including without limitation the allocation of litigation expenses or any awarded damages or civil penalties among the States, contingency fee agreements, or cost sharing agreements, entered into by the State for this litigation.

26. The State's activity related to bringing this lawsuit, including (i) timing, procedures, decision making process, and approval for filing the Complaint, and (ii) the State's consultation, collaboration, or agreements with outside entities or people.

27. The State's involvement in other lawsuits alleging similar mental or physical health injuries, regardless of time period, including without limitation litigation involving Social Media Platforms, internet service providers, telecommunication providers, video game developers, application developers, toy manufacturers and the JUUL and the Opioid Litigation.

28. Policies and procedures for document or data retention, preservation, destruction, or disposal applicable to the State during the Relevant Period, including without limitation all such policies or procedures undertaken or implemented in connection with this litigation.

29. The factual basis for the State's belief that individual(s) under the age of 13 used Instagram or Facebook during the Relevant Period, including but not limited to any assessment or evaluation by the State of such use.

30. The factual basis for the State's belief that the State or State residents have suffered harm related to the use of Instagram or Facebook by any individual(s) under the age of 13 during the Relevant period, including but not limited to any assessment or evaluation of such harm by the State.

31. The State's consideration, analysis, or views regarding any Social Media Platform directed at children under the age of 13, including without limitation a potential version of Instagram for children under the age of 13.

32. The State's May 10, 2021 letter to Mark Zuckerberg regarding "Facebook's Plans to Develop Instagram for Children Under the Age of 13," including without limitation any consultation with any other State regarding this letter.

33. Any communication between the State Attorney General's Office and any federal or state government agency, office, department, or division (including without limitation any office of the

Attorney General of another state, Department of Mental Health in this or any other state, Department of Education in this or any other state, Governor's office in this or any other state, FTC, or any other federal or state government entity or body) regarding or relating to this litigation or the subject matter of this litigation from January 1, 2021 to the present.

34. Any communication between the State Attorney General's Office and any former employee of Defendants, or such employees' representatives, regarding or relating to this litigation or the subject matter of this litigation from January 1, 2021 to the present.

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2025, a true and correct copy of Meta Defendants' Amended Notice of Deposition to Plaintiff Commonwealth of Kentucky Pursuant to Federal Rule of Civil Procedure 30(b)(6) was served upon the following by email:

J. Christian Lewis (KY Bar No. 87109),
Pro hac vice
Philip Heleringer (KY Bar No. 96748),
Pro hac vice
Zachary Richards (KY Bar No. 99209),
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Attorneys for Plaintiff the Commonwealth of Kentucky

By: /s/ Ashley M. Simonsen
Ashley M. Simonsen

Attorney for Defendants Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC

Exhibit B

Exhibit B –Meta's Substantial Narrowing of Disputed Topics

Global Limitations –

- "Social Media Platforms" limited to Facebook, Instagram, TikTok, Snapchat, YouTube, and Twitter/X.

- Meta will identify representative examples of documents and information it intends to ask about in advance of the deposition to the extent possible, as further detailed in Meta's position statement.

Specific Topics

- Topic 2 - The State's ~~use of Social Media Platforms including but not limited to~~ advertisements, ~~or~~ promotions ~~of, or by, the State or the State's programs on~~, and posts on Social Media Platforms during the Relevant Period.

- Topic 3 - Programs, initiatives, efforts, or actions considered, proposed, taken by, and/or involving the State ~~(including without limitation any State agency)~~ to encourage, promote, or discourage the use of Social Media Platforms by individuals under the age of 18 during the Relevant Period.

- Topic 4 - During the Relevant Period, programs, initiatives, efforts, or actions considered, proposed, taken by, and/or involving the State to address the use of Social Media Platforms by individuals under the age of 18, including without limitation:

    a. Any program, initiative, effort, or action to discourage or prevent individuals under the age of 18 from using, or to decrease their usage of, Social Media Platforms; and
    b. Any program, initiative, effort, or action to encourage or promote the use of Social Media Platforms by individuals under the age of 18.

- Topic 5 - The State's ~~communications and/or~~ collaboration with any Social Media Platform on any program, initiative, effort, or other action related to, or directed at, the use of Social Media Platforms by individuals under the age of 18 ~~who use Social Media Platforms~~ during the Relevant Period.

- Topic 6 - The State's ~~communications and/or~~ collaboration with any third party concerning any actual or identified potential program, initiative, effort, or other action related to, or directed at, the use of Social Media Platforms by individuals under the age of 18, and/or the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18, during the Relevant Period.

- Topic 7 - Studies, reports, programs, initiatives, efforts, or actions proposed, taken by, or involving the State that sought to provide internet access or phones, computers, or other electronic devices to individuals under the age of 18 during the Relevant Period, not including any colleges or institutes of higher learning.

- Topic 8 - Research, investigations, tests, studies, surveys, reports, evaluations, or analyses related to Social Media Platforms that the State created, considered, relied on, or contributed to during the Relevant Period, including without limitation the use of Social Media Platforms by individuals under the age of 18 and the potential benefits and/or harms created by the use of Social Media Platforms by individuals under the age of 18.

- Topic 10 - Any public or identified non-public meetings held by the State related to Social Media Platforms during the Relevant Period, including without limitation the use of Social Media Platforms by individuals under the age of 18.

- Topic 15 – Studies, research, tests, programs, initiatives, efforts, or actions ~~proposed, taken by, or involving the State~~ to address the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18 ~~during the Relevant Period~~ (including, but not limited to, depression, anxiety, suicide, eating disorders, self-harm, loss of sleep, compulsive use of Social Media Platforms, and addiction) that the State created, considered, relied on, or contributed to during the Relevant Period.

- Topic 17 – The State's knowledge and/or understanding of different factors that impacted the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18 during the Relevant Period, including but not limited to any assessment or evaluation of such factors by the State. For avoidance of doubt, this Topic includes, without limitation, the State's knowledge and/or understanding of how the following factors impacted the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18:

    a. Social Media Platforms;
    b. Video games usage;
    c. Cell phone usage;
    d. Messaging usage;
    e. Usage of other electronics, applications, or internet sites apart from usage of Social Media Platforms;
    f. COVID-19 and/or remote learning;
    g. Use of drugs or alcohol;
    h. The opioid and fentanyl epidemic;
    i. Poverty, homelessness, lack of health insurance, and/or food insecurity;
    j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
    k. Family trauma or deaths;
    l. Family dynamics, such as divorce, adoption, and foster care;
    m. Academic pressure;
    n. Violence, including school violence, gang violence, and domestic violence;
    o. Bullying or verbal abuse apart from usage of Social Media Platforms;
    p. Political polarization;
    q. Physical and mental disabilities;
    r. Natural disasters;
    s. Climate change;
    t. Discrimination and inequity; and/or

u. Global warfare and conflict.

- Topic 18 – Mental, social, emotional, or behavioral health services provided by the State during the Relevant Period to individuals under the age of 18, including without limitation such individuals who use Social Media Platforms.

- Topic 19 - Budgeted and actual expenditures by the State during the Relevant Period related to the mental, social, emotional, or behavioral health and wellbeing of individuals under the age of 18, including without limitation such individuals who use Social Media Platforms.

- Topic 31 - The State's consideration, analysis, or views regarding any Social Media Platform directed at children under the age of 13, including without limitation a potential version of Instagram for children under the age of 13, during the Relevant Period.