

1 *[Parties and counsel listed on signature pages]*  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

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

14 This Document Relates To:

15 *ALL ACTIONS*  
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MDL No. 3047

Case No.: 4:22-md-03047-YGR

**AGENDA AND JOINT STATEMENT FOR  
MARCH 18, 2026, CASE MANAGEMENT  
CONFERENCE**

Judge: Hon. Yvonne Gonzalez Rogers  
Magistrate Judge: Hon. Peter H. Kang

1 The Parties submit this agenda and joint statement in advance of the March 18, 2026 CMC.

2 **I. Proposed Agenda for Case Management Conference**

- 3 • Breathitt Pretrial Conference: motions in limine (“MILs”); deposition designations; jury  
4 instructions; jury questionnaire; trial mechanics; and remote access for counsel  
5 • State AG Pretrial Conference  
6 • Remaining topics in Sections IV-V below

7 **II. Joint JCCP Update**

8 **Trial 1 Update.** Opening statements in the first bellwether trial (K.G.M.) were given on February  
9 9 and 10. Plaintiff called ten witnesses during her case-in-chief and rested on March 6. Defendants called  
10 ten witnesses and rested on March 11. Judge Kuhl denied Plaintiff’s request to expand the 42-hour per-  
11 side limit for the presentation of evidence, instead ordering the following modifications of her original  
12 time-limit order: (1) closing arguments will not count against either side’s time limit; (2) Plaintiff’s  
13 counter-deposition designations will not count against Plaintiff’s time limit; and (3) Plaintiff will be  
14 allowed up to one hour to cross examine Defendants’ live witnesses. The parties expect to present closing  
15 arguments on March 12 and are finalizing the verdict form and instructions.

16 **Trial 2 and 3 Update.** The next bellwether trial (R.K.C.) will likely begin no earlier than mid-  
17 June or July 2026, with the third bellwether trial to begin no earlier than the Fall of 2026. *See Ex. A*  
18 (3/1/26 Case Anywhere post from Judge Kuhl). Defendants have moved to stay the trial of the third case  
19 in Trial Pool 1 (Moore) pending resolution of their pending writ petition. The parties are conferring about  
20 a start date for the second and third bellwether trials.

21 **Dismissals for Failure to Serve Plaintiff Fact Sheets.** Following an order to show cause (OSC)  
22 process that began last August, Judge Kuhl entered an order on February 9 dismissing 115 plaintiffs with  
23 prejudice for failure to serve Plaintiff Fact Sheets. Judge Kuhl entered a second OSC with respect to 135  
24 plaintiffs on February 26, setting a hearing for May 4. *See Exs. B-C.*

25 **III. Joint Discovery Update**

26 Since the last CMC, Magistrate Judge Kang has entered one discovery order, ECF 2744,  
27 resolving a dispute between Meta and the State AGs relating to Meta’s production of time spent data.

28 **Ex. D.** Meta produced revised data pursuant to the order on March 6. Meta and the AGs have agreed to

1 a schedule for the submission of supplemental and rebuttal expert reports for Carl Saba and Justin  
2 McCrary, limited to the incorporation of the revised data, and will file a stipulation to that effect.

#### 3 **IV. Other Joint Updates**

##### 4 **A. PI/SD Cases**

5 **Update on Breathitt Pretrial Work/Submissions Since Last CMC.** Each side filed five MILs  
6 on March 2, which were fully briefed as of today (March 11) and will be argued on March 18.

7 Following the Court's guidance at the February 11 CMC to confer on the question of the  
8 application of Kentucky substantive law and federal procedural law, the Parties have agreed that Kentucky  
9 courts instruct juries on affirmative defenses. The Parties also agree that the manner and method of  
10 instructing the jury on the burden of proof, any heeding presumption, and any affirmative defenses is  
11 controlled by federal procedural rules and law.

12 In accordance with the Pretrial Schedule (ECF 2811), the Parties have exchanged priority  
13 deposition designations, counter-designations, counter-counter designations, and objections thereto. The  
14 Parties will meet and confer to narrow the scope of disagreements and about jury instructions and submit  
15 any remaining disputes by March 11. Preliminary witness and exhibit lists will be filed on March 16.  
16 Plaintiffs request a brief discussion at the March 18 conference on how the Court conducts voir dire, the  
17 admission and use of exhibits with witnesses, and similar logistics.

18 **Parties' Joint Request for Limited/Restricted Remote Access to Breathitt Trial.** The Parties  
19 anticipate submitting a stipulated request that the Court enable remote access to Breathitt trial, restricted  
20 to pre-registered individuals who are counsel of record for PI/SD Plaintiffs, the MDL AGs,<sup>1</sup> or Defendants  
21 in the MDL, as Judge Kuhl has done for the K.G.M. trial in the JCCP. The Parties will be prepared to  
22 discuss the precedent for and contours of this request at the CMC.

23 **Parties' Agreement re Filing of Omnibus Opposition Exhibits.** On March 6, PI/SD Plaintiffs  
24 inadvertently re-filed Omnibus Opposition exhibits containing Defendants' confidential information  
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26 <sup>1</sup> Judge Kuhl denied JCCP plaintiffs' request to permit remote access to the AGs suing Meta in state  
27 court because they are not parties to the proceedings; therefore, neither the JCCP nor MDL Court would  
28 be able to "sanction[those AGs'] counsel for violating the court rules." See **Ex. E** (1/20/26 JCCP Hr'g  
Tr.) at 75:24-76:9. Defendants ask that this Court also deny remote access to the state-court AGs.

1 (without the redactions stipulated-to by the Parties and so-ordered by the Court, *see* ECF 2729; ECF 2748  
2 at 3). The exhibits have been temporarily sealed pending the Court's entry of a stipulation and proposed  
3 order, filed by the Parties on March 9 (ECF 2821), permanently removing them from the docket. In light  
4 of this issue, the Parties have agreed that, going forward, Plaintiffs will confer with Defendants before re-  
5 filing any Omnibus Opposition exhibits to confirm the correct versions are being filed.

#### 6 **B. Updates in State AG Cases**

7 Meta filed a notice withdrawing its jury trial demand on February 17. ECF 2749; *see also* ECF  
8 2807. Briefing will be complete on March 31, and argument is scheduled for April 15. Briefing on Meta's  
9 motion for summary judgment (ECF 2704) and the AGs' motions for partial summary judgment (ECF  
10 2695 and 2779) will be complete on March 27, and argument is scheduled for April 15. Briefing on  
11 Meta's Rule 702 motion to exclude the AGs' experts Adam Alter and Ravi Iyer (ECF 2701) will be  
12 complete on March 27, and the Parties propose that the motion also be heard on April 15.

13 Meta's Rule 702 motion as to the AGs' expert Carl Saba, and the AGs' Rule 702 motion as to  
14 Meta's experts responsive to Mr. Saba (Justin McCrary and Bruce Isaacson), are due March 13;  
15 oppositions are due April 3; and replies are due April 24. The Parties have agreed, subject to Court  
16 approval, to page limits of 10 pages per side for opening briefs, 10 pages per side for oppositions, and 5  
17 pages per side for replies; argument on these motions has not yet been scheduled.

18 AG expert Dr. Patrick McDaniel has informed the AGs that because of a medical condition, he is  
19 not able to testify at deposition or trial in this case. The Parties are conferring on a process for substitute  
20 expert(s) to replace Dr. McDaniel and associated deadlines that would not affect the trial date; a recent  
21 production by Meta of nearly 300,000 reports of under-13 users will also require additional expert analysis  
22 by a substitute AG expert.<sup>2</sup> In the interim, the Parties have agreed to defer filing Rule 702 motions as to  
23 Dr. McDaniel and Meta's associated responsive experts to avoid burdening the Court with unnecessary  
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25 <sup>2</sup> If the Parties cannot reach an agreement, the AGs plan to promptly file a motion for relief. The AGs  
26 also reserve their right to seek relief in response to Meta's recent production (Meta's fourth reproduction  
27 of data from this table alone to correct errors and discrepancies in the data productions), including expert  
28 fees. Meta maintains that this production and Meta's prior reproductions of data from the table at issue  
(which date back to last summer, and which included productions to accommodate Plaintiffs' follow-up  
requests for additional data) were proper and that no relief is warranted.

1 motion practice. Accordingly, the Parties will not be filing their Rule 702 motions as to Drs. McDaniel  
2 and Feamster and Ms. Wirth on March 13, as originally contemplated (*see* ECF 2748).

3 The AGs' deadline to file a more detailed preliminary witness list is March 31. The Parties are  
4 conferring on and hope to submit a joint proposed pretrial schedule by the March conference.

5 **V. Disputed Issues**

6 **A. PI/SD Plaintiffs' Request for Briefing Schedule on Anticipated Motion Regarding  
7 Meta's Privilege Downgrade Productions**

8 **Plaintiffs' Position:** The PISD and AG Plaintiffs intend to file a motion for sanctions against the  
9 Meta Defendants ("Meta") pursuant to Rule 37. Plaintiffs would like to discuss a briefing schedule for  
10 this motion at the upcoming case management conference that facilitates having the motion heard at the  
11 April case management conference. Plaintiffs maintain that an expedited briefing schedule is necessary in  
12 light of the first bellwether trial date. Consistent with such a schedule, Plaintiffs are prepared to file their  
13 motion no later than March 31, 2026 and forego a reply brief.

14 While Plaintiffs do not seek to litigate their motion through this case management conference  
15 statement, they do wish to provide the Court with basic context regarding the anticipated filing. In short,  
16 the motion will concern Meta's extremely belated production of over 73,841 documents downgraded off  
17 of their privilege logs. While Meta may think that such productions are run of the mill, Judge Kuhl was  
18 stunned when she learned about them. *See In re Social Media Cases*, 22STCV21355 December 18, 2025  
19 Hearing Transcript at 15 (stating "Let me just say one word about that. That word is wow."). Plaintiffs are  
20 stunned as well and seek appropriate relief.

21 The documents at issue were produced between September and December 2025—six months after  
22 the close of fact discovery (preventing the deposition of any fact witness about this evidence) and nearly  
23 three months after expert reports were served (preventing any expert from considering or relying on this  
24 evidence). Immediately upon receipt, Plaintiffs diligently began reviewing the documents to determine  
25 whether they contain probative evidence and to assess the extent of any prejudice from their untimely  
26 production. While conducting their due diligence and review of these documents, Plaintiffs preserved their  
27 right to raise this issue with the Court. *See* ECF No. 2717 at 3-4; ECF No. 2439 at 3.

28 With that review now complete, Plaintiffs can confirm that many of the documents contain  
information that is highly relevant to their claims. *See e.g.*, META3047MDL-294-00012923 (requiring

1 researchers to meet with Meta’s legal team before conducting research related to age gating, age  
 2 verification, and mental health); META3047MDL-294-00151694 (discussing efforts to inform teens  
 3 “what they need to do to become public again” after Meta’s “Teen Accounts” feature purported to default  
 4 teens under 16 years old into more private settings). Further, many of the documents do not contain any  
 5 privileged information. *See e.g.*, META3047MDL-284-00028613 (no privileged communications with  
 6 counsel); META3047MDL-287-00012497 (no advice of counsel); META3047MDL-284-00029714 (no  
 7 legal advice reflected). It appears that Meta’s years-long shielding of these documents on its privilege log  
 8 resulted from a company-wide practice of marking any sensitive document “attorney client privileged,”  
 9 irrespective of whether the privilege applies, resulting in presumptive sequestration by Meta’s outside  
 10 counsel. *See District of Columbia v. Meta Platforms, Inc., et. Al.*, 2023-CAB-006550 Order Granting the  
 11 Districts Opposed Motion for an Order Finding No Privilege Over Clawed-Back Documents (October 23,  
 12 2025) at 8-11 (finding Meta improperly asserted privilege to avoid producing documents containing  
 13 evidence of spoliation); META3047MDL-072-00093645 at 3645.0002 (“are you saying that [an  
 14 employee’s] approach of saying a risky thing and writing (ac priv) after is not preserving privilege :).<sup>3</sup>

15 On February 25, 2026, Plaintiffs reached out to Meta’s counsel noting their concerns about these  
 16 productions and identifying their requested remedies. Unfortunately, Meta declined to engage in  
 17 discussions with Plaintiffs, and on March 5 summarily informed Plaintiffs that it “does not agree with the  
 18 premise of your note that its production of documents following a voluntary re-review of its privilege log  
 19 warrants the extraordinary range of measures you propose.”

20 Having reached an impasse, and in light of Meta’s improper failure to produce these documents  
 21 during fact discovery, Plaintiffs intend to file a motion seeking sanctions pursuant to Rule 37. Among  
 22 other remedies, this motion will seek an order (1) establishing the admissibility and authenticity of all  
 23 73,841 documents; (2) permitting Plaintiffs’ experts to consider and testify about any of these documents  
 24 relevant to their opinions, without triggering the re-deposition of these experts; (3) allowing Plaintiffs to  
 25 participate in any depositions noticed by other jurisdictions as a result of these downgrades, including  
 26 twelve depositions already noticed by the Tennessee Attorney General’s Office; (4) requiring Meta to

27 \_\_\_\_\_  
 28 <sup>3</sup> The Parties will provide the documents cited by Bates number herein upon request, but given the  
 nature of this submission (a status report) do not attach them here.

1 retain at its sole expense a mutually-agreed-upon third party to review a sample of 1,000 documents on  
2 its privilege log chosen by Plaintiffs and production of any document that this third party determines is  
3 not protected by privilege, with the ability to seek further review depending on the results; (5) requiring  
4 Meta to re-produce the 206 documents it has clawed back after the close of fact discovery in this case; and  
5 (6) holding that any assertion of privilege as to a produced document has been waived (and hence Meta  
6 must cease from its continued efforts to claw back documents on the grounds of privilege).

7 **Meta's Position:** The PI/SD Plaintiffs and AGs are proposing to file a motion aimed primarily at  
8 discovery issues, including (i) whether they can participate in depositions noticed by other jurisdictions,  
9 (ii) whether there should be a further review of privilege log entries, (iii) whether Meta should be required  
10 to re-produce documents it has clawed back on grounds of privilege, (iv) whether Meta has waived  
11 privilege on various produced documents, and (v) whether experts should be subject to re-deposition if  
12 they add new documents to their lists of materials considered. Indeed, while framed as “sanctions,” five  
13 of Plaintiffs’ six requests for relief are for additional discovery or privilege rulings; none seek dispositive  
14 relief. And all six would require, as a prerequisite to granting the relief requested, a finding that Meta’s  
15 privilege designations and/or privilege-downgrade productions were improper. Given that Magistrate  
16 Judge Kang has overseen all discovery in this MDL to date, including all privilege issues and privilege  
17 disputes, Plaintiffs should be directed to submit their motion to Magistrate Judge Kang in the first  
18 instance.<sup>4</sup> *See Gay v. Parsons*, No. 16-CV-05998-CRB (PHK), 2024 WL 4224893, at \*2 (N.D. Cal. Sept.  
19 17, 2024) (“[A] review of precedent establishes that Magistrate Judges in the Ninth Circuit have issued  
20 Orders (and not Reports and Recommendations) imposing non-dispositive sanctions under either Rule 11,  
21 Rule 37, or the Court’s inherent authority.”) (collecting cases).

22 Notably, Plaintiffs have not even come close to satisfying the prerequisites to raising a discovery  
23 dispute under Magistrate Judge Kang’s rules, which include extensive meet-and-confer obligations, a  
24 “final conference of lead trial counsel,” and then joint letter briefs. Standing Order for Discovery § H(2)-  
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26 <sup>4</sup> The only non-discovery relief Plaintiffs seek is a ruling that *all* documents produced in the re-review  
27 are authentic and admissible at trial. Putting aside authenticity (which Meta has generally stipulated to  
28 in the JCCP for documents it produced), the question of admissibility cannot be decided on a blanket  
basis. Judge Kang can issue an advisory ruling if Plaintiffs continue to press that implausible position.

1 (3). Plaintiffs have done none of this. Indeed, the “sanctions” they now wish to seek from this Court  
 2 differ from the demands outlined in the single (email) communication they had with Meta before declaring  
 3 impasse.<sup>5</sup> The Court should direct Plaintiffs to complete the steps required under Magistrate Judge Kang’s  
 4 Standing Order and, to the extent disputes remain following the final conference of lead trial counsel,  
 5 submit their requests for relief to him.

6 While it is premature to address the merits of Plaintiffs’ points, Meta wishes to provide the Court  
 7 with some further context. During fact discovery, Meta produced over 2.4 million documents and  
 8 withheld roughly 132,000 (6%) on grounds of privilege. This production and privilege review was done  
 9 on a highly accelerated schedule, and Meta concluded—on its own initiative—that it should proactively  
 10 re-review its privilege log. Last July, Meta apprised Plaintiffs that it was voluntarily undertaking this re-  
 11 review.<sup>6</sup> Pursuant to that re-review, Meta made productions in September, October, November, and early  
 12 December. In total, Meta produced roughly 65,000 downgraded documents (60,000 excluding duplicates)  
 13 through this re-review.<sup>7</sup> Those documents account for a small fraction of Meta’s total document  
 14 production in this litigation, and cover the same topics and issues found throughout Meta’s production.

15 Illustrating the point, Meta has identified dozens of documents in its prior productions that address  
 16 the same topics as the handful of documents highlighted in Plaintiffs’ position statement above.<sup>8</sup> Two  
 17 overarching points demonstrate that these downgraded documents lack substantive significance in this

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18  
 19 <sup>5</sup> Meta’s response to that email explained that “Plaintiffs have not identified any of the re-reviewed  
 20 documents that raise new subjects from those already produced, despite having these documents since  
 21 early December.” After Plaintiffs declared impasse based on this response, Meta’s counsel invited  
 22 Plaintiffs to “identify something targeted and reasonable that you really feel you need coming out of the  
 23 priv log downgrades,” adding that if Plaintiffs could “point [Meta] to something new,” Meta could  
 24 continue the discussion. Plaintiffs responded “that’s a nonstarter.”

25 <sup>6</sup> Meta provided the Court with an overview of this re-review process during the CMC on October 24,  
 26 2025, *see Ex. F* (10/24/25 CMC Tr.) at 43:16-44:15, and then provided a further update in a Joint Report  
 27 that was filed on October 8, 2025, *see Ex. G* (ECF 2312) at 4.

28 <sup>7</sup> Plaintiffs’ claim that Meta downgraded 73,841 documents is misleading. Approximately 3,900 of the  
 65,000 documents downgraded from September to December were duplicates of documents previously  
 produced. This figure also does not include previously-produced family members that were reproduced  
 along with the downgraded documents to maintain family relationships.

<sup>8</sup> Plaintiffs cite three of those documents for the proposition that “many of the documents do not contain  
 any privileged information.” That is why Meta downgraded them; but they all involved  
 communications with Meta attorneys and thus were reasonably withheld in the initial privilege log.

1 litigation: (1) despite having over 20,000 of these downgraded documents since October 2025 (five  
2 months ago) and the remainder since December (three months ago), Plaintiffs never previously identified  
3 a single downgraded document that raises new substance from what has already been produced; and (2)  
4 not a single downgraded document has been used by Plaintiffs in the first JCCP trial. Notably, during its  
5 re-review process, Meta made clear that it was open to discussing the re-opening of depositions if justified  
6 by the substance of documents produced through the re-review. *See, e.g., Ex. F* (10/24/25 CMC Tr.) at  
7 44:9-12. Yet Plaintiffs never raised (until now) any need for further depositions or other discovery.

8 Plaintiffs emphasize the purported size of the downgrade productions (while ignoring the small  
9 percentage of Meta’s overall productions they entail), but fail to explain why Plaintiffs could not (and did  
10 not) make rolling requests for the additional discovery they felt they needed as they made their way  
11 through the documents. And while Plaintiffs quote Judge Kuhl’s statement (“Wow”) from a JCCP  
12 conference discussing these privilege downgrades, they omit Judge Kuhl’s “expression of respect for  
13 [Meta’s] counsel to fulfill their obligations to make sure the claims of privilege are well taken” in  
14 undertaking the re-review. *Ex. H* (12/18/25 JCCP Hr’g Tr.) at 18:21-25. Plaintiffs also omit that when  
15 Judge Kuhl pressed JCCP Plaintiffs on whether they planned to seek further discovery or file a motion  
16 before the first JCCP trial began in January, JCCP Plaintiffs confirmed that they did *not* plan to do so. *See*  
17 *Ex. I* (12/30/25 JCCP Hr’g Tr.) at 28:3-30:4.

18 Plaintiffs also cite an order from the D.C. Superior Court compelling Meta to produce unredacted  
19 copies of four Meta documents—an order that is currently stayed pending Meta’s appeal to the D.C. Court  
20 of Appeals, and that Magistrate Judge Kang and Judge Kuhl expressly disagreed with.<sup>9</sup> In addition,  
21 contrary to Plaintiffs’ suggestion, the D.C. Superior Court’s orders were not based on—and did not even  
22 discuss—“evidence of spoliation.” Further, Plaintiffs omit that another court sustained Meta’s privilege  
23 log against a wholesale challenge involving over 2,600 documents, finding that Meta’s privilege calls  
24 were not “substantively unfounded, inappropriate, or unfair.” Order on Privilege Log Challenge, *State of*  
25 *New Mexico v. Meta Platforms, Inc.*, No. D-101-CV-2023-02838 (Feb. 1, 2026)). If and when Plaintiffs

26 \_\_\_\_\_  
27 <sup>9</sup> *See Ex. J* (ECF 2633-1) (Kang, J.) (granting Meta’s motion for a protective order with respect to the  
28 same four documents); *Ex. K* (Kuhl, J.) at 4 (denying JCCP Plaintiffs’ motion to compel production of  
unredacted copies of the same four documents).

1 file their motion, Meta will be prepared to address these and other points in greater detail. For now, Meta  
 2 respectfully submits that its voluntary, good-faith re-review of its privilege log does not warrant the  
 3 extraordinary range of measures and relief Plaintiffs indicate they will be seeking, and that any motion  
 4 they file should be resolved at least in the first instance by Magistrate Judge Kang.

## 5 B. State AG Cases

### 6 1. Meta's January Disclosure of New Fact and Non-Retained Expert Witness

7 The AGs object to (1) the timing of Meta's disclosure of Bryce Bartlett as a potential fact and non-  
 8 retained expert witness at trial under Rule 26(a)(2)(C); (2) the failure to disclose Mr. Bartlett as an  
 9 individual likely to have discoverable information under Rule 26(a)(1)(A)(i); and (3) the timing of Meta's  
 10 production of Mr. Bartlett's documents. In the event the Parties cannot resolve their disagreements, they  
 11 have agreed to complete their conferrals and brief the issues—including a potential request to exclude Mr.  
 12 Bartlett as both a fact and non-retained expert witness—in time for them to be heard in May. In the  
 13 meantime, Meta has agreed to produce Mr. Bartlett's documents and a privilege log by March 22.

## 14 C. Updates on Arbitrations Noticed or Filed Against Meta

15 Meta provides the following updates since the parties' February 27 Joint Update (ECF 2782):

- 16 ● **Common Benefit Order (CBO).** PI/SD Plaintiffs (who join this first bullet-update) asked Arbitration  
 17 Counsel to provide by today their position on whether the CBO applies to their clients' claims. As of  
 18 the time of this filing, Arbitration Counsel have not provided their position, but confirmed they would  
 19 do so this week. To the extent Arbitration Counsel do not confirm their agreement that the CBO  
 20 applies, PI/SD Plaintiffs respectfully request the opportunity to be heard on the issue.
- 21 ● **Arbitration Filings.** The status of Arbitration Counsel's filings before the AAA remains the same:  
 22 14 arbitration demands have been filed; none have been commenced by the AAA.
- 23 ● **Overlap Lists.** Meta sent Arbitration Counsel and MDL Plaintiffs' Leadership on February 25 lists  
 24 (1) identifying 18 claimants who (based on their ages as reported by Arbitration Counsel) would be  
 25 members of the *Abraham* putative class; and (2) identifying 22 of the ~150 claimants Meta has  
 26 identified as existing MDL/JCCP Plaintiffs (and the law firms representing them). MDL Plaintiffs'  
 27 Leadership represented to some or all of those law firms that Arbitration Counsel purport to represent  
 28 one or more of their clients in potential arbitrations against Meta, and alleged possible violations by  
 Arbitration Counsel of Rule 4.2 of the Model Rules of Professional Conduct.
- **Overlapping Arbitration Claimant/MDL Plaintiff.** One of the overlapping claimants, Sarah Heinz,  
 has both filed a complaint in the MDL (represented by Keller Postman) and also filed an arbitration  
 demand with the AAA (represented by Arbitration Counsel). In the parties' February 27 Joint Update,  
 Arbitration Counsel "acknowledge[d] the apparent dual filing" and said they would "confer with

1 Keller Postman LLC and Ms. Heinz to resolve the matter.” ECF 2782 at 3. As of the date of this  
 2 filing, Ms. Heinz still has not withdrawn her arbitration demand or her complaint.

3 **Meta’s Position:** Meta respectfully submits that the Court should exercise its inherent supervisory  
 4 authority over Arbitration Counsel—who are counsel of record in this MDL and have appeared repeatedly  
 5 before the Court—and order reasonable measures to resolve and prevent conflicting representations of  
 6 individuals with claims against Meta. *See generally Martin v. Yasuda*, 829 F.3d 1118, 1128 (9th Cir.  
 7 2016) (“A party that signs a binding arbitration agreement has a choice: it can either seek . . . arbitration  
 8 or agree to litigate. It cannot choose both.”). Specifically, the Court should require Arbitration Counsel  
 9 to: (1) withdraw the arbitration demand filed by Ms. Heinz (a Plaintiff subject to the Court’s jurisdiction);  
 10 (2) disclose to MDL Plaintiffs’ Leadership the full list of individuals on whose behalf they are threatening  
 11 arbitrations (or, in the alternative, expressly authorize Meta to do so<sup>10</sup>); (3) supplement such disclosure  
 12 each time they notify Meta of additional prospective claimants; and (4) temporarily abstain from filing  
 13 further arbitration demands against Meta until a process is established (in coordination with MDL  
 14 Plaintiffs’ Leadership) to identify and resolve conflicting representations of potential claimants. Meta  
 15 acknowledges that if the Court issues such an order, it would be appropriate to toll any applicable statutes  
 16 of limitations for the duration of any restriction on the filing of new arbitrations.

17 This or similar relief is warranted because while Arbitration Counsel say they are conducting  
 18 diligence on their clients sufficient to discharge their ethical obligations, those efforts are falling short.  
 19 The fact that Arbitration Counsel are threatening, and in one case filed, arbitration demands on behalf of  
 20 claimants who are already litigating claims against Meta in this Court makes that deficiency self-evident.<sup>11</sup>

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21 <sup>10</sup> It is hard to understand how the identity of Arbitration Counsel’s clients could be “confidential,” as  
 22 Arbitration Counsel claim, when they have (1) told this Court that all of their clients are adults, (2) sent  
 23 claim notices to Meta identifying all of their clients, and (3) disclosed two of their clients’ names to  
 24 *Law360* to garner publicity for their first set of (otherwise non-public) arbitration filings, timed to  
 25 coincide with the start of the JCCP trial. *See Boies Schiller Hits Meta With Arbitration Bids Over*  
 26 *Addiction*, *Law360* (Jan. 29, 2026). Regardless, any confidentiality concerns can be resolved by  
 27 Arbitration Counsel designating their clients’ names as Confidential under the Protective Order.

28 <sup>11</sup> Arbitration Counsel have previously cited the use of initials in some complaints as a reason they  
 cannot identify which of their clients may already be MDL or JCCP Plaintiffs. However, the use of  
 initials is generally permitted *only* for minor Plaintiffs, whereas Arbitration Counsel have represented  
 that all of their clients are adults. Accordingly, there is no reason they cannot through basic diligence  
 (continued...)

1 While Arbitration Counsel seek to minimize the possible overlap—including by suggesting Meta has  
 2 identified only 22 overlaps, when it has identified ~150—the fact remains that despite representing over  
 3 175,000 claimants, one of the only 14 arbitrations they’ve filed to date included an overlap claimant. Meta  
 4 will continue to be prejudiced, and this Court’s efforts at orderly administration of these cases  
 5 compromised, if Arbitration Counsel continue to pursue claims in arbitration on behalf of individuals who  
 6 have waived their right to arbitrate and have filed or intend to file duplicative claims in court.

7 **Arbitration Counsel’s Position:** Meta’s request is far outside the bounds of any appropriate or  
 8 available relief and is plainly an effort to manufacture a basis for this Court to exercise authority over  
 9 pending and future arbitrations. In the *only* dual-filing situation Meta identifies (Ms. Heinz), there has  
 10 been no prejudice to Meta. Arbitration Counsel has not even requested an invoice from the AAA. The sole  
 11 reason the purported issue has required additional attention is Meta’s refusal to provide the list of  
 12 purported overlaps it already possesses, despite repeated requests. Instead, Meta has expressly sought to  
 13 use that information as leverage to force claimants to abandon arbitration and refile in the MDL or JCCP.<sup>12</sup>

14 As a threshold matter, this Court has already (and correctly) recognized that it lacks jurisdiction  
 15 over the arbitrations. Regardless, Meta’s allegations are vastly overstated. It identified only 22 purported  
 16 overlaps out of more than 177,000 claimants represented by Arbitration Counsel, approximately 0.012%.  
 17 At least 9 of those are not dual-representation issues at all, but involve a parent pursuing a claim on behalf  
 18 of a minor child while Arbitration Counsel represents that same parent on the parent’s own individual  
 19 claim. A small number of others involve claimants that engaged Arbitration Counsel *first* before any other

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 22 (including by making appropriate inquiries of their clients) ascertain the overlap between their purported  
 23 clients and existing Plaintiffs—and thus no way Meta could use its list of overlap claimants “as leverage  
 24 to force claimants to abandon arbitration,” as Arbitration Counsel incorrectly suggest Meta is trying to  
 25 do. Instead, Meta has consistently offered to discuss rational exchanges of information that might  
 26 include Meta’s overlap list—as the language quoted in Arbitration Counsel’s footnote 12 confirms.

27 <sup>12</sup> Meta claims this is “incorrect[.]” but it was Meta’s express proposal to exchange the list of purported  
 28 overlapping clients for dismissal of arbitration claims. What follows is Meta’s own words: “Meta  
 offered ‘to engage in good faith discussions about an information exchange—including about the  
 overlap between your clients and existing MDL/JCCP plaintiffs—as part of (i) a broader tolling  
 agreement and standstill (encompassing all of your clients, including the ten who have now filed  
 arbitration demands) and/or (ii) *an agreement whereby your clients’ claims are withdrawn from  
 arbitration and re-filed, if anywhere, in the MDL or JCCP.*” (emphasis added).”

1 counsel in the MDL. Arbitration Counsel has already begun conferring with other firms where Meta has  
2 alleged overlap to determine whether any actual issue exists and, if so, to resolve it promptly.

3 MDL Plaintiffs’ Rule 4.2 accusations are also baseless. Rule 4.2 concerns communications with a  
4 person *known* to be represented by counsel in the same matter. Where a client signs a retainer agreement  
5 and represents that they are not represented by counsel with respect to that claim, counsel is  
6 communicating with its own client, not an opposing party known to be represented in the same matter.

7 Procedurally, Meta’s request is not properly before the Court. Meta seeks injunctive relief, yet  
8 Meta has filed no motion with the required showings (let alone a cause of action asserting jurisdiction  
9 over the arbitrations). Meta cannot obtain an injunction through a position statement in a CMC Statement.

10 With respect to the Common Benefit Order (“CBO”), Arbitration Counsel views this issue as yet  
11 another attempt by Meta to involve the Court in supervising the ongoing arbitrations and try to force  
12 arbitrations to be filed in the MDL. As far as Arbitration Counsel are aware, there is no impending or  
13 potential settlement or judgment that would trigger any obligations of Meta under the CBO to hold back  
14 any common benefits funds. The issue of whether Arbitration Counsel will voluntarily agree to the  
15 application of the CBO to arbitrations may turn on issues yet to be resolved by the parties.

16 Finally, Meta’s request that Arbitration Counsel disclose client lists,<sup>13</sup> including individuals who  
17 have not filed arbitrations, to other counsel is even further out of bounds. Arbitration claimants’ identities  
18 and claims are confidential, and many involve highly sensitive mental-health allegations that Meta has  
19 already shown it will not treat as confidential. There is no legal or equitable basis for that result.

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28 <sup>13</sup> Arbitration Counsel, with client authorization, disclosed two of its clients, in a *Law360* article, as those clients wished to publicize the harm caused to them by the Instagram platform.

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**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 11, 2026

By: /s/ Ashley M. Simonsen

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# EXHIBIT A

**From:** [service@caseanywhere.com](mailto:service@caseanywhere.com)  
**To:** [Simonsen, Ashley M](#)  
**Subject:** Message Posted in Social Media Cases, Case No. JCCP5255  
**Date:** Sunday, March 1, 2026 7:05:18 PM

---

[EXTERNAL]



The following message has been posted in **Social Media Cases**, JCCP5255:

**Message Title:** RE: R.K.C. Trial Date  
**To:** Court and All Counsel  
**Posted By:** Hon. Carolyn Kuhl  
**Representing:** Los Angeles Superior Court  
**Posting Date:** 3/1/26  
**Time of Posting:** 7:00 PM

**Message:**

The court appreciates counsel looking beyond the case currently being tried to the timing of trial of the RKC case.

Several circumstances require the court to continue the RKC trial for at least two months.

The case currently being tried, the KGM case, has consumed an inordinate and unexpected amount of time and intensity of resources. The mere fact that counsel have felt required to seek direction about the timing of the RKC case through a Case Anywhere posting demonstrates that during the KGM trial there has not been time to address any other aspects of the Social Media JCCP.

For the same reason, the court (and court staff) have not had time to address other matters on this court's calendar during the KGM trial. The court has been forced to cancel Friday calendars during the KGM trial in order to account for the unexpected delays experienced, prioritizing not losing the jury in the KGM trial over all other matters on the court's docket. Further, counsel in the KGM trial have routinely required the attention of the court beginning at 8:30 am and extending after 4:30 pm, engaging the attention of court staff even longer. Counsel also have routinely filed briefs concerning matters bearing on the KGM trial on weekends and holidays, expecting the court to be able to address the substance of that briefing immediately (which the court has accommodated). The court has been required to take time outside the presence of the jury to conduct hearings and contempt matters due to conduct by the media, the jury and Mr. Bergman, further compromising any opportunity to address other matters on the court's docket.

Suffice it to say that the court has been unable to give time to almost any other case on the court's docket since the third week in January, and there is little prospect that those circumstances will change until the third week in March.

Counsel in the Social Media JCCP need to understand that the number of class actions filed in Los Angeles Superior Court, all of which are assigned to the 9 judges in the Complex Program, has more than doubled since 2023. In fiscal year 2024-2025 (just in one year), 3775 complex cases were filed in Los Angeles Superior Court. (One may compare that number to the 1846 complex cases filed in LASC in fiscal year 2021-2022.) As you well know, many of these cases gather together include tens, hundreds and even thousands of Plaintiffs in one case.

The large volume of other complex matters cannot be allowed to go without any attention for four months at a stretch. When the court proposed to try Social Media bellwether cases back-to-back, the court did not anticipate that trial of a bellwether case would not allow any court time for other complex matters during the course of a bellwether trial.

Further, when the court initially planned the timing of the first and second bellwether trials, the court planned to begin the first trial in November 2025 and conclude it by the end of December 2025. On that timeline, the RKC trial would have been finished by early April 2026. The court has planned vacation for late April and early May 2026. A trial beginning in April 2026, as the parties

suggest the RKC trial should be scheduled, would interfere with this scheduled vacation time.

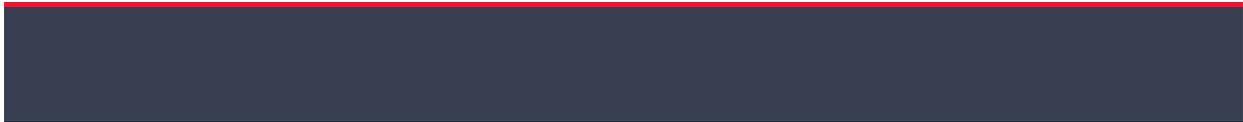
Given these considerations, the court proposes to begin the RKC trial in mid-June or early July of 2026. The second group of bellwether trials then would be set for the Fall of 2026.

The court invites counsel to meet and confer regarding a start date for the RKC trial and the second group of bellwether trials within those parameters.

**To reply to this message online, please click [here](#).** This message will also be saved as part of the case file. You will be directed to the Case Anywhere log in page. After entering your username and password, you will be taken to the requested message thread. If you have saved your log in information by selecting the "Remember me at this computer" option, you will be automatically logged in and directed to this posting.

If your organization is no longer involved in the above-referenced matter, or if there is any other reason your organization's subscription should be terminated or billing should be modified, please contact us immediately. It is your organization's responsibility to request removal from the case site and conclusion of your subscription for this matter. If your organization is being billed for this matter, it will continue to be billed until we are notified of any such change.

Please contact us by phone at (800) 884-3163 or (818) 650-1040 or by email at [support@caseanywhere.com](mailto:support@caseanywhere.com) if you have any questions.



# EXHIBIT B

Electronically Received 01/22/2026 07:05 PM

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3 Los Angeles, CA 90067  
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4 *Attorneys for Defendants Meta Platforms,*  
5 *Inc. f/k/a Facebook, Inc.; Facebook*  
6 *Holdings, LLC; Facebook Operations, LLC;*  
7 *Facebook Payments, Inc.; Facebook*  
8 *Technologies, LLC; Instagram, LLC; and*  
9 *Siculus, Inc.*

**FILED**  
Superior Court of California  
County of Los Angeles

02/09/2026

David W. Slayton, Executive Officer / Clerk of Court

By:                     A. Rosas                     Deputy

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES**

12 **COORDINATION PROCEEDING**  
13 **SPECIAL TITLE [RULE 3.400]**

14 **SOCIAL MEDIA CASES**

15 **THIS DOCUMENT RELATES TO:**

16 *All Cases*

17 *(Christina Arlington Smith, et al., v. TikTok*  
18 *Inc., et al., Case No. 22STCV21355)*

**JUDICIAL COUNCIL COORDINATION**  
**PROCEEDING NO. 5255**

For Filing Purposes: 22STCV21355

Judge: Hon. Carolyn B. Kuhl  
SSC-12

**~~PROPOSED~~ ORDER DISMISSING**  
**WITH PREJUDICE INDIVIDUAL**  
**PLAINTIFFS' CLAIMS PURSUANT TO**  
**THE COURT'S ORDER TO SHOW**  
**CAUSE**

Date Filed: January 22, 2026

**[PROPOSED] ORDER DISMISSING WITH PREJUDICE INDIVIDUAL PLAINTIFFS'**  
**CLAIMS PURSUANT TO THE COURT'S ORDER TO SHOW CAUSE**

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**[PROPOSED] ORDER**

On October 20, 2025, the Court entered an Order to Show Cause Why Plaintiffs’ Claims Should Not Be Dismissed for Failure to Serve Plaintiff Fact Sheets (“Order to Show Cause”). The Order to Show Cause states that certain Plaintiffs will have their cases dismissed if they fail to serve a Plaintiff Fact Sheet (“PFS”) by the December 12, 2025 hearing date. The Court subsequently continued the hearing to December 30, 2025.

The 115 Plaintiffs identified in Exhibit A were subject to the Order to Show Cause but did not submit a PFS nor request voluntary dismissal by the December 30, 2025 hearing date. Their cases are therefore subject to dismissal with prejudice as set forth in the Court’s December 30, 2025 Minute Order (“Minute Order”).

Pursuant to both the Order to Show Cause and the Minute Order, and for the reasons set forth therein, the Court hereby **ORDERS** that the cases of the 115 Plaintiffs identified in Exhibit A shall be dismissed with prejudice.

**IT IS SO ORDERED.**

Dated: 02/09/2026



*Carolyn B. Kuhl*

Carolyn B. Kuhl / Judge

Honorable Carolyn B. Kuhl

# EXHIBIT A

	Name	Case Number
1	Jaelyn Freeman	23STCV19767
2	Katelyn Baglietto	22STCV38670
3	Byron Buckles	22STCV39268
4	Marrissa Gazafy as a representative/on behalf of, as a guardian ad litem, M.A.	23STCV01440
5	Leeah Levick	23STCV02183
6	Brandon Cubit	23STCV06277
7	Grace Levan	23STCV08891
8	Sheryl Seymour as a representative/on behalf of, as a guardian ad litem, B.S.	23STCV08891
9	Kimberly Tardy as a representative/on behalf of, as a guardian ad litem, M.E.	23STCV08891
10	Jasmine Rush	23STCV19672
11	Rashaun Sanders	23STCV19672
12	Laurel Palmer	23STCV19698
13	Kacie Martinez	23STCV19973
14	Michael Minor	23STCV19973
15	Harold Renda	23STCV20533
16	Kaylee Mccann	23STCV20759
17	Cagney Grimm	23STCV20792
18	Brandon Kinkade	23STCV20792
19	Anastasia Dregory	23STCV23894
20	Nixon Brown	23STCV26814
21	Curtis Holcomb	23STCV20855
22	Fletcher Potes	23STCV20855
23	Molly Reily	23STCV21105
24	Frank Cerda	23STCV21035
25	Allison Romero as a representative/on behalf of, as a guardian ad litem, S.C.	23STCV21004
26	C.M. as a representative/on behalf of, as a guardian ad litem, J.C.	22SMCV02834
27	Aurora Rivera	23STCV08659
28	Jennifer Pickering as a representative/on behalf of, as guardian ad litem, A.P.	24STCV00076
29	Tyanna Brown	24STCV01945
30	G.B. as a representative/on behalf of, as a guardian ad litem, I.B.	24SMCV00732
31	Jessene Savage-Orengo	24STCV06028
32	Joseph Ward	24STCV05967
33	Marc Sanders	24STCV05967
34	Nariah Lande	24STCV06028
35	Rhone Kahler as a representative/on behalf of, as a guardian ad litem, C.K.	24STCV04083
36	Rose Anderson	24STCV04112
37	Anthony Schucker	24STCV04130
38	Bradley Grass	24STCV05219
39	LaKeisha Dunmore as a representative/on behalf of, as a guardian ad litem, M.S.	24CIV01658
40	Daniel Dent	24STCV08138
41	Jorey Scott	24STCV08138
42	Kaleigh Wellmeier	24STCV08114
43	Lindsay Watts	24STCV10001
44	William Walworth	24STCV10020
45	Jayden Dressler	24STCV093777
46	Elizabeth Urbain	24STCV06611
47	Nevaeh Collins	24STCV06611
48	Leeann Williams	24STCV06611
49	A.M. as a representative/on behalf of, as a guardian ad litem, M.R.	24SMCV02075
50	Daonya Moore	24SMCV02075
51	Megan Brammer as a representative/on behalf of, as a guardian ad litem, C.L.	24STCV11930
52	Celesta Palmer as a representative/on behalf of, as a guardian ad litem, N.P.	24STCV11939
53	Ingrid Allison Colbert as a representative/on behalf of, as a guardian ad litem, T.H.	24STCV12727

	Name	Case Number
54	Adam Sahnoune	24STCV14741
55	Kenneth Strode	24STCV14741
56	K.A. as a representative/on behalf of, as a guardian ad litem, A.A.	24SMCV02541
57	R.M. as a representative/on behalf of, as a guardian ad litem, M.L.	24SMCV02541
58	S.S. as a representative/on behalf of, as a guardian ad litem, K.S.	24SMCV03053
59	Ariana Rodriguez	24SMCV03053
60	E.C. as a representative/on behalf of, as a guardian ad litem, L.C.	24SMCV03053
61	Amanda Randolph as the successor and/or representative in interest of Decedent Landon Battle	24SMCV03053
62	C.C. as a representative/on behalf of, as a guardian ad litem, C.F.	24SMCV03053
63	C.C. as a representative/on behalf of, as a guardian ad litem, G.F.	24SMCV03053
64	L.E. as a representative/on behalf of, as a guardian ad litem, K.E.	24SMCV03053
65	L.E. as a representative/on behalf of, as a guardian ad litem, M.E.	24SMCV03053
66	A.W. as a representative/on behalf of, as a guardian ad litem, J.R.	24SMCV03053
67	Kira Toney	24STCV18227
68	Garrett Bosley	24STCV18220
69	Raegan Drum	24STCV18371
70	Kamile Klovaite	24STCV18371
71	Dale Collins	24STCV19446
72	Precious Cathcart	24STCV20906
73	Katie Erickson	24STCV20924
74	Theodora Greer	24STCV20890
75	Denoris Kimble	24STCV20890
76	Leeanna Gutierrez	24STCV20916
77	Skyla Murphy	24STCV20861
78	Brett Crandall	24STCV21928
79	Emmalynne Payne	24STCV16910
80	Sophia LaFleur	24STCV19223
81	Gabriella Rovira	24STCV16910
82	Calen Briggs	24SMCV03519
83	Ana Medina	24SMCV03519
84	M.D. as a representative/on behalf of, as a guardian ad litem, T.M.	24SMCV03519
85	Mckenzie Heeter	24SMCV03519
86	K.T. as a representative/on behalf of, as a guardian ad litem, T.K.	24SMCV03519
87	L.A. as a representative/on behalf of, as a guardian ad litem, S.C.	24SMCV03261
88	N.B. as a representative/on behalf of, as a guardian ad litem, J.B.	24SMCV03261
89	Matthew Blankensopp	24STCV23790
90	Bismark Salazar	24STCV23840
91	Olivia Yates	24STCV24059
92	Nolan Lake	24STCV22355
93	Jack Li	24STCV21943
94	Cameron Prahm	24STCV21943
95	David Barlow	24STCV22355
96	C.B. as a representative/on behalf of, as a guardian ad litem, A.B.	24SMCV04019
97	J.L. as a representative/on behalf of, as a guardian ad litem, L.A.	24SMCV04019
98	S.D. as a representative/on behalf of, as a guardian ad litem, B.S.	24SMCV04019
99	S.D. as a representative/on behalf of, as a guardian ad litem, J.H.	24SMCV04019
100	S.B. as a representative/on behalf of, as a guardian ad litem, T.B.	24SMCV04019
101	M.H. as a representative/on behalf of, as a guardian ad litem, L.H.	24SMCV04019
102	S.M. as a representative/on behalf of, as a guardian ad litem, K.G.	24SMCV04019
103	C.C. as a representative/on behalf of, as a guardian ad litem, R.C.	24SMCV04019
104	C.D. as a representative/on behalf of, as a guardian ad litem, K.D.	24SMCV04019
105	R.P. as a representative/on behalf of, as a guardian ad litem, K.C.	24SMCV04625
106	Shyanne Coon	24SMCV04625

	<b>Name</b>	<b>Case Number</b>
107	E.H. as a representative/on behalf of, as a guardian ad litem, A.H.	24SMCV04625
108	Ezra Palma	24SMCV04625
109	D.S. as a representative/on behalf of, as a guardian ad litem, T.S.	24SMCV04625
110	A.V.	24SMCV04625
111	J.C. as a representative/on behalf of, as a guardian ad litem, J.R.	24SMCV04625
112	J.B. as a representative/on behalf of, as a guardian ad litem, N.N.	24SMCV04625
113	S.P. as a representative/on behalf of, as a guardian ad litem, G.H.	24SMCV04625
114	L.H. as a representative/on behalf of, as a guardian ad litem, L.Y.	24SMCV04625
115	Tara Brozyna	24STCV27675

# EXHIBIT C

Electronically Received 02/13/2026 12:00 AM

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4 *Attorneys for Defendants Meta Platforms,  
5 Inc. and Instagram, LLC*

**FILED**  
Superior Court of California  
County of Los Angeles  
**02/26/2026**  
David W. Slayton, Executive Officer / Clerk of Court  
By:           A. Rosas           Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 **COORDINATION PROCEEDING**  
11 **SPECIAL TITLE [RULE 3.400]**

12 **SOCIAL MEDIA CASES**

13 **THIS DOCUMENT RELATES TO:**

14 *All Cases*

15  
16 *(Christina Arlington Smith, et al., v. TikTok*  
17 *Inc., et al., Case No. 22STCV21355)*

**JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 5255**

For Filing Purposes: 22STCV21355

Judge: Hon. Carolyn B. Kuhl  
SSC-12

**[PROPOSED] SECOND ORDER TO  
SHOW CAUSE WHY PLAINTIFFS'  
CLAIMS SHOULD NOT BE DISMISSED  
FOR FAILURE TO SERVE PLAINTIFF  
FACT SHEETS**

Date Filed: February 12, 2026

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**[PROPOSED] SECOND ORDER TO SHOW CAUSE WHY PLAINTIFFS' CLAIMS SHOULD  
NOT BE DISMISSED FOR FAILURE TO SERVE PLAINTIFF FACT SHEETS**

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**[PROPOSED] ORDER**

The 135 Plaintiffs listed in Exhibit A (“Plaintiffs”) to the attached Declaration of Gabriel Egli (“Egli Decl.”) have failed to serve Plaintiff Fact Sheets (“PFSs”) as required by Amended Case Management Order No. 7 – Implementation Order Governing Adoption of Plaintiff Fact Sheet for Personal Injury Plaintiffs (“CMO-7”). See Egli Decl., Ex. A (Plaintiff List). Consistent with the August 6, 2025 Minute Order, the Court **HEREBY ORDERS** that a hearing on this Order to Show Cause Why Plaintiffs’ Claims Should Not Be Dismissed for Failure to Serve Plaintiff Fact Sheets (“Order to Show Cause”) is set for 5/4/2026 at 10:30 a.m. **[DATE NO LESS THAN 45 DAYS FROM THE PROPOSED ORDER]** in Department 12 of the above captioned Court.

The Court **HEREBY ORDERS** each Plaintiff’s counsel to provide their clients who are listed on Exhibit A to the Declaration of Gabriel Egli with written notice of this Order to Show Cause, alerting their clients that unless they serve a completed and verified PFS by the date of the hearing, their case will be dismissed.

Any Plaintiff listed in Exhibit A to the Declaration of Gabriel Egli who does not serve a PFS by the date of the hearing has violated CMO-7, and their case shall be dismissed for failure to respond to Court-ordered discovery and this Order to Show Cause.

The Court also **ORDERS** that any opposition to this Order to Show Cause is due five court days prior to the hearing.

**IT IS SO ORDERED.**

Dated: 02/26/2026



Carolyn B. Kuhl / Judge

Honorable Carolyn B. Kuhl

# **EGLI DECLARATION**

**DECLARATION OF GABRIEL EGLI**

I, Gabriel Egli, declare:

1. I am an attorney admitted pro hac vice to practice before this Court in this matter. I am a partner at the law firm Shook, Hardy & Bacon, LLP and counsel of record in this coordinated proceeding, JCCP No. 5255, *In re Social Media Cases*, for Defendants Meta Platforms, Inc. and Instagram, LLC. This declaration is submitted in support of Defendants' Proposed Second Order to Show Cause Why Plaintiffs' Claims Should Not Be Dismissed for Failure to Serve Plaintiff Fact Sheets. The facts set forth in this declaration are within my personal knowledge, and, if called as a witness, I could and would competently testify as follows.

2. Attached hereto as **Exhibit A** is a list of Plaintiffs who were added to this JCCP and were required under the Court's January 18, 2024 Amended Case Management Order No. 7 – Implementation Order Governing Adoption of Plaintiff Fact Sheets for Personal Injury Plaintiffs to submit a Plaintiff Fact Sheet and have failed to do so. Exhibit A was prepared using information available on MDL Centrality. Consistent with the Court's August 6, 2025 Minute Order, on December 9, 2025, Defendants sent Plaintiffs' leadership counsel a list of Plaintiffs that Defendants contended had not served Plaintiff Fact Sheets in accordance with this Court's orders. On January 23, 2026, Plaintiffs' counsel responded with lists of Plaintiffs they believed had dismissed their cases or had served a Plaintiff Fact Sheet. On February 4, 2026, Defendants sent a revised list of Plaintiffs that Defendants contended had not served Plaintiff Fact Sheets in accordance with this Court's orders. On February 6, 2026, Plaintiffs' counsel responded with lists of additional Plaintiffs they believed had dismissed their cases or planned to imminently dismiss their cases. Defendants removed those Plaintiffs from the list Defendants sent on February 4, 2026 (as well as additional Plaintiffs who had served Plaintiff Fact Sheets in the interim), resulting in Exhibit A, which provides the following information:

- The names of the Plaintiffs who are subject to this Second Order to Show Cause Why Plaintiffs' Claims Should Not Be Dismissed for Failure to Serve Plaintiff Fact Sheets;
- Case number; and
- Original Deadline to submit PFS.

1 3. Attached hereto as **Exhibit B** is a true and correct copy of the Court's January 18,  
2 2024 Amended Case Management Order No. 7 – Implementation Order Governing Adoption of  
3 Plaintiff Fact Sheets for Personal Injury Plaintiffs.

4 I declare under penalty of perjury pursuant to the laws of the State of California that the  
5 foregoing is true and correct.

6 Executed this 12th day of February 2026.

7  
8 */s/ Gabriel Egli*

9 Gabriel Egli  
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# EXHIBIT A

	Name	Case Number	Original Deadline to Submit PFS
1	Aniya Bradley	24STCV13424	11/19/2024
2	Pola Delaney	24STCV13424	8/21/2025
3	Jazzmon Hargro	24STCV26713	4/15/2025
4	Kayla Henry	24STCV26703	4/15/2025
5	Fatima Roy	24STCV26713	4/15/2025
6	J.E. as a representative/on behalf of, as a guardian ad litem, S.E.	24SMCV04957	5/27/2025
7	J.E. as a representative/on behalf of, as a guardian ad litem, P.E.	24SMCV04957	5/27/2025
8	Amanda Zimmer	24SMCV04957	5/27/2025
9	Trista Rochell	24STCV28047	4/15/2025
10	Sherarose Pittman as a representative/on behalf of, as a guardian ad litem, M.B.	24STCV25916	4/15/2025
11	James Hughes	24STCV28896	4/15/2025
12	L.A. as a representative/on behalf of, as a guardian ad litem, A.L.	24SMCV05512	5/27/2025
13	Ricteisha Citizen	24SMCV05512	6/9/2025
14	S.C. as a representative/on behalf of, as a guardian ad litem, A.H.	24SMCV05512	5/27/2025
15	J.G. as a representative/on behalf of, as a guardian ad litem, C.C.	24SMCV05512	5/27/2025
16	Dashanique Dixon	24SMCV05512	5/27/2025
17	D.N. as a representative/on behalf of, as a guardian ad litem, D.N.	24SMCV05512	5/27/2025
18	C.C. as a representative/on behalf of, as a guardian ad litem, D.C.	24SMCV05512	5/27/2025
19	S.F. as a representative/on behalf of, as a guardian ad litem, E.C.	24SMCV05512	5/27/2025
20	J.R. as a representative/on behalf of, as a guardian ad litem, G.R.	24SMCV05512	5/27/2025
21	I.S.	24SMCV05512	5/27/2025
22	M.B. as a representative/on behalf of, as a guardian ad litem, J.B.	24SMCV05512	5/27/2025
23	C.L. as a representative/on behalf of, as a guardian ad litem, K.L.	24SMCV05512	5/27/2025
24	H.W. as a representative/on behalf of, as a guardian ad litem, L.W.	24SMCV05512	5/27/2025
25	A.S. as a representative/on behalf of, as a guardian ad litem, L.S.	24SMCV05512	5/27/2025
26	K.R. as a representative/on behalf of, as a guardian ad litem, S.G.	24SMCV05512	5/27/2025
27	M.W. as a representative/on behalf of, as a guardian ad litem, V.V.	24SMCV05512	5/27/2025
28	Faatimah Abdullah	24STCV30119	4/15/2025
29	Alize Hamilton	24STCV30127	4/15/2025
30	Madison Cummons	24STCV30127	4/15/2025
31	Olivia Deehan	24STCV30127	4/15/2025
32	Alicia Gorham as a representative/on behalf of, as a guardian ad litem, J.R.L.	24STCV30138	4/15/2025
33	Madison Hjermsstad	24STCV30244	5/29/2025
34	J.S. as a representative/on behalf of, as a guardian ad litem, A.S.	24SMCV05529	5/29/2025
35	B.A. as a representative/on behalf of, as a guardian ad litem, A.B.	24SMCV05529	5/29/2025
36	B.S. as a representative/on behalf of, as a guardian ad litem, A.P.	24SMCV05529	5/29/2025
37	R.T. as a representative/on behalf of, as a guardian ad litem, A.W.	24SMCV05529	5/29/2025
38	E.M. as a representative/on behalf of, as a guardian ad litem, A.B.	24SMCV05529	5/29/2025
39	D.L. as a representative/on behalf of, as a guardian ad litem, C.B.	24SMCV05529	5/29/2025
40	K.C. as a representative/on behalf of, as a guardian ad litem, C.C.	24SMCV05529	5/29/2025
41	R.S. as a representative/on behalf of, as a guardian ad litem, C.S.	24SMCV05529	5/29/2025
42	R.H. as a representative/on behalf of, as a guardian ad litem, C.P.	24SMCV05529	5/29/2025
43	J.E. as a representative/on behalf of, as a guardian ad litem, D.B.	24SMCV05529	5/29/2025
44	L.M. as a representative/on behalf of, as a guardian ad litem, F.E.	24SMCV05529	5/29/2025
45	Michele Campbell as the successor and/or representative in interest of Decedent Dajanae Moore	24SMCV05575	5/27/2025
46	Kai-Li Diyajjee	24STCV30957	5/29/2025
47	Lucy Rodriquez as a representative/on behalf of, as a guardian ad litem, E.R.	24STCV30975	5/29/2025
48	J.K. as a representative/on behalf of, as a guardian ad litem, I.K.	24SMCV05575	5/27/2025
49	Jenna Chandler as a representative/on behalf of, as a guardian ad litem, J.C.	24STCV31490	6/13/2025
50	T.S. as a representative/on behalf of, as a guardian ad litem, J.S.	24SMCV05575	5/27/2025
51	A.W. as a representative/on behalf of, as a guardian ad litem, J.P.	24SMCV05575	5/27/2025
52	B.S. as a representative/on behalf of, as a guardian ad litem, K.P.	24SMCV05575	5/27/2025
53	D.B. as a representative/on behalf of, as a guardian ad litem, K.B.	24SMCV05575	5/27/2025
54	R.L. as a representative/on behalf of, as a guardian ad litem, L.R.	24SMCV05575	5/27/2025
55	S.N. as a representative/on behalf of, as a guardian ad litem, L.K.	24SMCV05575	5/27/2025
56	A.L. as a representative/on behalf of, as a guardian ad litem, L.C.	24SMCV05575	5/27/2025
57	C.B. as a representative/on behalf of, as a guardian ad litem, L.G.	24SMCV05575	5/27/2025
58	A.M. as a representative/on behalf of, as a guardian ad litem, M.M.	24SMCV05575	5/27/2025
59	P.G. as a representative/on behalf of, as a guardian ad litem, M.G.	24SMCV05583	5/27/2025
60	S.V. as a representative/on behalf of, as a guardian ad litem, O.G.	24SMCV05583	5/27/2025
61	B.P. as a representative/on behalf of, as a guardian ad litem, R.R.	24SMCV05583	5/27/2025
62	J.H. as a representative/on behalf of, as a guardian ad litem, R.S.	24SMCV05583	5/27/2025
63	M.M. as a representative/on behalf of, as a guardian ad litem, S.R.	24SMCV05583	5/27/2025
64	N.D. as a representative/on behalf of, as a guardian ad litem, V.D.	24SMCV05583	5/27/2025

	Name	Case Number	Original Deadline to Submit PFS
65	S.L. as a representative/on behalf of, as a guardian ad litem, Y.L.	24SMCV05583	6/27/2025
66	A.G. as a representative/on behalf of, as a guardian ad litem, Y.H.	24SMCV05583	5/27/2025
67	N.A. as a representative/on behalf of, as a guardian ad litem, A.N.	24SMCV05616	6/6/2025
68	O.W. as a representative/on behalf of, as a guardian ad litem, Z.S.	24SMCV05616	6/6/2025
69	S.V. as a representative/on behalf of, as a guardian ad litem, G.V.	24SMCV05808	6/9/2025
70	A.Y. as a representative/on behalf of, as a guardian ad litem, G.Y.	24SMCV05808	6/9/2025
71	Ricky Scheufler	24STCV32210	5/29/2025
72	Shaquita Johnson as a representative/on behalf of, as a guardian ad litem, D.N.M.	24STCV32965	5/29/2025
73	Stephanie Allen	24STCV33638	6/6/2025
74	Joanna Goodrich as a representative/on behalf of, as a guardian ad litem, M.G.	24STCV33638	6/6/2025
75	Eric Hicks as a representative/on behalf of, as a guardian ad litem, A.H.	24STCV33638	6/6/2025
76	Melissa Orta as a representative/on behalf of, as a guardian ad litem, I.F.	24STCV33987	5/29/2025
77	Jessica Wetz	24STCV33987	5/29/2025
78	Michelle Chuy as a representative/on behalf of, as a guardian ad litem, H.V.	24STCV33990	5/29/2025
79	Megan Kurschner	24STCV34079	5/29/2025
80	Melissa Imamovic	24SMCV06324	6/6/2025
81	Tiara Anders	24SMCV06324	6/6/2025
82	Ariel Gomez	24SMCV06324	6/6/2025
83	V.M. as a representative/on behalf of, as a guardian ad litem, S.F.	24SMCV06324	6/6/2025
84	C.A. as a representative/on behalf of, as a guardian ad litem, J.A.	24SMCV06324	6/6/2025
85	Lauren Dinkeldein as a representative/on behalf of, as a guardian ad litem, S.D.	24STCV32781	6/16/2025
86	Raymond Bastian	25STCV01642	7/29/2025
87	Don Draper	25STCV01642	7/29/2025
88	Amie Kent	24STCV32781	6/16/2025
89	Dayjia White	25STCV01531	7/29/2025
90	S.F. as a representative/on behalf of, as a guardian ad litem, K.B.	25SMCV00340	7/23/2025
91	R.V. as a representative/on behalf of, as a guardian ad litem, A.V.	25SMCV00340	7/23/2025
92	D.B. as a representative/on behalf of, as a guardian ad litem, J.A.	25SMCV00340	7/23/2025
93	J.F. as a representative/on behalf of, as a guardian ad litem, A.F.	25SMCV00265	7/23/2025
94	Carson Parker	25STCV03732	7/29/2025
95	Ashlyn Johnson	25STCV03747	7/29/2025
96	Alexia Hurst	24STCV34063	6/6/2025
97	Lareese Jeffries	24STCV34063	6/6/2025
98	Stuart Stephens	25SMCV00978	8/26/2025
99	J.O. as a representative/on behalf of, as a guardian ad litem, O.O.	25SMCV00978	8/26/2025
100	T.G. as a representative/on behalf of, as a guardian ad litem, T.C.	25SMCV00978	8/26/2025
101	Brianna King	24STCV32781	6/16/2025
102	L.N. as a representative/on behalf of, as a guardian ad litem, D.N.	25SMCV01176	8/26/2025
103	Linda Jennings as a representative/on behalf of, as a guardian ad litem, D.W.	25STCV07534	9/4/2025
104	Corey Richardson	25STCV07534	9/4/2025
105	Aliciamarie Rodriguez	25STCV07545	9/4/2025
106	John Miele	25STCV08304	9/4/2025
107	Raquel Quintanilla	25STCV08284	9/4/2025
108	Marissa Brinkman	25STCV08284	9/4/2025
109	Isaac Garcia	25STCV08330	9/4/2025
110	S.H. as a representative/on behalf of, as a guardian ad litem, T.B.	25SMCV01363	8/28/2025
111	K.J. as a representative/on behalf of, as a guardian ad litem, T.C.	25SMCV01363	8/28/2025
112	E.V. as a representative/on behalf of, as a guardian ad litem, V.C.	25SMCV01363	8/28/2025
113	C.N. as a representative/on behalf of, as a guardian ad litem, I.T.	25SMCV01363	8/28/2025
114	E.B. as a representative/on behalf of, as a guardian ad litem, L.B.	25SMCV01363	8/28/2025
115	R.S. as a representative/on behalf of, as a guardian ad litem, D.B.	25SMCV01363	8/28/2025
116	T.E. as a representative/on behalf of, as a guardian ad litem, D.E.	25SMCV01398	8/29/2025
117	R.L. as a representative/on behalf of, as a guardian ad litem, E.J.	25SMCV01398	10/7/2025
118	K.J. as a representative/on behalf of, as a guardian ad litem, T.J.	25SMCV01399	8/29/2025
119	M.G. as a representative/on behalf of, as a guardian ad litem, K.G.	25SMCV01399	8/29/2025
120	T.B. as a representative/on behalf of, as a guardian ad litem, A.B.	25SMCV01399	8/29/2025
121	B.M. as a representative/on behalf of, as a guardian ad litem, M.B.	25SMCV01408	8/25/2025
122	M.C. as a representative/on behalf of, as a guardian ad litem, T.B..	25SMCV01408	8/25/2025
123	S.P. as a representative/on behalf of, as a guardian ad litem, J.P.	25SMCV01408	8/25/2025
124	S.H. as a representative/on behalf of, as a guardian ad litem, V.C.	25SMCV01408	8/25/2025
125	S.M. as a representative/on behalf of, as a guardian ad litem, M.M.	25SMCV01408	8/25/2025
126	E.V. as a representative/on behalf of, as a guardian ad litem, S.C.	25SMCV01408	8/25/2025
127	S.B. as a representative/on behalf of, as a guardian ad litem, V.B.	25SMCV01408	8/25/2025
128	S.M. as a representative/on behalf of, as a guardian ad litem, C.M.	25SMCV01408	8/25/2025

	<b>Name</b>	<b>Case Number</b>	<b>Original Deadline to Submit PFS</b>
129	C.P.	25SMCV01480	8/27/2025
130	N.R. as a representative/on behalf of, as a guardian ad litem, S.R.	25SMCV01480	8/27/2025
131	C.A.	25SMCV01480	8/27/2025
132	I.C.	25SMCV01528	8/28/2025
133	F.M. as a representative/on behalf of, as a guarudian ad litem, A.M.	25SMCV01557	8/28/2025
134	T.M. as a representative/on behalf of, as a guarudian ad litem, J.R.	25SMCV01557	8/28/2025
135	Alicia Pikyavit as a representative/on behalf of, as a guardian ad litem, D.N.	25STCV08022	9/3/2025

# EXHIBIT D

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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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

Case No. [22-md-03047-YGR](#) (PHK)

**ORDER RESOLVING DISPUTE RE:  
META RESPONSE TO  
INTERROGATORY NO. 6 (TIME  
SPENT DATA)**

Re: Dkt. 2508

**INTRODUCTION**

This MDL has been referred to the undersigned for all discovery purposes. *See* Dkt. 426. Now pending before the Court is a joint letter brief regarding a dispute between the State Plaintiffs and Meta regarding Meta’s response to Interrogatory No. 6, directed to calculation of data on monthly average users of Meta’s services. [Dkt. 2508]. The Court heard oral argument on the dispute on February 5, 2026. *See* Dkt. 269. After discussion with the Parties, the Court issued verbal rulings on this dispute at the hearing, which are incorporated by reference herein. *See* Dkt. 2718. This Order memorializes those rulings.

**LEGAL STANDARDS**

A party seeking discovery bears the burden of establishing that its request satisfies the relevancy and proportionality requirements under Rule 26(b)(1). *La. Pac. Corp. v. Money Mkt. 1 Inst. Inv. Dealer*, 285 F.R.D. 481, 485 (N.D. Cal. 2012). The resisting party, in turn, has the burden to show that the discovery should not be allowed. *Id.* The resisting party must specifically explain the reasons why the request at issue is objectionable and may not rely on boilerplate, conclusory, or speculative arguments. *Id.*; *see also Blankenship v. Hearst Corp.*, 519 F.2d 418,

1 429 (9th Cir. 1975) (“Under the liberal discovery principles of the Federal Rules defendants were  
2 required to carry a heavy burden of showing why discovery was denied.”).

3 The Court has broad discretion and authority to manage discovery. *U.S. Fidelity & Guar.*  
4 *Co. v. Lee Inv. LLC*, 641 F.3d 1126, 1136 n.10 (9th Cir. 2011) (“District courts have wide latitude  
5 in controlling discovery, and their rulings will not be overturned in the absence of a clear abuse of  
6 discretion.”); *Laub v. U.S. Dep’t of Int.*, 342 F.3d 1080, 1093 (9th Cir. 2003). The Court’s  
7 discretion extends to crafting discovery orders that may expand, limit, or differ from the relief  
8 requested. *See Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (holding trial courts have “broad  
9 discretion to tailor discovery narrowly and to dictate the sequence of discovery”). For example,  
10 the Court may limit the scope of any discovery method if it determines that “the discovery sought  
11 is unreasonably cumulative or duplicative, or can be obtained from some other source that is more  
12 convenient, less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).

13 As part of its inherent discretion and authority, the Court has broad discretion in  
14 determining relevancy for discovery purposes. *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d  
15 625, 635 (9th Cir. 2005) (citing *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002)). Similarly,  
16 a district court’s determination as to proportionality of discovery is within the district court’s  
17 discretion. *See Jones v. Riot Hospitality Group LLC*, 95 F.4<sup>th</sup> 730, 737-38 (9th Cir. 2024) (finding  
18 district court did not abuse discretion on proportionality ruling). Ultimately, “the timing,  
19 sequencing and proportionality of discovery is left to the discretion of the Court.” *Toro v. Centene*  
20 *Corp.*, No. 19-cv-05163 LHK (NC), 2020 WL 6108643, at \*1 (N.D. Cal. Oct. 14, 2020).

### 21 ANALYSIS

22 Interrogatory No. 6 requests the following: “For each month in the Relevant Time Period,  
23 identify by decile the Time Spent Per Day by users of each platform in each State, broken out as  
24 follows: in total, of Unidentified Age, of each Reported Age between 0 and 100, and of each  
25 inferred Age between 0 and 100.” [Dkt. 2508 at 11.]. During meet and confers on this dispute,  
26 Meta agreed to provide not only decile information, but also data on the 95% and 99% percentiles.

27 Plaintiffs argue that Meta’s latest supplemental response to Interrogatory No. 6 is deficient  
28 in two respects: (a) the data used by Meta included users who spent zero time on the Instagram or

1 Facebook platforms during a month (so-called “zero time users”), and (b) Meta’s calculation of  
2 percentile distributions was not a direct calculation but rather resulted from the use of an  
3 approximation algorithm for computing the percentiles, where that algorithm has a maximum  
4 “accuracy parameter” (or, as Plaintiffs argue, an error rate) of 1.33%. *Id.* at 7.

5 As relief, Plaintiffs request leave to perform an on-site inspection of Meta’s databases to  
6 extract the underlying data and an order directing Meta to produce the data with the involvement  
7 of the State AGs’ expert, so that the MAU data can be recalculated without the zero time users and  
8 by arithmetically calculating the percentiles instead of approximating them. Plaintiffs also request  
9 a further Rule 30(b)(6) deposition of Meta as to the time spent and MAU data. *Id.* at 6.

10 Meta argues that the 1.33% accuracy parameter is a maximum number and that actual  
11 deviations fell far below this maximum. Meta argues that it does not calculate actual percentiles  
12 in the ordinary course of business at the scale requested here (over one million data points); rather,  
13 Meta uses the approximation algorithm (which Meta asserts is an industry-standard approach for  
14 handling computation of percentiles for large datasets). *Id.* at 8-9. Meta submits a declaration  
15 from one of its Data Scientists who estimates it would take at least six to seven weeks to calculate  
16 the actual percentages (instead of approximating them), because such computation would require  
17 development of a bespoke solution. [Dkt. 2508-1 at 3]. Meta argues that Plaintiffs’ expert has  
18 already analyzed the data with the approximate percentiles, and Meta offered a stipulation not to  
19 attack or complain that the percentiles were approximated. [Dkt. 2508 at 10]. At the hearing on  
20 this dispute, the Parties confirmed that Meta’s expert did not attack or rebut Plaintiffs’ expert on  
21 the grounds that the percentiles used were approximations based on this accuracy parameter.

22 At the hearing, Meta’s counsel explained that this 1.33% parameter is a variable setting  
23 used by the approximation algorithm, and that this accuracy parameter can be reset to a minimum  
24 of 0.01% error rate. Meta confirmed at the hearing that, instead of being required to calculate  
25 actual percentages (which would take almost two months), Meta could recalculate more quickly  
26 and with less burden the percentiles using the existing algorithm but with the accuracy parameter  
27 reset to the 0.01% rate. At the hearing, Plaintiffs confirmed that recalculating with the accuracy  
28 parameter set at the 0.01% rate was such a low enough number that recalculating at this rate would

United States District Court  
Northern District of California

1 address Plaintiffs’ concerns about the accuracy of the data and the approximations of the  
2 percentiles.

3 As to the zero time users, at the hearing, Meta confirmed that it could identify and then  
4 exclude such users and then recalculate MAU without them within approximately two weeks. At  
5 the hearing, Plaintiffs confirmed that recalculating MAU by excluding zero time users would  
6 address their concerns about the accuracy of the data and the alleged skewing of the data.

7 Based on the representations of the Parties at the hearing on this dispute, then, there is no  
8 need for an on-site inspection of Meta’s data, no need for involvement of Plaintiffs’ expert in the  
9 recalculation process, and no need for a further Rule 30(b)(6) deposition on the MAU data.

10 Further, all Parties (including the PI/SD Plaintiffs, the State Plaintiffs, and Meta)  
11 committed on the record at the hearing that the recalculation and supplementing of the  
12 interrogatory response here would not require changing the existing expert discovery schedule or  
13 the overall case schedule. The Parties further committed to reasonably cooperate by stipulation or  
14 agreement between counsel, if needed, to address any issues arising from the supplementing of  
15 this interrogatory response. Accordingly, the Court **ORDERS** the Parties to abide by their  
16 representations to the Court on these matters.

17 **CONCLUSION**

18 For all the reasons stated that February 5, 2026 hearing and as discussed herein, the Court  
19 **ORDERS** that Meta serve a supplemental response to Interrogatory No. 6 by no later than **March**  
20 **6, 2026**, where such response will include a recalculation of previously identified percentiles with  
21 the accuracy parameter set at 0.01% rate, will remove all zero time users, and will include  
22 identification of the revised total MAU count.

23 Further, the Court **ORDERS** that Meta (including its expert witnesses) abide by Meta’s  
24 representation not to use the fact that the MAU percentiles are approximations (instead of directly  
25 computed or mathematically calculated percentiles) as a basis to rebut or respond to Plaintiffs’  
26 experts’ opinions.

27 Further, the Court **DENIES** Plaintiffs’ request for inspection of Meta’s databases to extract  
28 the subject data, Plaintiffs’ alternative request for the involvement or supervision of its expert in

1 the formation of search queries and data calculations based on the Meta databases, and Plaintiffs’  
2 request for a further Rule 30(b)(6) deposition of Meta on time spent and MAU data. Such  
3 requests are both moot in light of the resolution discussed herein and disproportionate to the needs  
4 of the case.

5 At the February 5, 2026 hearing, counsel for all Parties acknowledged their understanding  
6 of the Court’s rulings on this matter as stated on the record. Further, counsel confirmed that the  
7 Parties would not require a detailed order memorializing or formalizing the Court’s rulings.  
8 Accordingly, as incorporated herein, the Court’s rulings on the record at the February 5, 2026  
9 hearing **RESOLVE** Dkt. 2508.

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: February 13, 2026

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16 PETER H. KANG  
17 United States Magistrate Judge  
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United States District Court  
Northern District of California

# EXHIBIT E

**In the Matter Of:**  
SOCIAL MEDIA CASES,  
JCCP5255

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MOTION

January 20, 2026

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SOCIAL MEDIA CASES,  
JCCP5255, 01/20/2026

CERTIFIED COPY

MOTION

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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DEPARTMENT 12

HON. CAROLYN B. KUHL, JUDGE

COORDINATION PROCEEDING SPECIAL ) JCCP NO. 5255  
TITLE [RULE 3.400] )  
SOCIAL MEDIA CASES )

**CERTIFIED COPY**

CHRISTINA ARLINGTON SMITH, ET AL., )

PLAINTIFFS, )

V. )

TIKTOK INC., ET AL., )

DEFENDANTS, )

LEAD CASE NUMBER FOR  
FOR FILING PURPOSES:  
CASE NO. 22STCV21355

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, JANUARY 20, 2026

APPEARANCES:

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(APPEARANCES CONTINUED ON THE FOLLOWING PAGE.)

REPORTED BY: JORGE P. DOMINGUEZ, CSR NO. 12523  
OFFICIAL PRO TEMPORE COURT REPORTER

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: (CONTINUED) 2 FOR PLAINTIFFS: 3 PANISH SHEA RAVIPUDI 4 BY: RAHUL RAVIPUDI, ESQ. 5 JESSE CREED, ESQ. 6 1111 SANTA MONICA BOULEVARD, SUITE 700 7 LOS ANGELES, CALIFORNIA 90025 8 WAGSTAFF &amp; CARTMELL, LLP 9 BY: THOMAS P. CARTMELL, ESQ. 10 4740 GRAND AVENUE, SUITE 300 11 KANSAS CITY, MISSOURI 64112 12 13 KELLER ROHRBACK 14 BY: CHRIS RYDER, ESQ. 15 1201 THIRD AVENUE, SUITE 3400 16 SEATTLE, WASHINGTON 98101 17 FOR META DEFENDANTS: 18 COVINGTON &amp; BURLING 19 BY: PAUL W. SCHMIDT, ESQ. 20 MICHAEL X. IMBROSCIO, ESQ. 21 ONE CITY CENTER 22 850 TENTH STREET, NW 23 WASHINGTON, DC 20001-4956 24 25 COVINGTON &amp; BURLING 26 BY: ASHLEY M. SIMONSEN, ESQ. 27 1999 AVENUE OF THE STARS 28 LOS ANGELES, CALIFORNIA 90067 29 COVINGTON &amp; BURLING 30 BY: GREGORY HALPERIN, ESQ. 31 30 HUDSON YARDS 32 NEW YORK, NEW YORK 10001 33 34 FOR TIK TOK DEFENDANTS: 35 36 KING &amp; SPALDING LLP 37 BY: LUIS LI, ESQ. 38 RACHEL YEUNG, ESQ. 39 633 WEST FIFTH STREET, SUITE 1600 40 LOS ANGELES, CALIFORNIA 90071 41 42 KING &amp; SPALDING LLP 43 BY: MICHA NADARAJ GALLO, ESQ. 44 1180 PEACHTREE STREET, NE 45 SUITE 1600 46 ATLANTA, GEORGIA 30309 47 48</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">M A S T E R I N D E X</p> <p style="text-align: center;">VOLUME 1</p> <p style="text-align: center;">SESSIONS</p> <p style="text-align: right;">PAGE</p> <p>TUESDAY, JANUARY 20, 2026</p> <p style="text-align: center;">A.M. SESSION</p> <p style="text-align: right;">5</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (CONTINUED) 2 FOR TIK TOK DEFENDANTS: 3 O'MELVENY &amp; MYERS LLP 4 BY: DANIEL PETROCELLI, ESQ. 5 SABRINA H. STRONG, ESQ. 6 AMY LUCAS, ESQ. 7 400 SOUTH HOPE STREET 8 LOS ANGELES, CALIFORNIA 90071 9 10 FOR SNAP DEFENDANTS: 11 12 KIRKLAND &amp; ELLIS, LLP 13 BY: SIERRA ELIZABETH, ESQ. 14 MATTHEW SUMMERS, ESQ. 15 2049 CENTURY PARK EAST, SUITE 3700 16 LOS ANGELES, CALIFORNIA 90067 17 18 MUNGER TOLLES &amp; OLSON 19 BY: FAYE PAUL TELLER, ESQ. 20 350 SOUTH GRAND AVENUE, 50TH FLOOR 21 LOS ANGELES, CALIFORNIA 90071 22 FOR YOUTUBE DEFENDANTS: 23 MORGAN LEWIS 24 BY: YARDENA R. ZWANG-WEISSMAN, ESQ. 25 JESSE S. KROMPIER, ESQ. 26 DAVID SCHRADER, ESQ. 27 300 SOUTH GRAND AVENUE 28 22ND FLOOR 29 LOS ANGELES, CALIFORNIA 90071 30 WILSON SONSINI 31 BY: LUIS LI, ESQ. 32 SARA A. MCDERMOTT, ESQ. 33 953 EAST THIRD STREET, SUITE 100 34 LOS ANGELES, CALIFORNIA 90013 35 36 37 38 39 40 41 42 43 44 45 46 47 48</p>	<p style="text-align: right;">Page 5</p> <p>1 CASE NUMBER: JCCP5255 2 CASE NAME: SOCIAL MEDIA CASES 3 LOS ANGELES, CALIFORNIA TUESDAY, JANUARY 20, 2026 4 DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE 5 APPEARANCES: (AS HERETOFORE NOTED.) 6 REPORTER: JORGE P. DOMINGUEZ, 7 CSR NO. 12523 8 9 TIME: A.M. SESSION 10 11 (THE FOLLOWING PROCEEDINGS WERE 12 HELD IN OPEN COURT:) 13 THE COURT: ALL RIGHT. GOOD MORNING, COUNSEL. WE'RE 14 HERE ON THE SOCIAL MEDIA CASES. WE HAVE A COURT REPORTER IN 15 THE COURTROOM. I'M SIGNING THE COURT REPORTER'S ORDER. 16 CAN WE HAVE APPEARANCES IN THE COURTROOM, PLEASE. 17 MR. VANZANDT: GOOD MORNING, YOUR HONOR. JOSEPH 18 VANZANDT FOR THE PLAINTIFFS. 19 MS. MCCONNELL: GOOD MORNING, YOUR HONOR. MARIANA 20 MCCONNELL FOR THE PLAINTIFFS. 21 MR. LANIER: GOOD MORNING. RACHEL LANIER FOR THE 22 PLAINTIFFS. 23 MR. LANIER: GOOD MORNING. MARK LANIER FOR THE 24 PLAINTIFFS. 25 MR. CARTMELL: GOOD MORNING. TOM CARTMELL FOR THE 26 PLAINTIFF. 27 MR. RAVIPUDI: GOOD MORNING, YOUR HONOR. RAHUL 28 RAVIPUDI FOR THE PLAINTIFF. 29 MR. CREED: GOOD MORNING, YOUR HONOR. JESSE CREED FOR 30 THE PLAINTIFF.</p>

Page 66

1 MAYBE IF WE CAN EVEN TRIM IT DOWN DEPO CUT, IS THAT THERE ARE  
 2 JUST A HANDFUL OF DOCUMENTS THAT AFTER MEETING AND CONFERRING  
 3 ABOUT STIPULATIONS, WE ARE NOT SURE THAT WE WOULD BE ABLE TO  
 4 GET THOSE DOCUMENTS INTO EVIDENCE A DIFFERENT WAY. WE'RE  
 5 HOPEFUL TO GET THEM INTO EVIDENCE WITH ZUCKERBERG AND  
 6 MOSSERI, BUT SINCE WE DON'T KNOW THAT FOR CERTAIN AND WE HAVE  
 7 21 DAYS OF NEEDING TO GIVE THEM NOTICE ABOUT A POTENTIAL DEPO  
 8 CUT BEING PLAYED, WE SENT IT TO THEM.  
 9 THIS IS SUCH A NICHE ISSUE, YOUR HONOR, AND WE  
 10 REALLY DON'T THINK IT'S VERY PREJUDICIAL AT ALL.  
 11 THE COURT: IT'S NOT A NEW ISSUE IN THE CASE, NUMBER  
 12 ONE.  
 13 NUMBER TWO, DEPO WAS ALREADY TAKEN.  
 14 AND NUMBER THREE, IT HAS TO DO WITH EXHIBIT  
 15 ADMISSIBILITY, SO I WOULD ALLOW IT.  
 16 MR. HALPERIN: UNDERSTOOD, YOUR HONOR.  
 17 THE COURT: THANK YOU.  
 18 SO WE HAVE EXHIBIT STIPULATION ISSUES. WE TALKED  
 19 ABOUT THOSE, I THINK.  
 20 MS. LANIER: YES, YOUR HONOR.  
 21 THE COURT: ALL RIGHT. NAMES OF WITNESSES AND LAWYERS  
 22 TO IDENTIFY ANY POTENTIAL JUROR CONFLICTS. THANK YOU. I  
 23 SHOULD HAVE BROUGHT THAT UP MYSELF.  
 24 SO WE NEED A LIST. I WOULD PROBABLY PUT IT IN WITH  
 25 THE SUBSTANTIVE QUESTIONNAIRE BECAUSE IT'S BETTER THAT THEY  
 26 LOOK AT IT IN WRITING AND IT JUST IS GOING TO MAKE IT LONGER,  
 27 UNFORTUNATELY. SO FIT THAT IN AS PERHAPS THE LAST QUESTION  
 28 ON THE QUESTIONNAIRE, ON THE SUBSTANTIVE QUESTIONNAIRE.

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1 THANK YOU FOR THAT.  
 2 WITNESS ATTENDANCE AT TRIAL, PERHAPS NOT AS EASY.  
 3 MS. MCCONNELL: I THINK WE HAVE AN AGREEMENT ON THIS  
 4 ISSUE.  
 5 MS. STRONG: YES. THE LAY WITNESSES -- I BELIEVE WE  
 6 DO, I HOPE.  
 7 LAY WITNESSES ARE TO BE EXCLUDED, YOUR HONOR, AND  
 8 SHALL NOT READ TRANSCRIPTS BUT EXPERTS, OF COURSE, CAN  
 9 PARTICIPATE AND REVIEW TRANSCRIPTS. THAT'S WHERE THE PARTIES  
 10 ARE, BUT WE WANTED TO MAKE SURE THAT IT WAS UNDERSTOOD AND  
 11 APPROPRIATE.  
 12 THE COURT: OH, I SEE WHAT THIS IS ABOUT. EXCLUDING  
 13 WITNESSES DURING TRIAL. OKAY.  
 14 MR. LANIER: THE ONLY CAVEAT -- I THINK IT'S OBVIOUS  
 15 AND THAT'S WHY SHE DIDN'T SAY IT, IS PARTIES ARE ALLOWED TO  
 16 BE PRESENT. IF THEY'VE GOT A CORPORATE REP, CORPORATE REPS  
 17 ARE ALLOWED TO BE PRESENT. IF WE'VE GOT -- OBVIOUSLY, KGM  
 18 WOULD BE ALLOWED TO BE PRESENT DURING THE ENTIRE TRIAL, BUT A  
 19 NONPARTY FACT WITNESS WOULD BE EXCLUDED SAY FOR THAT  
 20 TESTIMONY OF THAT FACT WITNESS.  
 21 THE COURT: IF YOU WOULD DRAFT A PROPOSED ORDER SO  
 22 THAT WE DON'T HAVE DISAGREEMENT DURING TRIAL. MY USUAL RULE  
 23 IS ONE REPRESENTATIVE OF A CLIENT PER CLIENT.  
 24 MR. LANIER: PERFECT.  
 25 THE COURT: OKAY. WE'VE GOT CONSULTATION WITH  
 26 WITNESSES.  
 27 MS. STRONG: FOR THAT ONE, YOUR HONOR, THERE'S A LOCAL  
 28 SUPERIOR COURT RULE 3.114 THAT SAYS NO CONSULTATION WITH

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1 WITNESSES WHILE THEY'RE ON THE STAND. WE JUST WANTED TO MAKE  
 2 SURE -- SOMETIMES THAT IS PARTIES AGREE TO SOMETHING  
 3 DIFFERENT WITH THE BLESSING OF THE COURT, AND WE WANT TO MAKE  
 4 SURE IT'S CLEAR HERE WHAT THE RULES OF THE ROAD ARE.  
 5 WE'VE TALKED WITH PLAINTIFF'S COUNSEL ABOUT THIS.  
 6 MY UNDERSTANDING IS THAT THEY ARE AGREEABLE TO ALLOWING --  
 7 IT'S THE DEFENSE POSITION THAT COUNSEL SHOULD BE PERMITTED TO  
 8 TALK WITH THEIR WITNESSES ON DIRECT OR REDIRECT BUT NOT WHILE  
 9 A WITNESS IS ON CROSS AND THAT THAT WOULD GO BOTH -- APPLY TO  
 10 BOTH SIDES. I BELIEVE THAT THE PLAINTIFFS ARE COMFORTABLE  
 11 WITH THAT UNDERSTANDING.  
 12 MR. RAVIPUDI: THANK YOU, YOUR HONOR. RAHUL RAVIPUDI.  
 13 IN CONCEPT, WE ARE. WE JUST WANTED TO SEE THE  
 14 EXACT LANGUAGE, SO THIS IS SOMETHING THAT WE CAN MEET AND  
 15 CONFER ON TO MAKE SURE WE AGREE ON THE SCOPE.  
 16 THE COURT: OKAY. I DON'T HAVE REAL STRONG VIEWS ON  
 17 THIS. SO IF YOU CAN AGREE, GREAT. IF NOT, WE'LL DO  
 18 SOMETHING ELSE.  
 19 MS. STRONG: SOUNDS GOOD. THANK YOU, YOUR HONOR.  
 20 THE COURT: OKAY. I'M GOING TO TAKE MY 10:30 MATTER.  
 21 COUNSEL ON LACC FOR THE FAIRNESS HEARING, PLEASE BE  
 22 PATIENT. WE'VE HAD AN EXTENDED MATTER. IF EVERYBODY WOULD  
 23 BE PATIENT. HOPEFULLY, WE CAN GET THROUGH THIS, AND I CAN  
 24 GIVE YOU SOME DIRECTIONS AND THEN YOU CAN GO ON YOUR WAY.  
 25 BUT THANK YOU, COUNSEL, ON THE TWO MATTERS FOR YOUR PATIENCE.  
 26 I GUESS WE WANTED TO HAVE THE ARGUMENT ON THE RKC  
 27 MOTION IN LIMINE FOR SNAP. I WOULD SUGGEST THAT WE PUT THAT  
 28 OVER IF WE CAN, OKAY?

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1 IS THAT OKAY?  
 2 MS. ZWANG-WEISSMAN: THIS IS YARDENA ZWANG-WEISSMAN  
 3 FOR YOUTUBE, YOUR HONOR. THAT WOULD BE FINE BY US.  
 4 MS. TELLER: YOUR HONOR, FAYE PAUL TELLER FOR SNAP  
 5 INC. WE WOULD LIKE THE MOTION TO BE HEARD TODAY. I  
 6 UNDERSTAND YOU'RE VERY BUSY AND THERE ARE OTHER THINGS YOU'RE  
 7 FOCUSED ON, BUT OUR CLIENT DID FEEL IT WAS IMPORTANT TO TAKE  
 8 CARE OF THIS MATTER SOONER --  
 9 THE COURT: I MEAN, EVERYBODY IS CONSIDERING  
 10 SETTLEMENT AND SO FORTH. LET'S DO THIS. LET'S PUT IT --  
 11 I'LL HEAR IT BUT AFTER WE'RE DONE WITH EVERYTHING ELSE AND  
 12 AFTER I HANDLE ALL MY -- MY 10:30 AND MY 11:00 MATTER, AND  
 13 THEN I'LL HEAR YOU ON IT.  
 14 MS. TELLER: THANK YOU, YOUR HONOR. I APPRECIATE  
 15 IT.  
 16 THE COURT: THAT'S FINE. IS THERE ANYTHING ELSE I  
 17 SHOULD KNOW ABOUT THE MEDIATION OR THE MEDIATOR?  
 18 MR. LANIER: NOT AT THIS TIME FOR PLAINTIFF, YOUR  
 19 HONOR.  
 20 MR. SCHMIDT: NOT FOR DEFENSE, YOUR HONOR.  
 21 MS. STRONG: NOTHING FOR TIKTOK, YOUR HONOR.  
 22 MR. LI: NOTHING FOR YOUTUBE.  
 23 THE COURT: OKAY. ALL RIGHT. VERY GOOD. BACK TO MY  
 24 LIST AGAIN.  
 25 THESE ARE THINGS YOU ALL NEED TO KNOW. SO WE'RE  
 26 BACK TO MY LIST AT PAGE 2. THE MEDIA. WE ARE GOING TO  
 27 RESERVE SEATS IN THE COURTROOM FOR THE MEDIA DURING THE VOIR  
 28 DIRE. IT'S GOING TO BE DIFFICULT TO HAVE ENOUGH ROOM FOR

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1 EVERYBODY. THE MEDIA WILL HAVE THE LAST TWO SEATS ON THE  
 2 LEFT HAND SIDE BACK THERE, THOSE LAST TWO SEATS. THE JURORS  
 3 WILL HAVE THIS RIGHT-HAND GROUP OF SEATING AND THE MIDDLE  
 4 GROUP OF SEATING, AND COUNSEL HAVE TO FIT THEMSELVES IN  
 5 OTHERWISE.  
 6 AS YOU SEE FOR THE SEATING, I HAD SUGGESTED  
 7 PLAINTIFFS COULD HAVE NINE INDIVIDUALS IN THE COURTROOM --  
 8 THIS IS JUST DURING VOIR DIRE. AND DEFENDANTS CAN HAVE -- I  
 9 HAVE FIVE FOR DEFENDANT. THAT INCLUDES YOUR PARALEGAL. DOES  
 10 THAT WORK?  
 11 MS. MCCONNELL: DOES THAT INCLUDE COUNSEL AT COUNSEL  
 12 TABLE?  
 13 THE COURT: YES, IT DOES. EVERYBODY IN THE COURTROOM.  
 14 SOME OF YOU MAY BE -- SIX OF YOU WILL BE ABLE TO BE AROUND  
 15 COUNSEL TABLE AND THEN THIS IS PARTICULARLY DIFFICULT FOR  
 16 DEFENDANTS. YOU'RE NOT GOING TO HAVE MUCH OTHER ROOM IS THE  
 17 PROBLEM.  
 18 MR. LANIER: YOUR HONOR, WE WILL TRY TO FIGURE OUT HOW  
 19 TO MAKE THAT WORK. IF I HAD THOUGHT ABOUT IT, I WOULD HAVE  
 20 TRIED TO NEGOTIATE SOME OF SNAPCHAT'S SPOTS AS PART OF THE  
 21 SETTLEMENT SO THAT I CAN LIKE STEAL THEIR BADGES OR  
 22 SOMETHING. NO, WE'LL FIGURE OUT HOW TO MAKE IT WORK,  
 23 JUDGE.  
 24 THE COURT: OKAY. SO DURING VOIR DIRE, NINE  
 25 INDIVIDUALS FOR PLAINTIFF AND FIVE INDIVIDUALS PER DEFENDANT  
 26 IN THE COURTROOM. WE'RE NOT GOING TO HAVE ROOM FOR ANY  
 27 MORE.  
 28 MR. IMBROSCIO: GIVEN WE'RE NOW DOWN TO THREE, SHOULD

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1 WE MAYBE -- AN EXTRA PERSON FOR EACH OF THE DEFENDANTS?  
 2 THE COURT: LEAVE IT THIS WAY AND WE'LL SEE HOW IT  
 3 WORKS THE FIRST DAY. IT'S GOING TO BE TIGHT. IT'S GOING TO  
 4 BE TIGHT.  
 5 OKAY. THE COURT'S COMMUNICATION OFFICE, WHICH I  
 6 THINK HAS BEEN IN TOUCH WITH YOUR DESIGNATED REPRESENTATIVE  
 7 FOR EACH SIDE, IS GOING TO ALLOCATE THE SEATS FOR THE MEDIA  
 8 AND THE PUBLIC. THEY'RE GOING TO HANDLE THAT. I HAVE NOT  
 9 SIGNED ANY REQUESTS FOR AUDIO OR VIDEO OR PHOTOGRAPHS.  
 10 MEDIA AND THE PUBLIC ARE GOING TO BE LIMITED TO  
 11 USING LAPTOPS AND IPADS OR THE EQUIVALENT AND NOT PHONES.  
 12 THE REASON FOR THAT, IT CAN BE MONITORED MORE EASILY BY OUR  
 13 COMMUNICATIONS OFFICE PEOPLE BECAUSE THERE'S A BIGGER SCREEN  
 14 TO SEE WHETHER SOMEBODY IS ACTUALLY HOLDING SOMETHING UP AND  
 15 FILMING.  
 16 COUNSEL, ACCORDING TO OUR POLICY, YOU CAN HAVE YOUR  
 17 CELL PHONES, BUT YOU KNOW THAT YOU CAN'T PHOTOGRAPH OR  
 18 RECORD. OKAY.  
 19 BY COURT POLICY, ONLY COUNSEL AND THE PARTIES CAN  
 20 USE LACC. NO PUBLIC CAN ATTEND VIA LACC. WE HAVE TECHNICAL  
 21 DIFFICULTIES WITH MONITORING THAT BECAUSE PEOPLE CAN SIGN UP  
 22 AT THE LAST MINUTE, ET CETERA, ET CETERA. SO FOR THAT  
 23 REASON, WE'RE NOT GOING TO BE USING LACC DURING TRIAL. WE  
 24 ARE HOPEFULLY GOING TO HAVE THE VIRTUAL ROOM, WHICH IS  
 25 DISCUSSED ON THE NEXT PAGE.  
 26 YES. GO AHEAD, MR. IMBROSCIO.  
 27 MR. IMBROSCIO: YOUR LAST COMMENT ANSWERED MY  
 28 QUESTION, WHICH IS LACC WILL BE TURNED OFF, ESSENTIALLY.

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1 DURING THE TRIAL WE'LL USE THE VIRTUAL ROOM?  
 2 THE COURT: THAT'S THE PLAN. I DON'T HAVE THE FINAL  
 3 TECHNICAL -- THE COMMUNICATIONS OFFICE AND THE TECH PEOPLE  
 4 ARE WORKING TOGETHER ON THIS. AND WE'RE HOPING IT ALL COMES  
 5 TOGETHER, BUT THERE'S JUST NO WAY TO MONITOR LACC. IT JUST  
 6 LETS PEOPLE COME ON, AND MY STAFF IS GOING TO BE BUSY.  
 7 THEY'RE NOT GOING TO HAVE TIME TO MONITOR IT. BUT IT'S  
 8 IMPORTANT BECAUSE IF ANYBODY COMES ON LACC, THEY CAN START  
 9 RECORDING. YOU KNOW, WE'RE GOING TO FIND THIS EVERYWHERE OUT  
 10 THERE IN THE UNIVERSE, WHICH IS NOT WHAT I HAVE PERMITTED  
 11 THROUGH MY ORDERS.  
 12 BACK TO COURTROOM SEATING AFTER VOIR DIRE. WE HOPE  
 13 THERE WILL BE ADDITIONAL SEATING FOR FOLKS, BUT WE'LL HAVE A  
 14 BETTER IDEA OF THAT. OBVIOUSLY, THE JURORS WILL BE UP HERE.  
 15 AT THAT POINT, WE'RE GOING TO HAVE THOSE LAST TWO BENCHES IN  
 16 THE MIDDLE FOR THE PUBLIC AND MEDIA AND HOPEFULLY MORE. BUT  
 17 YOU'RE NOT GOING TO BE ABLE TO BRING EVERYBODY IN THE WORLD  
 18 IN HERE. THERE'S JUST NOT ENOUGH SEATS. OKAY.  
 19 THE COURT'S COMMUNICATIONS OFFICE IS GOING TO BE  
 20 PROVIDING BADGES TO PEOPLE. THAT'S GOING TO HELP THEM  
 21 IDENTIFY THE MEDIA WITH RESPECT TO MAKING SURE NOBODY IS  
 22 RECORDING AND SO FORTH. HOPEFULLY, THAT'S ALL GOING TO WORK  
 23 OUT.  
 24 THEN ON MY AGENDA, VIRTUAL ROOM. SO THAT IS GOING  
 25 TO BE A SIGN IN SEPARATE FROM LA COURT CONNECT. LET ME  
 26 EXPLAIN TO YOU THE COURTROOM VIEW BECAUSE WE RESTRICTED IT.  
 27 IF YOU LOOK AT LACC RIGHT NOW TODAY, YOU CAN SEE JURORS,  
 28 RIGHT, JUROR SEATS. SO WE'RE GOING TO CHANGE THE CAMERAS SO

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1 THAT THE VIEW WILL BE OF THE PODIUM, OF THE BENCH, AND OF  
 2 COUNSEL TABLE.  
 3 THE PROBLEM WITH THAT IS THAT PEOPLE ON LACC --  
 4 COUNSEL -- PEOPLE ON THE VIRTUAL ROOM, WHICH YOU'RE PRIMARILY  
 5 GOING TO BE COUNSEL, THEY'RE NOT REALLY GOING TO BE ABLE TO  
 6 SEE LAWYERS AT TABLE VERY WELL, BUT THERE'S NOT MUCH I CAN DO  
 7 WITH THAT BECAUSE THE VIEW OTHERWISE WOULD GET THE JURORS.  
 8 JUST SO YOU UNDERSTAND.  
 9 SO WE PREVIOUSLY DESIGNATED LIAISON COUNSEL FOR  
 10 EACH PARTY TO PROVIDE NAMES FOR EACH ATTORNEY AND EACH CLIENT  
 11 WHO WANTS TO ATTEND SO ATTORNEYS CAN ATTEND IN THE VIRTUAL  
 12 ROOM. CLIENTS CAN ATTEND IN THE VIRTUAL ROOM. NOBODY ELSE  
 13 IN THE VIRTUAL ROOM. WE NEED THOSE NAMES IN ADVANCE SO THAT  
 14 SOMEBODY -- MY FINGERS CROSSED THAT WE WILL HAVE SOMEBODY  
 15 THAT'S NOT COURT STAFF -- TO MONITOR THAT AND TO MAKE SURE  
 16 THAT PEOPLE GET ON IN THAT WAY. AND I THINK THE REAL WAY TO  
 17 MONITOR THAT IS GOING TO BE BY PEOPLE HAVING A DISCRETE SIGN  
 18 ON.  
 19 I'M NOT SURE IF WE'RE GOING TO HAVE TO RESTRICT  
 20 ATTENDANCE JUST DUE TO TECHNOLOGICAL CONCERNS OR NOT. THAT'S  
 21 IT.  
 22 GO AHEAD.  
 23 MR. VANZANDT: I'M GOING TO STEP TO A MIC.  
 24 THANK YOU, YOUR HONOR. JOSEPH VANZANDT FOR THE  
 25 PLAINTIFFS.  
 26 I WANTED TO JUST CLARIFY YOUR COURT'S INDICATION  
 27 THAT STATE ATTORNEY GENERALS WILL BE ABLE TO WATCH THE  
 28 PROCEEDINGS THROUGH THE VIRTUAL COURTROOM. THERE IS

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1 SIGNIFICANT INTEREST FROM THE STATE ATTORNEY GENERALS AND  
 2 APPRECIATION TO THE COURT FOR THEM BEING ABLE TO DO THAT.  
 3 AND I'VE HEARD FROM STATE AG'S FROM, PROBABLY, CLOSE TO 10  
 4 STATES SINCE WE REACHED OUT A FEW DAYS AGO TO START  
 5 COORDINATING THESE EFFORTS.  
 6 I HAVE HEARD FROM META THAT THERE MAY BE AN  
 7 OBJECTION TO NON-MDL ATTORNEY GENERALS, SO ATTORNEY GENERALS  
 8 THAT MAY BE LITIGATING IN THEIR STATE COURTS, FROM VIEWING  
 9 THE PROCEEDINGS IN THE VIRTUAL COURTROOM. THOSE ATTORNEY  
 10 GENERALS -- THAT WOULD BE TENNESSEE, D.C., MASSACHUSETTS.  
 11 THERE'S A WHOLE LIST OF STATES -- THEY'VE BEEN LITIGATING  
 12 AGAINST META AND SOME OF THESE OTHER DEFENDANTS. THEY HAVE  
 13 BEEN COORDINATING WITH DISCOVERY THROUGHOUT THE PROCESS.  
 14 SO ALL OF THOSE ATTORNEY GENERALS ARE NOT IN THE  
 15 MDL. WE HAVE STILL BEEN COORDINATING WITH THEM THROUGHOUT  
 16 THE PROCESS OF THIS CASE. AND FROM THE PLAINTIFF'S  
 17 PERSPECTIVE, WE SEE NO REASON THAT THEY SHOULD BE EXCLUDED.  
 18 THERE WOULD BE SIGNIFICANT JUDICIAL EFFICIENCIES FOR THOSE  
 19 ATTORNEY GENERALS TO ALSO BE ABLE TO WATCH THE PROCEEDINGS  
 20 THROUGH THE VIRTUAL COURTROOM.  
 21 AND THEY'VE ASKED ME TO GIVE THAT MESSAGE TO YOUR  
 22 HONOR THAT THEY WOULD CERTAINLY APPRECIATE THE OPPORTUNITY TO  
 23 DO SO. WE HAVE A SYSTEM IN PLACE TO WHERE WE WILL BE ABLE TO  
 24 IDENTIFY WHICH STATES ARE ON, WHO THOSE INDIVIDUALS ARE.  
 25 SOME OF THE AG'S WISH TO ATTEND PARTS OF THE TRIAL IN PERSON.  
 26 WE'RE WORKING WITH THEM TO COORDINATE THAT AS WELL. AND SO  
 27 WE WILL BE COORDINATING BOTH VIRTUAL AND IN PERSON AND  
 28 WORKING WITH THE COURT STAFF ON THAT SO YOU DO KNOW WHO IT IS

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1 THAT'S IN THE COURTROOM.  
 2 THE COURT: MS. SIMONSEN.  
 3 MS. SIMONSEN: THANK YOU, YOUR HONOR. META DOES NOT  
 4 OBJECT TO THE COUNSEL FOR THE MDL AG'S ATTENDING. OBVIOUSLY,  
 5 THERE'S BEEN AN EFFORT UNDERSTANDABLY TO RESTRICT ACCESS TO  
 6 COUNSEL AND THEIR PARTIES. THE MDL AG'S ARE NOT PARTIES TO  
 7 THESE PROCEEDINGS. BUT WE ACKNOWLEDGE THE MDL HAS BEEN  
 8 COORDINATED WITH THE JCCP, AND I THINK IT'S ACCEPTABLE THAT  
 9 COUNSEL FOR THE MDL AG'S MAY WISH TO ATTEND THE VIRTUAL ROOM.  
 10 THE STATE AG'S IN THE STATE COURT ARE A DIFFERENT  
 11 MATTER. THEY'RE NOT COORDINATED WITH THESE PROCEEDINGS  
 12 CONTRARY TO MR. VANZANDT'S STATEMENT JUST NOW. WE WISH THEY  
 13 COORDINATED DISCOVERY. THEY DIDN'T. I MEAN, THEY CHOSE TO  
 14 FILE IN STATE COURT. THEY'RE NOT UNDER IN ANY WAY THE  
 15 RULINGS THAT THIS COURT OR THE MDL COURT HAVE MADE.  
 16 IT'S A LARGE GROUP OF STATE AG OFFICES AND  
 17 POTENTIAL ADDITIONAL COUNSEL. WE DON'T THINK IT'S  
 18 APPROPRIATE FOR THEM TO BE ATTENDING THE VIRTUAL ROOM. THOSE  
 19 ARE ALSO CASES THAT ARE ONLY AGAINST META, OF COURSE.  
 20 CERTAINLY, YOU KNOW, THERE'S -- PRESUMABLY THEY WILL HAVE A  
 21 WAY TO GET ACCESS TO THE TRANSCRIPTS AFTER THE FACT. WE  
 22 DON'T SEE A REASON FOR THEM TO HAVE TO BE PART OF THE VIRTUAL  
 23 ROOM.  
 24 THE COURT: OKAY. SO HERE'S MY VIEW ON THIS. EXCUSE  
 25 ME.  
 26 STATE AG'S WHOSE CASES ARE COORDINATED IN THE MDL,  
 27 I DON'T HAVE A CONCERN WITH ADDING THEM AS THOUGH THEY WERE  
 28 PLAINTIFF'S COUNSEL BECAUSE THEY HAVE APPEARED IN THE MDL

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1 COURT. AND IF ONE OF THEM, FOR EXAMPLE, WERE TO RECORD, I  
 2 WOULD HAVE ACCESS TO JUDGE GONZALEZ ROGERS, ET CETERA, WITH  
 3 RESPECT TO SANCTIONING COUNSEL FOR VIOLATING THE COURT RULES.  
 4 I DON'T HAVE THAT, MR. VANZANDT, WITH REGARD TO THE  
 5 OTHER STATE AG'S. SO I WOULD NOT -- I WOULD CONSIDER THEM  
 6 MEMBERS OF THE PUBLIC FOR THESE PURPOSES.  
 7 I'M SORT OF STRETCHING THINGS TO LET THE COUNSEL IN  
 8 THE MDL BE CONSIDERED THE SAME AS COUNSEL HERE, AND I REALLY  
 9 DON'T FEEL LIKE I CAN STRETCH IT ANY FURTHER.  
 10 MS. SIMONSEN: THANK YOU, YOUR HONOR.  
 11 THE COURT: THEY'RE, OF COURSE, WELCOME TO COME IN  
 12 PERSON. IT'S A LONG WAY FROM TENNESSEE.  
 13 MS. SIMONSEN: THANK YOU, YOUR HONOR.  
 14 MR. VANZANDT: IF I CAN JUST HAVE ONE MORE WORD ON  
 15 THAT, YOUR HONOR.  
 16 THE COURT: YES.  
 17 MR. VANZANDT: META'S POSITION IS REALLY CONTRARY TO  
 18 THE META'S EFFORTS THROUGHOUT THE COURSE OF THIS LITIGATION  
 19 TO FORCE THE CONSOLIDATION AND COORDINATION OF DISCOVERY. WE  
 20 TOOK META DEPOSITIONS THAT WE HAD TO SHARE TIME WITH  
 21 TENNESSEE, MASSACHUSETTS, OTHER STATE. THE SATTIZAHN  
 22 DEPOSITION TOOK PLACE IN NEW MEXICO. THIS WOULD INCLUDE NEW  
 23 MEXICO AS WELL. THESE ATTORNEY GENERALS HAVE RECEIVED THE  
 24 SAME DOCUMENTS FROM META.  
 25 AGAIN, YOUR HONOR, WE, AS THE PLAINTIFF'S  
 26 LEADERSHIP, ARE HAPPY TO COORDINATE WITH THESE SAME AG'S WHO  
 27 MAY NOT BE LITIGATING IN THE MDL TO PROVIDE THOSE INDIVIDUALS  
 28 TO YOU, MAKE SURE THEY KNOW THE RULES AND THE PARAMETERS.

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1 BUT THE CONCERN IS THAT IF THEY'RE NOT ALLOWED TO VIEW THIS  
 2 VIRTUALLY THAT IT THEN WOULD BE A HUGE SPACE ISSUE HERE IN  
 3 THE COURTROOM BECAUSE OF THE INTEREST THAT THESE STATE AG'S  
 4 HAVE.  
 5 THE COURT: IF THEY WANT TO -- WE DON'T NEED MORE. I  
 6 WAS GOING TO SAY IF THEY WANT TO COME IN AS A MEDIA OR  
 7 SOMETHING LIKE THAT. WE'VE GOT TO HAVE SOME REGULARITY. I  
 8 DON'T THINK I COULD ACCEPT HAVING COUNSEL FROM OTHER CASES  
 9 NOT IN MY CASE, NOT IN THE RELATED MDL. ANYWAY. THANK  
 10 YOU.  
 11 MR. VANZANDT: THANK YOU.  
 12 THE COURT: YOU CAN TELL THEM YOU TRIED, MR. VANZANDT.  
 13 YOU THREW YOURSELF ON THE MERCY OF THE COURT.  
 14 OKAY. ALL RIGHT. I'M JUST LOOKING OVER THE LIST  
 15 HERE.  
 16 MR. IMBROSCIO: ONE TECH ISSUE ON THE VIRTUAL ROOM,  
 17 AND THIS WILL PROBABLY BE THE LAST QUESTION. ONE GOAL IS TO  
 18 TRY TO KEEP -- TO HAVE THE ABILITY TO GO OUTSIDE IN THE  
 19 COURTROOM AND SEE WHAT IS GOING ON. I UNDERSTAND THE JURY  
 20 PICTURE ISSUE. IS THE TECH, IF YOU KNOW, GOING TO ALLOW  
 21 WHATEVER DOCUMENTS SCREEN OR DOCUMENT PRESENTATION, IS THAT  
 22 ALSO GOING TO BE PART OF THE VIRTUAL ROOM? I UNDERSTAND THAT  
 23 MAY NOT BE A QUESTION --  
 24 THE COURT: NO, WE'VE THOUGHT ABOUT IT. I JUST CAN'T  
 25 REMEMBER THE ANSWER.  
 26 MS. MIRO?  
 27 THE COURTROOM ASSISTANT: I BELIEVE SO.  
 28 MR. IMBROSCIO: THAT'S GREAT.

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1 THE COURT: WE HAVE CONTROL OF THE DISPLAY. I DON'T  
 2 WANT TO CONTROL THE DISPLAY, BUT I HAVE -- THEY GAVE ME THE  
 3 BOX.  
 4 GO AHEAD.  
 5 MS. TELLER: YOUR HONOR, I THINK THIS IS IMPLICIT IN  
 6 HOW YOU DESCRIBED IT WITH THE STATE AG'S. BUT AS TO SNAP, WE  
 7 WOULD ALSO BE PERMITTED TO ACCESS THE STREAM EVEN THOUGH  
 8 WE'RE NO LONGER A DEFENDANT?  
 9 THE COURT: CORRECT.  
 10 MS. TELLER: THANK YOU.  
 11 THE COURT: AND WORK WITH DEFENSE COUNSEL IF YOU WANT  
 12 SOMEBODY HERE DURING TRIAL IN PERSON. SNAP IS, OF COURSE,  
 13 VERY MUCH PART OF THE BELLWETHER PROCESS, RIGHT?  
 14 MS. TELLER: RIGHT.  
 15 THE COURT: SO I WANT SNAP TO HAVE AS GOOD A VIEW AS  
 16 POSSIBLE OF THE NATURE OF THE PROCEEDINGS AS THEY MOVE  
 17 FORWARD.  
 18 MS. TELLER: WE APPRECIATE THAT, YOUR HONOR. THANK  
 19 YOU.  
 20 THE COURT: OKAY. I THINK THAT WE SHOULD GET BACK  
 21 TOGETHER ON THE 26TH FOR A DRESSED REHEARSAL, SO TO SPEAK,  
 22 UNLESS SOMEBODY IS NOT AVAILABLE.  
 23 MS. STRONG?  
 24 MS. STRONG: IT'S ON A DIFFERENT ISSUE. IF YOU WANT  
 25 TO GET AVAILABILITY OR HEAR THAT FIRST, YOUR HONOR.  
 26 THE COURT: WE COULD TRY 9:00 AGAIN, WHICH MAYBE IS  
 27 THE BEST -- NO, I'M SORRY. WE CAN'T DO IT EARLY MORNING.  
 28 COME AT 2:00. OKAY.

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1 YES, MS. STRONG.  
 2 MS. STRONG: I WAS JUST GOING TO RAISE ONE ISSUE, YOUR  
 3 HONOR. THE LOGISTICS OF THE JUROR QUESTIONNAIRE, THE  
 4 SUBSTANTIVE QUESTIONNAIRE, WE TALKED ABOUT THE HARDSHIP  
 5 QUESTIONNAIRE.  
 6 THE COURT: YES.  
 7 MS. STRONG: I BELIEVE PLAINTIFFS HAVE A PROPOSAL  
 8 HOW -- THEY WERE GOING TO COLLECT -- THEY WERE GOING TO BRING  
 9 IN A COPY MACHINE IN, FROM WHAT I UNDERSTOOD. BUT IF  
 10 PLAINTIFFS WOULD LIKE TO MAYBE ARTICULATE THEIR PROPOSAL, WE  
 11 CAN GO FROM THERE.  
 12 MS. LANIER: YES, THE WAY THIS WORKED WITH JUDGE LU  
 13 AND IT WORKED PRETTY SEAMLESSLY WAS WE BROUGHT THE COPY  
 14 MACHINE. IT WILL BE BROUGHT FOR TECH DAY TOMORROW SO THAT  
 15 THEY CAN PUT IT OUT OF YOUR WAY. WE HAD IT IN THE HALLWAY SO  
 16 IT WOULDN'T BE DISRUPTIVE AND LOUD IN THE COURTROOM, AND ONE  
 17 REPRESENTATIVE FOR EACH SIDE WENT OUT WITH THE COPIES AFTER  
 18 GATHERING THEM FROM YOUR LOVELY STAFF AND MADE THE AMOUNT OF  
 19 COPIES THAT ARE SUPPOSED TO BE MADE, BROUGHT THEM BACK IN.  
 20 THE COURT: THAT WORKS FOR ME. IT'S GREAT NOT HAVING  
 21 TO WALK TO WHEREVER TO THE COPY SERVICE.  
 22 MS. STRONG: YOU HAD SOME NOTATIONS ABOUT WHAT CAN BE  
 23 TAKEN OUT OF THE COURTROOM IN TERMS OF COPIES. SO I DIDN'T  
 24 KNOW IF WE WERE GOING TO DO COPIES WITH REDACTIONS. WE CAN  
 25 WORK THAT OUT.  
 26 MS. LANIER: WE PLANNED ON -- PITCHED THE IDEA. IF WE  
 27 JUST HAD STICKY NOTES AND JUST STICKY NOTE THE SIGNATURES,  
 28 THAT'S EASY FOR US TO MAKE COPIES.

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1 THE COURT: THAT'S WHY I THOUGHT THE SIGNATURES SHOULD  
 2 BE IN A LIMITED AREA. SO THAT YOU COULD JUST PUT, AS YOU  
 3 SAY, STICKY NOTES OR SOMETHING OVER TOP OF IT AND THEN GO  
 4 AHEAD WITH THE COPYING AND THERE'S JUST ONE AREA THAT NEEDS  
 5 TO BE REDACTED.  
 6 MS. LANIER: GREAT.  
 7 THE COURT: WHAT YOU NEED TO DO TOMORROW IS TO WORK  
 8 WITH MY STAFF TO SEE WHAT WE CAN FIGURE OUT ABOUT THE  
 9 CONFERENCE ROOM THAT'S OUT THERE.  
 10 MS. LANIER: ONE MORE THING ON THE LOGISTICS. WE ALSO  
 11 PLANNED ON BRINGING CLIPBOARDS AND PENS FOR THE JURORS. SO  
 12 WE WILL COORDINATE WITH YOU ON THAT TO NOT INUNDATE YOU AND  
 13 BURY YOU WITH CLIPBOARDS TOO SOON.  
 14 MS. MCCONNELL: SPEAKING OF COPIES, THE HARDSHIP  
 15 QUESTIONNAIRE CONTEMPLATES THE CALENDAR BEING ATTACHED TO THE  
 16 HARDSHIP QUESTIONNAIRE. SO WOULD YOUR HONOR LIKE US TO KIND  
 17 OF CLEAN UP THE CALENDAR AND MAKE THE ORIGINAL -- LIKE THE  
 18 INITIAL COPIES TO BRING IN?  
 19 THE COURT: YES.  
 20 MS. MCCONNELL: OKAY. GREAT. WE'LL DO THAT.  
 21 THE COURT: THAT'S GREAT.  
 22 MS. MCCONNELL: AND THE SAME WITH THE SUBSTANTIVE  
 23 QUESTIONNAIRE, WE WILL MAKE THE COPIES FOR THE COURT.  
 24 THE COURT: GREAT.  
 25 MS. MCCONNELL: AND THEN WHEN SHOULD WE -- WE CAN MEET  
 26 AND CONFER AND POST THE REVISED SUBSTANTIVE QUESTIONNAIRE AS  
 27 SOON AS POSSIBLE.  
 28 THE COURT: GOOD.

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1 MS. MCCONNELL: OKAY. AND THEN -- SORRY.  
 2 ONE ITEM ON MY AGENDA THAT I FORGOT TO INCLUDE WHEN  
 3 I MADE THE POST, KGM'S EMPLOYER WOULD LIKE A SUBPOENA SIGNED  
 4 OR STAMPED BY THE COURT AND NOT BY MYSELF TO SHOW THAT HER  
 5 ATTENDANCE IS REQUIRED AT TRIAL. I HAVE COPIES OF THE  
 6 SUBPOENA. IF I COULD LEAVE IT WITH THE CLERK AND YOUR HONOR  
 7 WOULD BE WILLING TO STAMP. THANK YOU.  
 8 THE COURT: OKAY.  
 9 MS. SIMONSEN: ASHLEY SIMONSEN, ONE LOGISTICAL ITEM WE  
 10 WANTED TO RAISE WITH YOUR HONOR.  
 11 WE HAD PREVIOUSLY DISCUSSED SPACE FOR THE PARTIES  
 12 DURING TRIAL OUTSIDE OF THE COURTROOM. WE'VE DISCUSSED WITH  
 13 PLAINTIFFS, THEY'RE GOING TO USE THE FIRST FLOOR ATTORNEY  
 14 CONFERENCE ROOM. AND MS. MCCONNELL HAD A GOOD SUGGESTION,  
 15 THAT DEFENDANTS MAY CONSIDER THE FOURTH FLOOR KIND OF DEFUNCT  
 16 CAFETERIA SPACE. WE'VE CHECKED IT OUT. WE THINK IT WILL  
 17 WORK WELL FOR OUR PURPOSES. WE WANT TO MAKE SURE YOUR HONOR  
 18 DIDN'T HAVE --  
 19 THE COURT: JUST DON'T ASK FOR PERMISSION. JUST USE  
 20 IT.  
 21 MS. SIMONSEN: SHOULDN'T HAVE BROUGHT IT UP.  
 22 MS. MCCONNELL: THAT WAS NOT MS. MCCONNELL'S  
 23 SUGGESTION FOR THE RECORD.  
 24 MS. SIMONSEN: THANK YOU.  
 25 THE COURT: THERE'S LOTS OF SPACES IN THIS BUILDING,  
 26 BUT THEY DON'T BELONG TO THE COURT, NECESSARILY. SO IF YOU  
 27 CAN FIND AN EMPTY SPACE, JUST GO AHEAD. I SOMETIMES DO  
 28 WALKING WITHIN THE COURTHOUSE. AND THE THIRD FLOOR IS

SOCIAL MEDIA CASES,  
JCCP5255, 01/20/2026

CERTIFIED COPY

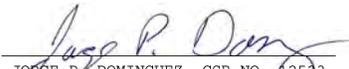
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Page 106

Page 106

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES  
3  
4 DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE  
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6 COORDINATION PROCEEDING SPECIAL ) JCCP NO. 5255  
7 TITLE [RULE 3.400] )  
8 SOCIAL MEDIA CASES )  
9 \_\_\_\_\_ )  
10 CHRISTINA ARLINGTON SMITH, ET AL., )  
11 PLAINTIFFS, )  
12 V. ) LEAD CASE NUMBER FOR  
13 \_\_\_\_\_ ) FOR FILING PURPOSES:  
14 ) CASE NO. 22STCV21355  
15 TIKTOK INC., ET AL., )  
16 ) REPORTER'S  
17 DEPENDANTS, ) CERTIFICATE  
18 \_\_\_\_\_ )

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14  
15 I, JORGE P. DOMINGUEZ, OFFICIAL PRO TEMPORE  
16 REPORTER OF THE SUPERIOR COURT OF THE STATE OF  
17 CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY  
18 CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 106,  
19 INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT  
20 OF THE PROCEEDINGS HELD IN DEPARTMENT 12 ON JANUARY 20,  
21 2026, IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.

22 DATED THIS 20TH DAY OF JANUARY, 2026.

23  
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25  
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27   
28 JORGE P. DOMINGUEZ, CSR NO. 12523  
OFFICIAL PRO TEMPORE REPORTER

# EXHIBIT F

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

IN RE: SOCIAL MEDIA ADOLESCENT )  
 ADDICTION/PERSONAL INJURY )  
 PRODUCTS LIABILITY LITIGATION )  
 )  
 ) **NO. 4:22-md-03047-YGR**  
 )  
 \_\_\_\_\_ )

Oakland, California  
Friday, October 24, 2025

**TRANSCRIPT OF CASE MANAGEMENT CONFERENCE**

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Official United States Reporter

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1 Friday, October 24, 2025

8:58 a.m.

2 P R O C E E D I N G S

3 ----oOo----

4 **COURTROOM DEPUTY:** Calling the civil matter  
5 22MD-3047-YGR, In Re Social Media Adolescent Addiction Personal  
6 Injury Products Liability Litigation. Today's appearances will  
7 be included -- incorporated with the minutes with the sign-in  
8 sheets. Thank you.

9 **THE COURT:** Okay. We have a lot to do today. Just  
10 like to ask you when you're on your way out of the courthouse  
11 to thank the CSOs for being here. Everyone in the Court other  
12 than the Article III Judges where it's actually explicit in the  
13 constitution they must pay us are not being paid. So they're  
14 working on -- they're still working and the courts are still  
15 operating. And this court in particular is adamant that we  
16 will continue to work and do our duty but I think they  
17 appreciate the thanks.

18 One thing that I have asked for you all to consider,  
19 it's part of my standing order, we have a lot going on in this  
20 MDL so we're going to keep moving. And I think, in general,  
21 you have been doing this already is to not be filing things  
22 that you don't need to be. So it is now part of my standing  
23 order and you can let people know, your contacts if they  
24 haven't figured it out, no one can file a motion anymore  
25 without meeting and conferring and lead counsel attesting that

1 clear, Your Honor, we don't think the ruling is correct and  
2 we're seeking reconsideration on it. We're seeking  
3 reconsideration early this next week.

4 But I want to be clear on one point which I don't  
5 think was quite clear in counsel's recitation of this ruling.  
6 It applied to four single documents, four documents, and it was  
7 in relation to clawbacks on four documents only. So the ruling  
8 is narrow in that sense and we are seeking reconsideration of  
9 it. We believe --

10 **THE COURT:** On what basis?

11 **MR. HESTER:** First of all, the ruling mischaracterizes  
12 what the documents say. The ruling proceeds on the premise  
13 that the documents were instructing the data should be deleted  
14 or suppressed or removed. This is not even what the documents  
15 say on their face.

16 The documents were in relation to counseling on the  
17 use of language related to research which we considered to be  
18 conventional lawyer's advice counseling the client on language  
19 to be used in characterizing research but there was no  
20 suppression or elimination of data. There was no such advice  
21 reflected in these documents and that's a critical basis of the  
22 reconsideration motion that we'll be filing next week, Your  
23 Honor. And it -- I should also emphasize the Court based its  
24 ruling solely on reading the language in these four clawback  
25 documents.

1           We think the Court has misconstrued those documents.  
2       So there is much more to be done in relation to whether this is  
3       actually an -- a ruling that properly reflects what those  
4       documents say or whether it's actually a proper application of  
5       the crime fraud ruling so I want to -- I want to emphasize that  
6       we think there's much more to be done in D.C. before any weight  
7       is given to this ruling and that's a process that's going to  
8       unfold. The ruling came out just yesterday, Your Honor. We  
9       heard from the plaintiffs last night around 10:00 that they  
10      were going to raise this with the Court today.

11           So it's -- there's -- it's very much in process.  
12      Insofar as there's a question about the plaintiffs' entitlement  
13      to these four documents, we think that should go to Judge Kang  
14      in the first instance. It's a narrow question of clawback of  
15      four documents.

16           So that's what I wanted to clarify as to this ruling  
17      from D.C. which came out just yesterday. I should also mention  
18      counsel referred to the re-review process that Meta is  
19      undertaking. We've apprised the plaintiffs that we have  
20      undertaken a re-review of the privilege log in this litigation.

21           Meta's original log withheld about 6 percent of the  
22      production. But as the production was done on a highly  
23      accelerated schedule, we then decided voluntarily to undertake  
24      a re-review of the privilege log and that's ongoing. We've  
25      been conducting this re-review over the last several months.

1           We've made three productions in August, four in  
2           September, one thus far in October. And we're anticipating a  
3           meaningful number of additional documents as we complete this  
4           process of a re-review. Our objective is to complete the  
5           re-review in November, although it could push to December.

6           We expect that many of the documents, if not the bulk  
7           of them, produced through the re-review were cumulative of  
8           documents already produced. So it's not clear to us whether  
9           there will be meaningful new substantive documents. But  
10          insofar as there are, we're open to discussing reopen of  
11          depositions if this is justified by the substance of the  
12          documents produced through the re-review.

13          So I just wanted to give the Court a little context  
14          for that process that has been ongoing during the summer and is  
15          now stretching into the fall.

16                 **MS. HAZAM:** Your Honor, if I may respond, I believe  
17          Your Honor was asking who represents Meta in D.C., not who  
18          necessarily provided the legal advice. Our understanding is  
19          that it was in-house counsel that provided the legal advice in  
20          the documents but that would not necessarily be who conducted  
21          the privilege review and who claimed that these documents were  
22          privileged in clawing them back. I don't know the answer to  
23          that question.

24          We don't have the documents because they were clawed  
25          back from our litigation as well. But merely from the



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**CERTIFICATE OF REPORTER**

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

DATE: Thursday, October 30, 2025.

Andrea K. Bluedorn  
Andrea K. Bluedorn, RMR, CRR  
Official United States Reporter

# EXHIBIT G

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

MDL No. 3047

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

This Document Relates To:

**JOINT STATUS REPORT ON RESULTS  
OF MEET-AND-CONFER ON  
ADDITIONAL AND UNANTICIPATED  
DISCOVERY ON DISCLOSED  
WITNESSES**

ALL ACTIONS

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

1 Pursuant to Case Management Order No. 27 (“CMO 27”), the Parties submit this joint status report  
2 on the results of their meet-and-confers regarding additional and unanticipated discovery in connection  
3 with witnesses disclosed on the Parties’ preliminary witness lists, exchanged September 24, 2025.

4 The Parties conferred about three categories of witnesses, outlined below. To the extent the  
5 Parties have agreed to make certain of these witnesses available for further deposition, they will meet and  
6 confer on a proposed timeline for completing those depositions and report back to the Court by the October  
7 24, 2025 CMC.

8 **I. Additional and Unanticipated Discovery on New School District Witnesses**

9 Three of the school district bellwether Plaintiffs disclosed a total of eight new witnesses on their  
10 preliminary witness lists exchanged September 24, 2025. In the course of conferrals, Plaintiffs withdrew  
11 one of those witnesses. Consistent with a stipulation entered by the Parties in March 2025 (ECF 1752),  
12 Plaintiffs have agreed to make each of the seven remaining new witnesses available for a 4.5-hour  
13 deposition and to produce their custodial files.

14 Plaintiffs have informed Defendants that some or all of these seven witnesses (or other witnesses)  
15 may submit declarations in support of Plaintiffs’ oppositions to Defendants’ motions for summary  
16 judgment in the school district bellwether cases, due November 7, 2025. Depending on the number of  
17 declarations ultimately submitted from school district witnesses and the content of those declarations, as  
18 well as the timing of custodial file productions for those witnesses, Defendants may need, and expressly  
19 reserve the right to request, additional time to prepare their replies in support of their motions for summary  
20 judgment, currently due December 5, 2025, to allow time for depositions of those witnesses; and expressly  
21 reserve the right to challenge Plaintiffs’ use of those declarations to the extent they present new facts after  
22 the close of fact and expert discovery and the filing of motions for summary judgment. Plaintiffs intend  
23 to oppose as improper and unnecessary any such request for a delay from Defendants, given that these  
24 additional depositions were expressly contemplated by the Parties’ stipulation and the Court’s prior orders.  
25  
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28

1 **II. Additional and Unanticipated Discovery on Defendant-Employee Witnesses Listed on**  
2 **Defendants' Preliminary Witness Lists**

3 Defendants disclosed certain witnesses on their preliminary witness lists who were not previously  
4 deposed in the MDL in their individual capacities, but who were deposed as 30(b)(6) witnesses. To the  
5 extent Defendants can confirm that these witnesses would testify at trial only within the scope of the topics  
6 in the Rule 30(b)(6) notice, Plaintiffs have confirmed they will not seek to re-depose them. The Parties  
7 will meet and confer over whether the custodial files of these witnesses should be produced (if they were  
8 not already produced) and present any disputes in the forthcoming joint letter better.

9 **A. Meta Witnesses**

10 Meta included five Meta witnesses on its preliminary witness lists who were not previously  
11 deposed in the MDL in their individual capacities. Four of those witnesses were previously deposed in  
12 the MDL as 30(b)(6) witnesses, and the fifth was deposed in a Related Action pending against Meta in  
13 Utah as a corporate representative. Meta produced to Plaintiffs today transcripts of any depositions of  
14 these witnesses that were taken after the April 4, 2025 close of fact discovery in any Related Actions,  
15 including the JCCP and the fourteen attorney general actions pending against Meta in state courts. *See*  
16 ECF 2310 (ordering same). Meta has agreed to confirm, within approximately one week, whether it  
17 intends to present testimony from any of the first four witnesses at trial on topics beyond those for which  
18 they were designated to testify under Rule 30(b)(6). If such confirmation is provided, Plaintiffs have  
19 confirmed they will not seek to re-depose those witnesses. If such confirmation is not provided, Meta has  
20 agreed to make those witnesses available for a further deposition. As to the fifth witness (who was not  
21 previously deposed in the MDL in any capacity), Meta has agreed to make that witness available for a  
22 deposition and to run the Parties' agreed-upon MDL search terms over his Emails and Workplace Chats  
23 over the Relevant Time Period and produce responsive, not privileged documents. To the extent the  
24 Parties are unable to agree on the length of this or any other Meta witness's deposition, they will present  
25 such dispute to the Court in the joint letter brief due October 13.

26 **B. TikTok Witnesses**

27 The TikTok Defendants identified one witness on their preliminary witness list who was deposed  
28 as a Rule 30(b)(6) witness on school and school district-related topics. The TikTok Defendants have

1 confirmed that this witness would testify at trial only within the scope of the topics in the Rule 30(b)(6)  
2 notice. PISD Plaintiffs do not seek an additional deposition of this witness. The Parties will meet and  
3 confer regarding the production of the witness's custodial file and present any disputes in the forthcoming  
4 joint letter brief.

### 5 **C. YouTube Witnesses**

6 YouTube identified one witness on its preliminary witness list who was deposed only as a Rule  
7 30(b)(6) witness. YouTube has confirmed that this witness would testify at trial within the scope of the  
8 30(b)(6) topics for which he was offered as a corporate representative at deposition. PISD Plaintiffs do  
9 not seek an additional deposition of this witness. The Parties will meet and confer regarding the  
10 production of the witness's custodial file and present any disputes in the forthcoming joint letter brief.

11 YouTube also identified one witness who is on its amended initial disclosures, and for whom  
12 Plaintiffs previously moved the Court for a deposition. To the extent the Parties have a dispute as to the  
13 PISD Plaintiffs' entitlement to a deposition of that witness, they will present that dispute in the  
14 forthcoming joint letter brief.

### 15 **D. Snap Witness**

16 Snap identified one witness on its preliminary witness list who was deposed as a Rule 30(b)(6)  
17 witness on school and school district-related topics. Snap has confirmed that this witness would testify at  
18 trial only within the scope of the topics in the Rule 30(b)(6) notice. PISD Plaintiffs are not seeking further  
19 discovery from this witness.

## 20 **III. Additional and Unanticipated Discovery on Former Meta Employee Witnesses Listed on** 21 **Plaintiffs' Preliminary Witness Lists**

22 PISD Plaintiffs listed two former Meta employee witnesses on their preliminary witness lists who  
23 were not previously deposed in any capacity in the MDL: Sarah Wynn Williams and Jason Sattizahn. The  
24 State AGs also listed Jason Sattizahn. Meta intends to move to strike these two witnesses from Plaintiffs'  
25 witness lists, which Plaintiffs will oppose. The Parties will file a joint letter brief on this dispute by the  
26 existing deadline of October 13. Meta reserves its right to seek depositions of these witnesses and further  
27 documents if they are not stricken.  
28

1 **IV. Meta Update on Document Productions**

2 During the Parties' meet-and-confers on additional and unanticipated discovery, Plaintiffs and  
3 Meta also discussed ongoing privilege-downgrade productions from Meta since the April 4, 2025 close of  
4 fact discovery. During the fact discovery period, Meta produced approximately 2.4 million documents  
5 and withheld approximately 130,000 documents as privileged. Following the close of fact discovery,  
6 Meta undertook and has been continuing to undertake an extensive re-assessment of documents initially  
7 withheld as privileged. Meta notified Plaintiffs in July that it was undertaking this review and would be  
8 producing documents off the log on a rolling basis. Since that time, Meta has made rolling productions  
9 of approximately 23,000 documents (23% with privilege redactions) and expects to produce on the order  
10 of 60,000 or more additional documents before completing its privilege-downgrade productions around  
11 early November. Meta provided this estimate of additional anticipated downgrades to Plaintiffs on  
12 October 8 in response to an inquiry from Plaintiffs on October 7. Meta will continue to keep Plaintiffs  
13 updated on the status of these productions and is available to confer with Plaintiffs about any concerns.

14 Plaintiffs were not made aware of the scope of this issue until this filing. Plaintiffs reserve the  
15 rights to challenge the scope of the privilege downgrade and to seek additional discovery in light of these  
16 privilege downgrade productions.

1 Respectfully submitted,

2 DATED: October 8, 2025

By: /s/ Lexi J. Hazam

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**ATTESTATION**

I, Bailey J. Langner, 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: October 8, 2025

By: /s/ Bailey J. Langner

# EXHIBIT H

**In the Matter Of:**  
SOCIAL MEDIA CASES,  
JCCP5255

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MOTION

December 18, 2025

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SOCIAL MEDIA CASES,  
JCCP5255, 12/18/2025

CERTIFIED COPY

MOTION

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

--000--

DEPARTMENT 12

HON. CAROLYN B. KUHL, JUDGE

COORDINATION PROCEEDING SPECIAL ) JCCP NO. 5255  
TITLE [RULE 3.400] )  
SOCIAL MEDIA CASES )

**CERTIFIED COPY**

CHRISTINA ARLINGTON SMITH, ET AL., )

PLAINTIFFS, )

V. )

TIKTOK INC., ET AL., )

DEFENDANTS, )

) LEAD CASE NUMBER FOR  
) FOR FILING PURPOSES:  
) CASE NO. 22STCV21355

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, DECEMBER 18, 2025

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OFFICIAL PRO TEMPORE COURT REPORTER

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: (CONTINUED)</p> <p>2 FOR PLAINTIFFS: BEASLEY ALLEN</p> <p>3 BY: DAVIS S. VAUGHN, ESQ.</p> <p>4 218 COMMERCE STREET</p> <p>5 MONTGOMERY, ALABAMA 36103</p> <p>6 WAGSTAFF &amp; CARTMELL LLP</p> <p>7 BY: THOMAS P. CARTMELL, ESQ.</p> <p>8 J. KIRK GOZA, ESQ.</p> <p>9 4740 GRAND AVENUE, SUITE 300</p> <p>10 KANSAS CITY, MISSOURI 64112</p> <p>11 FOR YOUTUBE MORGAN LEWIS &amp; BOCKIUS</p> <p>12 DEFENDANT: BY: YARDENA R. ZWANG-WEISSMAN, ESQ.</p> <p>13 300 SOUTH GRAND AVENUE, 22ND FLOOR</p> <p>14 LOS ANGELES, CALIFORNIA 90071</p> <p>15 WILSON SONSINI</p> <p>16 BY: MELISSA MILLS, ESQ.</p> <p>17 SARA A. MCDERMOTT, ESQ.</p> <p>18 953 EAST THIRD STREET</p> <p>19 LOS ANGELES, CALIFORNIA 90013</p> <p>20 FOR META COVINGTON &amp; BURLING</p> <p>21 DEFENDANTS: BY: ASHLEY M. SIMONSEN, ESQ.</p> <p>22 1999 AVENUE OF THE STARS</p> <p>23 LOS ANGELES, CALIFORNIA 90067</p> <p>24 COVINGTON &amp; BURLING</p> <p>25 BY: GREGORY HALPERIN, ESQ.</p> <p>26 30 HUDSON YARDS</p> <p>27 NEW YORK, NEW YORK 10001</p> <p>28 FOR TIK TOK O'MELVENY &amp; MYERS LLP</p> <p>DEFENDANTS: BY: SABRINA H. STRONG, ESQ.</p> <p>400 SOUTH HOPE STREET</p> <p>LOS ANGELES, CALIFORNIA 90071</p> <p>FOR SNAP MUNGER, TOLLES &amp; OLSON, LLP</p> <p>DEFENDANT: BY: JOHN B. MAJOR, ESQ.</p> <p>350 SOUTH GRAND AVENUE, 50TH FLOOR</p> <p>LOS ANGELES, CALIFORNIA 90071</p>	<p style="text-align: right;">Page 4</p> <p>1 CASE NUMBER: JCCP5255</p> <p>2 CASE NAME: SOCIAL MEDIA CASES</p> <p>3 LOS ANGELES, CALIFORNIA THURSDAY, DECEMBER 18, 2025</p> <p>4 DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE</p> <p>5 APPEARANCES: (AS HERETOFORE NOTED.)</p> <p>6 REPORTER: JORGE P. DOMINGUEZ,</p> <p>CSR NO. 12523</p> <p>7</p> <p>8 TIME: P.M. SESSION</p> <p>9</p> <p>10 (THE FOLLOWING PROCEEDINGS WERE</p> <p>11 HELD IN OPEN COURT:)</p> <p>12 THE COURT: WE'RE HERE IN THE SOCIAL MEDIA CASES, AND</p> <p>13 WE HAVE A REPORTER IN THE COURTROOM. I'M SIGNING THE COURT</p> <p>14 REPORTER'S ORDER. WE'LL HAVE APPEARANCES NOW. THERE MAY BE</p> <p>15 SOME DIFFERENCES, SO GO AHEAD.</p> <p>16 MS. MCCONNELL: MARIANA MCCONNELL FOR THE</p> <p>17 PLAINTIFFS.</p> <p>18 MR. CREED: GOOD AFTERNOON, YOUR HONOR. JESSE CREED</p> <p>19 FOR THE PLAINTIFFS.</p> <p>20 MR. CARTMELL: GOOD AFTERNOON. TOM CARTMELL FOR THE</p> <p>21 PLAINTIFFS.</p> <p>22 MR. RAVIPUDI: RAHUL RAVIPUDI FOR THE PLAINTIFFS.</p> <p>23 MS. LANIER: RACHEL LANIER FOR THE PLAINTIFFS. GOOD</p> <p>24 AFTERNOON.</p> <p>25 MR. GOZA: JAKE GOZA FOR THE PLAINTIFF.</p> <p>26 MR. VAUGHN: DAVIS VAUGHN FOR THE PLAINTIFF.</p> <p>27 MS. SIMONSEN: GOOD AFTERNOON. ASHLEY SIMONSEN FOR</p> <p>28 THE META DEFENDANTS.</p> <p>MR. HALPERIN: GOOD AFTERNOON. GREG HALPERIN FOR THE</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">M A S T E R I N D E X</p> <p style="text-align: center;">SESSIONS</p> <p style="text-align: right;">PAGE</p> <p>THURSDAY, DECEMBER 18, 2025</p> <p style="text-align: center;">P.M. SESSION</p> <p style="text-align: center;">4</p>	<p style="text-align: right;">Page 5</p> <p>1 META DEFENDANTS. WE DO HAVE A CLIENT REPRESENTATIVE HERE AS</p> <p>2 WELL.</p> <p>3 MS. STRONG: GOOD AFTERNOON. SABRINA STRONG FOR THE</p> <p>4 TIK TOK DEFENDANTS.</p> <p>5 MR. MAJOR: JOHN MAJOR FOR DEFENDANT SNAP.</p> <p>6 MS. ZWANG-WEISSMAN: GOOD AFTERNOON. YARDENA</p> <p>7 ZWANG-WEISSMAN FOR THE YOUTUBE DEFENDANTS.</p> <p>8 THE COURT: OKAY. YOU CAN BE SEATED AND APPEARANCES</p> <p>9 HAVE BEEN TAKEN FOR THOSE APPEARING ON LACC.</p> <p>10 SO WE'LL START WITH MOTIONS. WE HAVE AN UNOPPOSED</p> <p>11 MOTION TO TAKE THE DEPOSITION OF AN INCARCERATED PERSON AND</p> <p>12 IT'S OPPOSED AND THE COURT WILL GRANT THAT MOTION.</p> <p>13 NO ONE WISHES TO BE HEARD, I ASSUME. SO THERE WILL</p> <p>14 BE A STATEMENT IN THE MINUTE ORDER OF THE REASONS FOR THAT</p> <p>15 GRANTING.</p> <p>16 AS I INDICATED IN CASE ANYWHERE POSTING TO YOU,</p> <p>17 MAGISTRATE JUDGE KANG REACHED OUT TO ME TO SAY THAT HE WAS</p> <p>18 TAKING SOME ADDITIONAL EVIDENCE THAT IS RELEVANT TO THE ISSUE</p> <p>19 HE IS CONSIDERING THAT IS THE SAME -- I WOULD SAY SAME -- AS</p> <p>20 THE PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF UNREDACTED</p> <p>21 DOCUMENTS, WHICH IS ON CALENDAR TODAY. SO I AM TAKING THAT</p> <p>22 MOTION OFF CALENDAR, AS I INDICATED. SO IF YOU HAVE</p> <p>23 ADDITIONAL INFORMATION ABOUT MAGISTRATE JUDGE KANG'S</p> <p>24 SCHEDULING, LET ME KNOW. YOU'VE STIPULATED THAT WE CAN</p> <p>25 COMMUNICATE, BUT I REALLY DON'T LIKE TAKING DETAILED</p> <p>26 INFORMATION FROM THE FEDERAL COURT WITHOUT YOU ALL BEING</p> <p>27 INVOLVED. SO THAT'S WHY I'M ASKING YOU ALL FOR YOUR</p> <p>28 UNDERSTANDING OF THAT SCHEDULE SO THAT WE CAN APPROPRIATELY</p>

Page 14

1 RESERVE THE ABILITY THAT AFTER MID-JANUARY, CONTINUE TO SERVE  
 2 UP TO 50 DOCUMENTS PER DEFENDANT PER WEEK. I DON'T THINK WE  
 3 HAVE A LIVE DISPUTE AT THE MOMENT, YOUR HONOR, BUT I DO JUST  
 4 WANT TO FLAG FOR META THAT AT THE TWO ROUNDS THAT MS. LANIER  
 5 JUST INFORMED THE COURT ARE ALREADY 700 DOCUMENTS, WHICH AT  
 6 46 HOURS IS FOUR MINUTES A DOCUMENT, NOT LEAVING ANY TIME FOR  
 7 OPENINGS, CLOSINGS, CROSS-EXAMINATION, NON-DOCUMENT  
 8 EXAMINATIONS. AT SOME POINT WE THINK THIS PROCESS MIGHT GET  
 9 BEYOND WHAT DOCUMENTS PLAINTIFFS COULD REASONABLY USE AT  
 10 TRIAL, AND WE MAY COME BACK TO THE COURT ON THAT. BUT AS I  
 11 SAID, I DON'T THINK WE'RE THERE YET.

12 MS. LANIER: YOUR HONOR, WE PROMISED THE DEFENDANTS WE  
 13 WOULD NOT ABUSE THIS PROCESS. WE WILL BE REASONABLE. PART  
 14 OF WHY WE LEFT THIS SPACE AND SOME ROOM FOR ADDITIONAL  
 15 DOCUMENTS EVEN AFTER THE HEARING IS BECAUSE WE WILL HAVE YOUR  
 16 HONOR'S GUIDANCE, WHICH WILL BE EXTREMELY HELPFUL TO BOTH  
 17 SIDES, BUT ALSO BECAUSE EVEN JUST RECENTLY PRODUCTIONS ARE  
 18 ONGOING. WE JUST, AS YOUR HONOR HEARD THIS MORNING, RECEIVED  
 19 BETWEEN 40 TO 60,000 DOCUMENTS FROM META. WE WON'T HAVE TIME  
 20 TO GO THROUGH ALL OF THAT FOR TOMORROW. IF THERE'S 50  
 21 DOCUMENTS OR SO FROM THAT, WE MAY -- WE MAY SEE SOME OF THAT  
 22 IN JANUARY.

23 THE COURT: WHY ARE YOU STILL GETTING DOCUMENTS FROM  
 24 META?

25 MS. LANIER: WE DON'T KNOW, YOUR HONOR.

26 MS. SIMONSEN: THEY DO KNOW. WE JUST TALKED ABOUT IT  
 27 IN THE JURY ROOM. I'M HAPPY TO SHARE, YOUR HONOR. THIS IS  
 28 SOMETHING WE'VE DISCLOSED FOR THE PAST FEW MONTHS. IN LATE

Page 15

1 JULY, META UNDERTOOK TO RE-REVIEW ITS PRIVILEGE LOG AND  
 2 NOTIFIED PLAINTIFFS IT WAS DOING SO.

3 IN SEPTEMBER, WE PRODUCED APPROXIMATELY 23,000  
 4 DOCUMENTS OFF THE LOG. WE GAVE PLAINTIFFS AN ESTIMATE OF  
 5 WHEN WE EXPECTED TO COMPLETE OUR DOWNGRADE PRODUCTIONS. WE  
 6 WERE A BIT BEHIND THAT INITIAL ESTIMATE. WE GAVE PLAINTIFFS  
 7 AN UPDATE ON OUR ESTIMATED TIMING, AND WE COMPLETED THE  
 8 DOWNGRADE PRODUCTIONS FOR A TOTAL AROUND 67,000 DOCUMENTS ON  
 9 DECEMBER 9TH.

10 YOUR HONOR, THESE ARE DOCUMENTS THAT WE FELT WE HAD  
 11 AN OBLIGATION TO TAKE A CLOSER LOOK AT THE LOG AND MAKE SURE  
 12 THAT EVERYTHING THAT PLAINTIFFS HAD REQUESTED AND THAT WAS  
 13 RESPONSIVE AND NOT PRIVILEGED, THEY GOT. AND I WOULD  
 14 THINK -- I'VE HEARD NO OBJECTION FROM ANY OF THE PLAINTIFFS  
 15 IN THE JCCP, THE MDL, OR THE 14 STATE ATTORNEY GENERALS WHO  
 16 ARE BRINGING SUITS AGAINST US IN STATE COURT AS TO THIS  
 17 EFFORT THAT WE VOLUNTARILY UNDERTOOK. WE UNDERSTAND THAT  
 18 THESE ARE ADDITIONAL DOCUMENTS. PRESUMABLY, THEY'RE  
 19 DOCUMENTS PLAINTIFFS ARE WELCOMING HAVING THE ABILITY TO NOW  
 20 CONSIDER USING AT TRIAL.

21 MR. CARTMELL: YOUR HONOR --

22 THE COURT: LET ME JUST SAY ONE WORD ABOUT THAT. THAT  
 23 WORD IS WOW.

24 MR. CARTMELL: COULD I BRIEFLY RESPOND, YOUR HONOR?  
 25 TOM CARTMELL FOR THE PLAINTIFFS.

26 ACTUALLY, THE EMAIL WE GOT, I THINK YESTERDAY, WAS  
 27 73,000 DOCUMENTS SINCE THE CLOSE OF DISCOVERY IN THIS CASE,  
 28 IN OTHER WORDS. AND SO WE'RE TRYING TO GATHER RESOURCES TO

Page 16

1 GET THROUGH THESE. I'M TOLD FROM MY CONTEMPORARIES THAT  
 2 ALREADY, OF COURSE, WE'VE FOUND LOTS OF DOCUMENTS THAT WERE  
 3 NOT ABLE TO BE USED WITH THE WITNESSES DURING THEIR  
 4 DEPOSITION. WE'RE NOT ASKING FOR NEW DEPOSITIONS, BUT WE'RE  
 5 TRYING TO GET THROUGH THESE DOCUMENTS THAT WE THINK ARE GOING  
 6 TO BE VERY IMPORTANT FOR THIS FIRST TRIAL, AND EVERY ONE OF  
 7 THEM WAS DUMPED ON US AFTER DISCOVERY CLOSED IN THIS CASE.

8 MS. SIMONSEN: YOUR HONOR, ASHLEY SIMONSEN. THIS IS  
 9 WHY WE BROUGHT THIS TO PLAINTIFF'S ATTENTION IN JULY THAT WE  
 10 WERE UNDERTAKING THIS EXERCISE. WE DID MAKE CLEAR THAT TO  
 11 THE EXTENT THERE WERE SOMETHING UNIQUE OR NEW IN THESE  
 12 DOCUMENTS, WHICH I THINK CONSTITUTE AROUND MAYBE TWO AND A  
 13 HALF PERCENT OR THREE PERCENT OF OUR TOTAL PRODUCTIONS -- I  
 14 MEAN, WE PRODUCED TWO AND A HALF MILLION DOCUMENTS OR MORE TO  
 15 PLAINTIFFS, THAT WE WOULD WORK WITH THEM IF THERE WAS  
 16 SOMETHING THAT NECESSITATED FURTHER DISCOVERY.

17 THIS IS NOT -- IT'S NOT AS IF THE FIRST TIME  
 18 THEY'VE HEARD ABOUT THIS WAS YESTERDAY. AGAIN, NO OBJECTION  
 19 HAS BEEN RAISED SINCE WE FIRST BROUGHT THIS UP IN JULY. WE  
 20 DID GIVE THEM AN ESTIMATE OF THE VOLUME OF DOCUMENTS. I  
 21 BELIEVE OUR ESTIMATE WAS AROUND 60,000 DOCUMENTS. WE  
 22 PROVIDED THAT ESTIMATE, I BELIEVE, IN THE SEPTEMBER OR EARLY  
 23 OCTOBER TIME FRAME.

24 WE UNDERSTAND THE COMPLICATIONS WITH RESPECT TO  
 25 WHEN THIS TRIAL IS STARTING. WE TRIED TO DO AS MUCH AS WE  
 26 COULD TO ACCELERATE THIS, INCLUDING A LOT OF PEOPLE WORKING  
 27 VERY HARD OVER THANKSGIVING. I THINK WE ARE WHERE WE ARE.  
 28 AGAIN, WE'RE WORKING WITH PLAINTIFFS IF THERE'S SOMETHING

Page 17

1 FURTHER THAT THEY NEED. THEY NOW HAVE THE DOCUMENTS, AND I  
 2 THINK WE CAN MOVE FORWARD.

3 THE COURT: IS MAGISTRATE JUDGE KANG SORT OF  
 4 SUPERVISING THIS PROCESS?

5 MS. SIMONSEN: HE IS AWARE OF IT, YOUR HONOR. WE WENT  
 6 OUT OF OUR WAY TO ALERT THE MDL COURT ABOUT THIS IN EITHER  
 7 SEPTEMBER OR OCTOBER. WE ALSO UPDATED MAGISTRATE JUDGE KANG  
 8 I BELIEVE VIA THE SAME REPORT THAT WENT TO JUDGE GONZALEZ  
 9 ROGERS. THERE'S NOT BEEN A NEED FOR ANY SUPERVISION OF THE  
 10 PROCESS. THE PROCESS HAS SIMPLY BEEN PLAYING OUT.

11 MR. CARTMELL: YOUR HONOR --

12 MR. WARREN: YOUR HONOR, MAY I BE HEARD, PLEASE? THIS  
 13 IS PREVIN WARREN. I'M COUNSEL FOR THE PLAINTIFFS IN THE MDL.

14 THE COURT: WELL, WE HAVE COUNSEL IN THE COURTROOM FOR  
 15 THE PLAINTIFFS HERE WHO WANTED TO BE HEARD. GO AHEAD.

16 MR. CARTMELL: YOUR HONOR, TOM CARTMELL. I THINK I  
 17 WAS PROBABLY GOING TO ADDRESS SOME OF THE THINGS THAT  
 18 MR. WARREN WAS GOING TO SAY. I DO KNOW FROM LEAD COUNSEL IN  
 19 THE MDL THAT THEY ARE CURRENTLY CONSIDERING THEIR OPTIONS.  
 20 IN OTHER WORDS, THEY HAVEN'T FILED ANYTHING YET, BUT  
 21 CONSIDERING THE OPTIONS AS FAR AS ADDITIONAL -- REOPENING  
 22 DEPOSITIONS AND THOSE SORT OF THINGS.

23 I ALSO WAS TOLD THAT IN THE DISTRICT OF COLUMBIA, I  
 24 THINK THEY'VE ALREADY BEEN POTENTIALLY GRANTED ADDITIONAL  
 25 DEPOSITIONS. SO THERE ARE -- THESE HAVE BEEN DUMPED IN  
 26 TENNESSEE, D.C., MDL SO THAT -- I DO KNOW THAT COUNSEL IN  
 27 OTHER JURISDICTIONS ARE CONSIDERING FRANKLY WHAT TO DO NOW AT  
 28 THIS LATE TIME WHEN DISCOVERY HAS ENDED IN ALL THESE PLACES

Page 18

1 AND WE'RE GETTING THESE VERY IMPORTANT DOCUMENTS.  
 2 THE COURT: OKAY. YEAH, COUNSEL FROM THE MDL, I'LL  
 3 HEAR FROM YOU.  
 4 MR. WARREN: THANK YOU, YOUR HONOR. THIS IS PREVIN  
 5 WARREN, ONE OF THE CO-LEAD COUNSEL FOR THE PLAINTIFFS IN THE  
 6 MDL.  
 7 I JUST WANTED TO REITERATE THE POINTS THAT  
 8 MR. CARTMELL HAS VERY ELOQUENTLY MADE, WHICH IS THAT WE WERE  
 9 ALSO -- WE WERE AWARE THAT THESE DOCUMENTS WOULD BE COMING.  
 10 THEY JUST CAME -- THE BULK OF THEM JUST CAME. WE ARE VERY  
 11 MUCH EVALUATING OUR OPTIONS. WE HAVE TAKEN NOTHING OFF THE  
 12 TABLE. I DON'T KNOW IF THERE'S A SUGGESTION FROM THE DEFENSE  
 13 THAT WE'RE OKAY WITH THIS. WE ARE NOT FUNDAMENTALLY, AND IT  
 14 IS GOING TO HAVE TO RESULT IN SOME MODIFICATIONS, WHICH WE'RE  
 15 CONSIDERING AND WE'LL BE PROPOSING TO THE DEFENDANTS IN SHORT  
 16 ORDER.  
 17 THE COURT: OKAY. WELL, LET ME SAY, FIRST OF ALL,  
 18 NUMBER ONE, THIS IS THE FIRST TIME I'M HEARING ABOUT ANY OF  
 19 THIS, INCLUDING ANY RE-REVIEW GOING ON. I WOULD HAVE WANTED  
 20 TO HEAR ABOUT THAT.  
 21 SECONDLY, I DON'T WANT ANYTHING TO TAKE AWAY FROM  
 22 AN EXPRESSION OF RESPECT FOR COUNSEL TO FULFILL THEIR  
 23 OBLIGATIONS TO MAKE SURE THE CLAIMS OF PRIVILEGE ARE WELL  
 24 TAKEN. OKAY. SO THAT'S ALWAYS -- INTEGRITY IS ALWAYS BOTTOM  
 25 LINE. SO I DON'T WANT ANYTHING TO TAKE AWAY FROM THAT.  
 26 ON THE OTHER HAND, WHEN I WAS PRACTICING LAW, WHEN  
 27 SOMETHING CAME OFF THE OTHER SIDE'S PRIVILEGE LIST, THAT'S  
 28 THE FIRST THING YOU WANT TO LOOK AT.

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1 MS. SIMONSEN: WE UNDERSTAND, YOUR HONOR. WE TAKE OUR  
 2 OBLIGATIONS VERY SERIOUSLY AND THAT'S WHY WE UNDERTOOK TO DO  
 3 THIS REVIEW.  
 4 THE COURT: AND I RESPECT THAT, AND I THINK  
 5 PLAINTIFF'S COUNSEL RESPECTS THAT AS WELL. THIS DOESN'T TAKE  
 6 AWAY FROM -- THAT DOESN'T TAKE AWAY FROM THE PROBLEM WE MAY  
 7 CONFRONT HERE.  
 8 GO AHEAD, MS. LANIER.  
 9 MS. LANIER: SO ALL THAT IS TO SAY, YOUR HONOR, THAT'S  
 10 WHY WE WANTED TO BUILD A LITTLE TINY BIT MORE WIGGLE ROOM IN  
 11 JANUARY, AND WHY WE WANTED TO HAVE THE OPPORTUNITY TO STILL  
 12 SEND THEM A FEW DOCUMENTS. AND 50 TO US IS NOT THAT CRAZY  
 13 PER WEEK. IT'S 10 PER DAY. I'M NOT A MATHEMATICIAN, BUT I  
 14 CAN DO THAT AT LEAST.  
 15 THAT'S OUR PROPOSAL. THEY DID AGREE TO IT. SO  
 16 THAT'S GREAT. BUT IF YOUR HONOR ISN'T AVAILABLE ON THE 10TH  
 17 AND 11TH, WE CAN WORK OUT WHAT THAT WOULD LOOK LIKE IN TERMS  
 18 OF SUBMITTING ADDITIONAL DOCUMENTS. FOR EXAMPLE, IF YOU WERE  
 19 AVAILABLE THE FOLLOWING WEEKEND, THEN THAT WOULD BUILD IN  
 20 MORE TIME FOR US TO GIVE A FEW MORE DOCUMENTS TO THEM AND  
 21 WE'LL SORT THAT OUT.  
 22 THE COURT: I THINK I AM AVAILABLE ON THE 9TH AND  
 23 10TH, ALTHOUGH I DON'T KEEP MY PERSONAL CALENDAR ON THE  
 24 BENCH, SO I NEED TO CHECK. I THINK YOU DO KNOW THAT THE  
 25 21ST, 22ND AND 23RD I'M COMMITTED TO AMERICAN LAW INSTITUTE,  
 26 SO I'M COMMITTED TO THAT. BUT THAT'S NOT A WEEKEND THING,  
 27 EITHER.  
 28 I DON'T KNOW HOW MUCH -- IN THINKING ABOUT THIS 402

Page 20

1 HEARING, I'M NOT SURE HOW MUCH GUIDANCE YOU'RE GOING TO GET  
 2 FROM ME AS OPPOSED TO JUST THE WITNESS'S STATEMENT OF FACTS  
 3 AS TO WHETHER IT'S A BUSINESS RECORD OR NOT.  
 4 LET'S DO THIS, THOUGH. LET'S SEE HOW THIS FIRST  
 5 EXCHANGE OF DOCUMENTS WORKS. I'VE NOW CREATED A PRETTY CLEAR  
 6 VIEW OF THE HARD WAY, AND I'VE INTENTIONALLY CREATED AN  
 7 INCENTIVE FOR PEOPLE TO FIGURE OUT A WAY TO GET AWAY FROM THE  
 8 BUSINESS RECORD EXCEPTION TO THE HEARSAY RULE STANDING IN THE  
 9 WAY OF ADMISSIBILITY. I MEAN, UNLESS IT COULD BE A RECORD  
 10 THAT'S QUESTIONABLE, AS THEY REALLY ARE, AND I UNDERSTAND  
 11 THAT, BUT THAT'S A REAL EXCEPTION. LET'S SEE HOW IT WORKS.  
 12 GO AHEAD, MS. STRONG.  
 13 MS. STRONG: THANK YOU, YOUR HONOR.  
 14 I JUST WANT TO NOTE JUST FOR THE RECORD THAT THE  
 15 DEFENDANTS WOULD ALSO HAVE THE ABILITY TO OBJECT ON  
 16 AUTHENTICITY GROUNDS AS WELL AT THE SAME TIME AS BUSINESS  
 17 RECORDS. I DON'T EXPECT IT TO BE A BIG ISSUE, YOUR HONOR. I  
 18 JUST WANT TO MAKE SURE THAT WAS SOMETHING WE HAD AGREED TO IN  
 19 THE ROOM AND IT WASN'T STATED. I JUST WANT TO MAKE SURE THE  
 20 RECORD IS CLEAR ON THAT, YOUR HONOR.  
 21 MS. LANIER: THIS IS ABOUT DOCUMENTS UNDER THE ESI  
 22 PROTOCOL. THE ESI PROTOCOL SAYS THAT THESE DOCUMENTS ARE  
 23 PRESUMPTIVELY AUTHENTIC BUT, OF COURSE, THAT LEAVES THE  
 24 WIGGLE ROOM. SO THAT'S THE AGREEMENT.  
 25 THE COURT: ALL RIGHT. THANK YOU FOR WORKING ON IT.  
 26 MS. LANIER: WE DID AGREE ON ANOTHER THING, YOUR  
 27 HONOR, IF YOU WANT TO HEAR. WE DID SOME GOOD WORK IN THERE.  
 28 THE COURT: SURE.

Page 21

1 MS. LANIER: WE DID AGREE ON A DESIGNATIONS EXCHANGE  
 2 SCHEDULE THAT WILL MAKE IT WHERE THE BEAUTIFUL HIGHLIGHTED  
 3 TRANSCRIPTS AND THE RULINGS CHART, HOWEVER YOUR HONOR ENDS UP  
 4 TELLING US YOU'D LIKE IT, WILL END UP IN YOUR HANDS 10 DAYS  
 5 BEFORE IT'S ANTICIPATED THE DEPOSITION WILL BE PLAYED. OUR  
 6 WONDERFUL COLLEAGUE OVER THERE, GREGORY HALPERIN, HAS  
 7 VOLUNTEERED TO TAKE THE LABORING OAR TO PUT ALL THE VERBIAGE  
 8 IN THE PROTOCOL SO IT'S ALL LAID OUT. WE AGREED ON AN  
 9 EXCHANGE SCHEDULE, AND WE ARE ALL HAPPY WITH IT.  
 10 THE COURT: OKAY. GOOD.  
 11 OKAY. SO ON THE 23RD, JUST GIVE ME A LISTING OF  
 12 EVERYTHING THAT YOU'VE AGREED TO. THESE ARE HARD ISSUES, AND  
 13 YOU TOOK A GOOD BIT OF TIME AND YOUR LUNCHTIME TO DEAL WITH  
 14 THEM, BUT I REALLY WOULD LIKE YOU TO EXTEND IT ALSO TO THE  
 15 JURY QUESTIONNAIRE ISSUE AND ANYTHING ELSE I'M FORGETTING  
 16 TODAY WITH REGARD TO THINGS WE ALL KNOW NEED TO HAPPEN BEFORE  
 17 TRIAL.  
 18 I ALSO NEED TO ASK YOU IF THERE'S ANYTHING YOU WANT  
 19 ME TO ASK THE JURY. I UNDERSTAND THIS ISSUE ABOUT THE  
 20 IDENTIFICATION OF JURORS AND AN ISSUE I HAD NOT THOUGHT  
 21 ABOUT, WHICH IS RESEARCHING THE JURORS THROUGH SOCIAL MEDIA  
 22 AND THE IMPLICATIONS HERE WHERE THE DEFENDANTS ARE THE SOCIAL  
 23 MEDIA COMPANIES. THINK ABOUT THAT. I MAY NEED SOME BRIEFING  
 24 ON THAT. IT'S A PRETTY UNIQUE PROBLEM, I THINK. I'M NOT  
 25 UNAWARE THAT YOU ALL HAVE YOUR JURY CONSULTANTS. MAYBE YOU  
 26 CAN COME UP WITH AN AGREEMENT. I'VE NEVER THOUGHT THAT IT  
 27 REALLY WAS A GOOD IDEA THAT COUNSEL AND THEIR CONSULTANTS BE  
 28 ABLE TO LOOK AT SOCIAL MEDIA TO RESEARCH JURORS ANYWAY, BUT I

1 THE COURT: THANK YOU ALL.  
 2 (CONCLUSION OF PROCEEDINGS.)  
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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 2 FOR THE COUNTY OF LOS ANGELES  
 3  
 4 DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE  
 5  
 6 COORDINATION PROCEEDING SPECIAL ) JCCP NO. 5255  
 7 TITLE [RULE 3.400] )  
 8 SOCIAL MEDIA CASES )  
 9 )  
 10 )  
 11 CHRISTINA ARLINGTON SMITH, ET AL., )  
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1 I, JORGE P. DOMINGUEZ, OFFICIAL PRO TEMPORE  
 2 REPORTER OF THE SUPERIOR COURT OF THE STATE OF  
 3 CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY  
 4 CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 35,  
 5 INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT  
 6 OF THE PROCEEDINGS HELD IN DEPARTMENT 12 ON DECEMBER 18,  
 7 2025, IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.  
 8  
 9 DATED THIS 23RD DAY OF DECEMBER, 2025.

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*Jorge P. Dominguez*  
 JORGE P. DOMINGUEZ, CSR NO. 12523  
 OFFICIAL PRO TEMPORE REPORTER

# EXHIBIT I

**In the Matter Of:**  
SOCIAL MEDIA CASES  
JCCP5255

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MOTION

December 30, 2025

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SOCIAL MEDIA CASES  
JCCP5255, 12/30/2025

CERTIFIED COPY

MOTION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

--000--

DEPARTMENT 12

HON. CAROLYN B. KUHL, JUDGE

COORDINATION PROCEEDING SPECIAL	)	JCCP NO. 5255
TITLE [RULE 3.400]	)	
SOCIAL MEDIA CASES	)	
_____	)	
CHRISTINA ARLINGTON SMITH, ET AL.,	)	
	)	
PLAINTIFFS,	)	
	)	LEAD CASE NUMBER FOR
V.	)	FOR FILING PURPOSES:
	)	CASE NO. 22STCV21355
TIKTOK INC., ET AL.,	)	
	)	
DEFENDANTS,	)	
_____	)	

**CERTIFIED COPY**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, DECEMBER 30, 2025

APPEARANCES:

FOR PLAINTIFFS:

KIESEL LAW  
 BY: MARIANA A. MCCONNELL, ESQ.  
 CHERISSE H. CLEOFE, ESQ.  
 8648 WILSHIRE BOULEVARD  
 BEVERLY HILLS, CALIFORNIA 90211

LANIER LAW FIRM  
 BY: RACHEL LANIER, ESQ.  
 2829 TOWNSGATE ROAD  
 WESTLAKE VILLAGE, CALIFORNIA 91361

(APPEARANCES CONTINUED ON THE FOLLOWING PAGE.)

REPORTED BY: JORGE P. DOMINGUEZ, CSR NO. 12523  
 OFFICIAL PRO TEMPORE COURT REPORTER

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: (CONTINUED)  2 FOR PLAINTIFFS:  3 SOCIAL MEDIA VICTIMS LAW CENTER  4 BY: JUSTIN OLSON, ESQ.  5 600 1ST AVENUE, SUITE 102 PMB2388  6 SEATTLE, WASHINGTON 98104  7  8 FOR META DEFENDANTS:  9 COVINGTON &amp; BURLING  10 BY: ASHLEY M. SIMONSEN, ESQ.  11 1999 AVENUE OF THE STARS  12 LOS ANGELES, CALIFORNIA 90067  13  14 COVINGTON &amp; BURLING  15 BY: GREGORY HALPERIN, ESQ.  16 30 HUDSON YARDS  17 NEW YORK, NEW YORK 10001  18 FOR TIK TOK DEFENDANTS:  19 KING &amp; SPALDING  20 BY: RACHEL YEUNG, ESQ.  21 633 WEST FIFTH STREET, SUITE 1600  22 LOS ANGELES, CALIFORNIA 90071  23  24  25  26  27  28</p>	<p style="text-align: right;">Page 4</p> <p>1 CASE NUMBER: JCCP5255  2 CASE NAME: SOCIAL MEDIA CASES VS.  3 LOS ANGELES, CALIFORNIA TUESDAY, DECEMBER 30, 2025  4 DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE  5 APPEARANCES: (AS HERETOFORE NOTED.)  6 REPORTER: JORGE P. DOMINGUEZ,  7 CSR NO. 12523  8  9 TIME: A.M. SESSION  10  11 (THE FOLLOWING PROCEEDINGS WERE  12 HELD IN OPEN COURT:)  13 THE COURT: ALL RIGHT. GOOD MORNING. WE'RE HERE ON  14 THE SOCIAL MEDIA CASES. WE HAVE A COURT REPORTER IN THE  15 COURTROOM. I'M SIGNING THE COURT REPORTER'S ORDER, AND WE'LL  16 HAVE APPEARANCES IN THE COURTROOM, PLEASE.  17 MS. CLEOFE: GOOD MORNING, YOUR HONOR. CHERISSE  18 CLEOFE FROM KIESEL LAW ON BEHALF OF PLAINTIFFS.  19 MS. MCCONNELL: GOOD MORNING, YOUR HONOR. MARIANA  20 MCCONNELL FOR PLAINTIFFS.  21 MR. OLSON: GOOD MORNING, YOUR HONOR. JUSTIN OLSON OF  22 SOCIAL MEDIA VICTIMS LAW CENTER ON BEHALF OF PLAINTIFFS.  23 MS. SIMONSEN: GOOD MORNING, YOUR HONOR. ASHLEY  24 SIMONSEN, COVINGTON &amp; BURLING, FOR THE META DEFENDANTS AND WE  25 DO HAVE A CLIENT REPRESENTATIVE HERE TODAY.  26 MR. HALPERIN: GOOD MORNING, YOUR HONOR. GREG  27 HALPERIN FROM COVINGTON ON BEHALF OF THE META DEFENDANTS.  28 MS. YEUNG: GOOD MORNING, YOUR HONOR. RACHEL YEUNG  29 FROM KING AND SPALDING ON BEHALF OF THE TIK TOK DEFENDANTS.  30 THE COURT: GOOD MORNING. THOSE OF YOU ON LACC, WE</p>
<p style="text-align: right;">Page 3</p> <p>1 M A S T E R I N D E X  2 S E S S I O N S  3  4 PAGE  5 TUESDAY, DECEMBER 30, 2025  6 A.M. SESSION  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  26  27  28</p>	<p style="text-align: right;">Page 5</p> <p>1 HAVE YOUR APPEARANCES. YOU CAN BE SEATED. I'M JUST  2 FINISHING MY SIGN-IN TO LACC HERE.  3 OKAY. THE FIRST THING WE HAVE ON CALENDAR IS THE  4 ORDER TO SHOW CAUSE RE DISMISSAL WITH REGARD TO PLAINTIFFS  5 WHO FAILED TO FILE AND FAILED TO SERVE FACT SHEETS. SO I  6 GAVE YOU A TENTATIVE. THERE STILL WAS A PROBLEM IN THE  7 CORRECTED EXHIBIT A TO DEFENDANT'S REPLY, AT LEAST WITH  8 REGARD TO HANNAH GRAHAM, NUMBER 34, IF YOU NOTICED THAT.  9 I DON'T KNOW IF PLAINTIFFS' COUNSEL SPOT CHECKED IT  10 TO SEE IF THERE WERE ANY OTHER PROBLEMS.  11 MS. MCCONNELL: WE RECEIVED THE REVISED EXHIBIT A  12 YESTERDAY. SO WE HAVEN'T BEEN ABLE TO GO THROUGH LINE BY  13 LINE.  14 THE COURT: OKAY. NUMBER 34 WAS INCORRECT. HANNAH  15 GRAHAM VOLUNTARILY DISMISSED HER CLAIM WITHOUT PREJUDICE ON  16 AUGUST 25, 2024, BUT SHE WAS NOT SHOWN AS HAVING DISMISSED ON  17 THAT EXHIBIT. I DID A SPOT CHECK. I DID NOT DO A  18 LINE-BY-LINE CHECK, BUT I DID FIND THAT ERROR.  19 I GAVE A PROPOSED TENTATIVE, AND I'D BE GLAD TO  20 HEAR ARGUMENT ON THAT, IF ANYONE WANTS TO BE HEARD. YES.  21 MR. OLSON: YES, YOUR HONOR. JUSTIN OLSON.  22 I JUST WANT TO SAY THANK YOU FOR THE THOROUGHNESS  23 WITH WHICH THE COURT ADDRESSED THIS ISSUE. I DON'T THINK  24 THAT WE HAD HAD THE OPPORTUNITY TO GO INTO THE WEEDS QUITE SO  25 MUCH ABOUT THE APPROPRIATE SANCTION. OF COURSE, WE DISAGREE  26 WITH THE ULTIMATE CONCLUSION, BUT I DON'T THINK ANYONE OF  27 GOOD CONSCIENCE OR COMPETENCE COULD FAULT THE COURT FOR THE  28 THOROUGHNESS OF THE ANALYSIS. SO FOR THAT, I THINK THERE'S</p>

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1 THE COURT: THEY WON'T IN THE COURTROOM BECAUSE WE  
2 WILL SET ASIDE SPACE FOR THE PRESS.  
3 MS. MCCONNELL: OKAY.  
4 THE COURT: AND THAT'S WHAT I GET GOOD ADVICE ON FROM  
5 OUR PUBLIC INFORMATION PEOPLE SO THERE WILL BE ROOM FOR THE  
6 PRESS. I'M JUST CONCERNED ABOUT COUNSEL -- YOU'RE OBVIOUSLY  
7 GOING TO NEED TO TALK DURING BREAKS, RIGHT, EACH SIDE WITH  
8 ITSELF AND THE ABILITY TO DO THAT.  
9 MS. MCCONNELL: CORRECT.  
10 THE COURT: I'M CONCERNED ABOUT THAT AND THERE'S THAT  
11 ONE LITTLE COURTROOM. WE'LL MAKE SOME INQUIRIES, SEE WHAT WE  
12 CAN DO. OKAY.  
13 THE PRINTER -- IT WOULD BE GOOD ACTUALLY IF THE  
14 PRINTER ITSELF COULD COME IN ON THE 21ST AND THEN WHEN THE  
15 TECH PEOPLE ARE HERE, WE CAN KIND OF SEE HOW BIG IT IS AND  
16 WHAT WE CAN DO.  
17 MS. MCCONNELL: OKAY.  
18 THE COURT: ARE YOU CONTEMPLATING THAT IT WOULD BE IN  
19 THE COURTROOM, OR ARE YOU CONTEMPLATING THAT IT WOULD BE IN  
20 A --  
21 MS. MCCONNELL: I THINK WE CAN BRING IT TO THE  
22 COURTROOM. MS. LANIER IS ON L.A. COURT CONNECT. I THINK  
23 MAYBE ORIGINALLY WE SAID THE HALLWAY OR WHATEVER SPACE WE  
24 COULD BE PROVIDED, BUT I THINK COURTROOM IS FINE.  
25 THE COURT: MS. LANIER TRIED THAT CASE IN JUDGE LU'S  
26 CASE. IF YOU'RE THERE, MS. LANIER, WHERE DID YOU PUT THE  
27 PRINTER DURING THAT TRIAL?  
28 MS. LANIER: THANK YOU, YOUR HONOR. AND RACHEL LANIER

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1 FOR THE COURT REPORTER.  
2 DURING THE TRIAL WE DID DOWN THE HALL, WE HAD  
3 DURING JURY SELECTION THE BIG INDUSTRIAL PRINTER IN THE  
4 HALLWAY. AND THEN DURING JURY SELECTION, WE WOULD GET THE  
5 DOCUMENTS FROM THE LOVELY COURT STAFF, AND ONE REPRESENTATIVE  
6 FROM THE PLAINTIFFS' SIDE AND THE DEFENDANTS' SIDE WOULD GO  
7 OUT INTO THE HALLWAY AND JUST ENSURE ENOUGH COPIES WERE MADE  
8 FOR WHOEVER NEEDED COPIES OF THE QUESTIONNAIRES AND THE LIKE.  
9 THEN ONCE THE TRIAL ACTUALLY STARTED, WE HAD THAT PRINTER  
10 MOVED INTO THAT HALLWAY ROOM, THAT FIRST-COME, FIRST-SERVE  
11 ROOM. IT JUST HAPPENED TO BE OPEN ALL THE TIME. SO THAT'S  
12 HOW WE DID IT THEN AND IT WORKED PRETTY WELL.  
13 WE CAN VOLUNTEER TO BE THE ONES TO BRING IN THE  
14 SAME EXACT PRINTER. OUR FOLKS ON THE TECH TEAM ALREADY GOT  
15 IT ALL APPROVED THROUGH SECURITY AND ALL OF THAT. SO WE ARE  
16 HAPPY TO PROVIDE THAT SERVICE AGAIN FOR THIS TRIAL.  
17 THE COURT: OKAY. ALL RIGHT. AT THE ONE OF THESE  
18 HEARINGS WE'RE GOING TO HAVE A DISCUSSION TOO ABOUT HOW  
19 EXHIBITS WILL BE HANDLED. OKAY.  
20 MS. EMGRENI (PHONETIC) TALKED TO YOU ABOUT THAT  
21 PREVIOUSLY. UNFORTUNATELY, SHE WON'T BE WITH US DURING  
22 TRIAL. MS. ROJAS -- ROSAS -- PRONOUNCE YOUR LAST NAME FOR  
23 EVERYBODY.  
24 THE CLERK: ROSAS.  
25 THE COURT: ROSAS IS MY NEW CLERK, MY NEW JUDICIAL  
26 ASSISTANT, AND I'M PROUD TO HAVE HER. SO MEET HER. SHE'S  
27 GOING TO BE THINKING ABOUT THE DIRECTION SHE WANTS TO GIVE  
28 YOU WITH REGARD TO EXHIBIT HANDLING, OKAY?

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1 MS. MCCONNELL: THANK YOU.  
2 MS. SIMONSEN: THANK YOU.  
3 THE COURT: OKAY. SO THE LAST TIME WE WERE TOGETHER  
4 THERE WAS A MENTION ABOUT SOME RECENTLY PRODUCED DOCUMENTS  
5 OFF OF THE META PRIVILEGE LOG. I FEEL THAT THIS IS A  
6 SLEEPING LION, AND I WANT TO KNOW WHEN THAT SLEEPING LION IS  
7 GOING TO AWAKE AND TELL ME WHAT PLAINTIFFS' POSITION IS, IF  
8 ANYTHING, ABOUT THAT OR WHETHER I'M WRONG AND THERE IS NO  
9 SLEEPING LION.  
10 MS. MCCONNELL: I DON'T KNOW. MS. LANIER, YOU WANT TO  
11 HANDLE THIS ONE? I'M NOT AS UP TO SPEED AS TO WHAT'S  
12 HAPPENING ON THE MDL.  
13 MS. LANIER: I'M HAPPY TO DISCUSS WHAT WE'RE THINKING  
14 SO FAR. AGAIN, RACHEL LANIER FOR THE PLAINTIFFS FOR THE  
15 COURT REPORTER.  
16 OUR CONCERN, YOUR HONOR, IS MAINLY JUST THAT WE  
17 NEED TO HAVE CONTINUED DISCUSSIONS WITH THE DEFENDANTS ABOUT  
18 AUTHENTICATION OF DOCUMENTS AND NOT BE KIND OF HAMSTRUNG BY  
19 ARCHAIC RESTRICTIONS THAT THE DEFENDANTS, ESPECIALLY META,  
20 MAY LIKE TO PLACE ON THE NUMBER OF REQUESTS THAT WE MAY TRY  
21 TO GIVE TO THEM IN ADVANCE OF TRIAL TO TRY AND SAVE THE  
22 JURORS' TIME AND THE COURT'S TIME TO NOT BE BOGGED DOWN WITH  
23 CERTAIN REQUESTS FOR AUTHENTICATION. PART OF THAT CONCERN  
24 IS, JUST AS YOUR HONOR I'M SURE UNDERSTANDS AND CAN EXPECT,  
25 THE CONCERN IS THAT THERE CLEARLY WON'T BE DEPOSITION  
26 TESTIMONY, FOR EXAMPLE, ON SOME OF THESE DOCUMENTS. AND SO  
27 TO THE EXTENT WE CAN JUST CONTINUE HAVING THOSE AMICABLE  
28 DISCUSSIONS LEADING UP TO THE TRIAL REGARDING SOME OF THOSE

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1 DOCUMENTS, THAT WOULD BE GREAT.  
2 PART OF OUR CONCERN AS WELL IS FOR THE RKC TRIAL,  
3 YOUR HONOR WILL RECALL AT THE LAST HEARING WE DID BRING UP  
4 SOME MEDICAL RECORDS THAT WE HAD RECEIVED A LITTLE LATE. AND  
5 IN COMPARISON, WE'LL BE CANDID WITH YOUR HONOR, THE MEDICAL  
6 RECORDS THAT WE RECEIVED THAT ARE REALLY IMPORTANT FOR THE  
7 RKC TRIAL AND FOR THAT CASE WERE ABOUT, I THINK, 150  
8 DOCUMENTS IN COMPARISON TO THE 60,000 RECORDS WE'RE COMBING  
9 THROUGH THAT ARE META RECORDS.  
10 I DO THINK IF YOUR HONOR WOULD BE OPEN TO  
11 RECONSIDERING WHETHER WE CAN USE THOSE MEDICAL RECORDS IN THE  
12 RKC CASE IN LIGHT OF ALL OF THIS, THERE'S JUST -- WE  
13 UNDERSTAND THAT THERE'S A DISCOVERY CUT-OFF AND WE WANT TO BE  
14 MINDFUL OF THAT, BUT WE ALSO WANT TO MAKE SURE WE'RE  
15 REPRESENTING OUR CLIENTS AS BEST AS HUMANLY POSSIBLE. SO  
16 THAT'S WHERE WE ARE RIGHT NOW, YOUR HONOR.  
17 THE COURT: OKAY. ALL RIGHT.  
18 MS. MCCONNELL: THE OTHER PIECE OF IT IS OUR EXPERTS  
19 RELIANCE LIST. WE HAVE UPDATED OUR EXPERTS MATERIALS  
20 CONSIDER LIST TO INCLUDE DEFENDANTS' DOCUMENTS. THAT WILL BE  
21 DONE PROBABLY UP TO AND POTENTIALLY THROUGH TRIAL IF  
22 DOCUMENTS CONTINUE TO BE RECEIVED. BUT WE DON'T -- WE DON'T  
23 ANTICIPATE ANY OF THESE ISSUES WILL HINDER THE FIRST TRIAL  
24 FROM HAPPENING, AND WE'RE CERTAINLY READY TO GO. THERE'S  
25 NOTHING THAT WE CAN FORESEE. I KNOW YOU MENTIONED SLEEPING  
26 LION. FOR NOW, THE LION IS SLEEPING, AND WE DON'T SEE THAT  
27 LION WAKING UP BEFORE JANUARY 27.  
28 THE COURT: OKAY. I WAS JUST CONCERNED ABOUT SOME

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1 LAST-MINUTE MOTION OF SOME SORT THAT WOULD -- WE WANT TO  
2 ANTICIPATE WHAT WE CAN, RIGHT?  
3 MS. MCCONNELL: RIGHT. WE DON'T PLAN ON --  
4 THE COURT: OKAY. WELL, THAT'S VERY HELPFUL.  
5 GO AHEAD, MR. HALPERIN.  
6 MR. HALPERIN: YES, YOUR HONOR. JUST IF I CAN RESPOND  
7 BRIEFLY ON THE SEVERAL POINTS RAISED.  
8 ON AUTHENTICATION OF THE DOCUMENTS THAT I THINK  
9 WE'VE TOLD THE COURT, WE HAVE TOLD PLAINTIFFS I DON'T KNOW  
10 HOW MANY TIMES THAT WE'RE NOT GOING TO HAVE SILLY  
11 AUTHENTICATION FIGHTS. AUTHENTICATION IS A DIFFERENT ISSUE,  
12 OF COURSE, THAN LAYING FOUNDATION WITH A WITNESS TO USE A  
13 PARTICULAR DOCUMENT. THERE ARE OTHER ADMISSIBILITY ISSUES  
14 POTENTIALLY, BUT AUTHENTICATION REALLY IS NOT THE HEART OF  
15 THE MATTER IN THIS CASE, AND WE'RE GOING TO WORK WITH  
16 PLAINTIFFS, INCLUDING ON THE NEW DOCUMENTS INCLUDING THROUGH  
17 THE PROCESS THAT THE COURT SET UP WITH THE PARTIES LAST TIME.  
18 ON MATERIALS CONSIDERED LIST, THERE IS AN ISSUE  
19 THAT THE PARTIES ARE CURRENTLY WORKING OUT, WHICH IS  
20 PLAINTIFFS HAVE AMENDED MANY OF THEIR EXPERTS MATERIALS  
21 CONSIDERED LIST NOT WITH DOCUMENTS THAT META RECENTLY  
22 PRODUCED AS A RESULT OF THIS PRIVILEGE REVIEW BUT DOCUMENTS  
23 THAT CAN AND SHOULD HAVE BEEN, FROM DEFENDANTS' PERSPECTIVE,  
24 PUT ON THEIR MATERIALS CONSIDERED LIST BEFORE THEY WERE  
25 DEPOSED WHEN THE EXPERT REPORTS WERE SERVED. THAT'S A  
26 DIFFERENT ISSUE THAN MATERIALS CONSIDERED LIST ON DOCUMENTS  
27 THAT WERE NEWLY PRODUCED WHICH WE WILL, OF COURSE, WORK WITH  
28 PLAINTIFFS ON ON ACCOUNT OF THE FACT THAT THEY WERE NEWLY

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1 PRODUCED. BUT WE DON'T THINK THAT ISSUE IS RELATED TO THE  
2 PRIVILEGE DOWNGRADE, AT LEAST THE ISSUE THAT THE PARTIES ARE  
3 CURRENTLY DISCUSSING.  
4 FINALLY, AS TO RKC, WE THINK THE RKC ISSUE IS A  
5 VERY DIFFERENT ISSUE. THOSE DOCUMENTS WERE CREATED SIX  
6 MONTHS BEFORE THEY WERE DISCLOSED TO DEFENDANTS. WE HAD NO  
7 NOTICE OF THEM, AND THEY REALLY DO FUNDAMENTALLY CHANGE THE  
8 CASE SPECIFIC FACTS OF RKC'S CASE IN TERMS OF NARROWING NEW  
9 ALLEGATIONS OF SOCIAL MEDIA ADDICTION THAT NEVER EXISTED  
10 ANYWHERE ELSE. SO WE DON'T SEE THOSE TWO ISSUES AS IN ANY  
11 WAY RELATED. IT WOULD REQUIRE A SIGNIFICANT AMOUNT OF  
12 REDOING CASE SPECIFIC DISCOVERY. BOTH FACT DEPOSITIONS WOULD  
13 NEED TO BE RETAKEN, EXPERT DEPOSITIONS WOULD NEED TO BE  
14 RETAKEN. THAT'S VERY DIFFERENT THAN WHAT WE UNDERSTAND  
15 PLAINTIFFS WANT IN CONNECTION WITH THE PRIVILEGE DOWNGRADE  
16 DOCUMENTS WHERE THEY'VE SAID THEY DON'T NEED DEPOSITIONS IN  
17 RELATION TO THOSE.  
18 THE COURT: YEAH, WHAT THEY WANT AND WHAT THEY WOULD  
19 BE ENTITLED TO IF THEY DIDN'T WANT THEIR HEARING -- THEIR  
20 TRIAL DATE IS A DIFFERENT QUESTION. I WOULD SUGGEST THAT YOU  
21 CONTINUE MEETING AND CONFERRING ON THIS AND INCLUDE IN THAT  
22 THE RKC RECORDS ON WHICH YOU DO HAVE A RULING FROM THIS  
23 COURT. BUT I WOULD -- IF THERE'S A MOTION FOR  
24 RECONSIDERATION, I'LL HAVE TO RULE ON IT. SO YOU CAN PUT  
25 THAT INTO YOUR DISCUSSIONS PERHAPS.  
26 MR. HALPERIN: YES, YOUR HONOR.  
27 THE COURT: AGAIN, AUTHENTICATION, I THINK, DOESN'T  
28 QUITE CAPTURE THE CONCERNS WHICH -- THE TOTALITY OF THE

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1 CONCERNS WE'VE TALKED ABOUT BEFORE, WHICH ALSO INCLUDES THE  
2 BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE.  
3 MR. HALPERIN: YES, YOUR HONOR. THERE IS A PROCESS IN  
4 PLACE THAT WE'RE WORKING TOWARDS FOR THE FIRST TRANCHE.  
5 THE COURT: OKAY. WE'LL SEE HOW THAT GOES. OKAY.  
6 VERY GOOD. THAT'S HELPFUL TO KNOW. I APPRECIATE THAT.  
7 OKAY. WE'LL GET OUT THE RULING -- THE FINAL RULING  
8 ON THE OSC TODAY, AND WE'LL GET OUT A MINUTE ORDER THAT HAS  
9 THESE HEARING DATES IN THEM. PLAINTIFFS' LIAISON COUNSEL CAN  
10 GIVE NOTICE.  
11 MS. MCCONNELL: YES, YOUR HONOR.  
12 THE COURT: LET ME JUST CHECK MY NOTES. OKAY. I  
13 THINK THAT'S WHAT WE NEED.  
14 MS. SIMONSEN: YOUR HONOR, MAY I RAISE ONE  
15 ADMINISTRATIVE ITEM THAT I CONFERRED WITH MS. MCCONNELL ON  
16 BEFORE THIS?  
17 THE COURT: YES.  
18 MS. SIMONSEN: THERE IS A DEADLINE OF JANUARY 15TH FOR  
19 THE MOTIONS IN LIMINE FOR THE TRIAL GROUP TWO PLAINTIFFS.  
20 THE PARTIES HAVE CONFERRED AND GIVEN WHERE WE ARE WITH THE  
21 MOTIONS IN LIMINE FOR TRIAL ONE, GIVEN THE GUIDANCE THAT  
22 WE'RE LIKELY TO RECEIVE FROM YOUR HONOR ON BOTH THE MOTIONS  
23 IN LIMINE TO BE ARGUED BUT ALSO YOUR RULINGS THROUGHOUT TRIAL  
24 ONE, WE WANTED TO JOINTLY PROPOSE THAT WE DEFER THE DEADLINE  
25 FOR TRIAL GROUP TWO MOTIONS IN LIMINE UNTIL AFTER THE FIRST  
26 TRIAL IN TRIAL GROUP ONE IS COMPLETED.  
27 THE COURT: THAT'S FINE.  
28 MS. SIMONSEN: THANK YOU, YOUR HONOR.

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1 THE COURT: IT MAKES GOOD SENSE NOT CREATING PAPER  
2 WITHOUT THE NEED FOR PAPER.  
3 THERE WAS ONE THING ON THE -- GO AHEAD,  
4 MR. HALPERIN. DID YOU WANT TO ADD TO THAT?  
5 MR. HALPERIN: WE DID HAVE ONE OTHER LOGISTICAL ISSUE  
6 TO RAISE WITH YOUR HONOR.  
7 THE COURT: OKAY.  
8 MR. HALPERIN: THE PARTIES WANT TO GET YOUR HONOR'S  
9 GUIDANCE ON THE INITIAL SET OF DEPOSITION DESIGNATIONS THAT  
10 WERE SUBMITTED TO THE COURT. WE WEREN'T SURE IF YOUR HONOR  
11 WOULD LIKE US TO REFORMAT THE DESIGNATIONS IN LINE WITH YOUR  
12 HONOR'S GUIDANCE AT THE LAST HEARING, AND WE WEREN'T SURE IF  
13 YOUR HONOR STILL INTENDED TO RULE ON THE EARLY SET. AND IF  
14 SO, WHETHER YOU'D LIKE THE PARTIES TO GO BACK AND TRY TO  
15 NARROW DESIGNATIONS AND OBJECTIONS BEFORE RESUBMITTING. SO  
16 WE JUST WANTED TO GET YOUR HONOR'S GUIDANCE ON THAT.  
17 THE COURT: I WOULD APPRECIATE IT IF YOU WOULD TAKE  
18 BACK THE EARLY SET AND REFORMAT THEM AS WE DISCUSSED. AND IF  
19 YOU CAN NARROW THE OBJECTIONS, THAT WOULD BE GREAT. IT DID  
20 SEEM TO ME THAT THEY WERE OVERBROAD.  
21 MS. MCCONNELL: WE WILL DO SO.  
22 THE COURT: THANK YOU. I APPRECIATE THAT. AND I KNOW  
23 THIS IS A LOT OF WORK, AND I KNOW YOU KNOW IT'S A LOT OF WORK  
24 FOR US, TOO. SO WE'RE JUST DOING THE BEST WE CAN.  
25 MR. HALPERIN: AND SHOULD THE PARTIES GO THROUGH THE  
26 PROCESS OF -- I KNOW YOUR HONOR DIDN'T ASK FOR A PHYSICAL  
27 CERTIFICATION FROM LEAD COUNSEL THAT THESE WILL BE PLAYED,  
28 BUT SHOULD WE REDO THE DESIGNATIONS THEMSELVES WITH THAT IN

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1 TO EXCLUDE, YES, CONGRESSIONAL TESTIMONY. I BELIEVE THAT IS  
 2 ONE OF DEFENDANTS' CONGRESSIONAL TESTIMONY THAT MAY HAVE BEEN  
 3 OFFERED I THINK RELATED TO SOME OF THESE ISSUES OR UNRELATED  
 4 ISSUES, AND IT MAY BE ONE OF THE MOTIONS -- IS YOUR QUESTION  
 5 WHETHER THAT'S ON THE LIST --  
 6 THE COURT: NO. MY QUESTION IS WHETHER THAT'S GOING  
 7 TO BE A MAJOR ISSUE AT TRIAL SUCH THAT WE NEED TO TAKE THAT  
 8 UP? I COULD IMAGINE THAT TESTIMONY COMING UP IN A VARIETY OF  
 9 WAYS, AND IT MIGHT BE HELPFUL TO KNOW AHEAD OF TIME RATHER  
 10 THAN STUMBLING AROUND IN FRONT OF THE JURORS.  
 11 MS. SIMONSEN: WHY DON'T WE CONFER WITH PLAINTIFFS  
 12 ABOUT THAT. AND IT MAY MAKE SENSE, THEN, WITH YOUR HONOR'S  
 13 LEAVE TO POTENTIALLY ADD THAT MOTION IN LIMINE.  
 14 THE COURT: I HAVEN'T READ IT, BUT WE KNOW WE'RE GOING  
 15 TO HAVE AT LEAST ONE OF THE WITNESSES THAT WAS IN THOSE  
 16 CONGRESSIONAL HEARINGS HERE TESTIFYING. IT WOULD SEEM AS  
 17 THOUGH THAT IF THAT TESTIMONY WAS UNDER OATH, THAT THAT GETS  
 18 USED FOR CROSS-EXAMINATION. I JUST DON'T KNOW HOW PLAINTIFFS  
 19 INTEND TO USE IT, AND I DON'T KNOW IF DEFENDANTS KNOW -- I  
 20 MEAN, WHETHER YOU'VE HAD ENOUGH OF A MEET AND CONFER TO KNOW  
 21 BUT --  
 22 MS. MCCONNELL: WE CERTAINLY OPPOSE THE MOTION. SO  
 23 FROM OUR PERSPECTIVE, YES, THOSE ISSUES MAY COME UP AND  
 24 LIKELY WOULD COME UP AT TRIAL.  
 25 THE COURT: I DON'T KNOW IF YOU'VE TALKED ABOUT IT  
 26 REALLY ENOUGH TO KNOW HOW PLAINTIFFS INTEND TO USE IT AND  
 27 WHETHER THAT'S OBJECTIONABLE OR NOT.  
 28 MS. SIMONSEN: I THINK THAT'S FAIR, YOUR HONOR. WE

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1 DID A MEET AND CONFER ON, I THINK, ALL OF OUR MOTIONS IN  
 2 LIMINE AT ONCE, AND SO I THINK IT'S A GOOD SUGGESTION FOR US  
 3 TO CONFER WITH PLAINTIFFS ON IT.  
 4 THE COURT: IT WOULD BE A GOOD IDEA NOW THAT WE HAVE  
 5 LEAD COUNSEL FOR THE -- AND THAT'S WHAT I KIND OF WANTED TO  
 6 HAPPEN WHEN YOU WERE GIVING ME THE NEXT DATE MOTIONS IN  
 7 LIMINE. I UNDERSTAND THE PLAINTIFFS' MOTIONS IN LIMINE WITH  
 8 REGARD TO THE CERTAIN FACTS THAT YOU WANT CLARIFICATION AS TO  
 9 WHETHER IT'S GOING TO COME OUT WITH REGARD TO PLAINTIFFS.  
 10 BUT IN TERMS OF DEFENDANTS' CONCERNS, I WOULD THINK THIS  
 11 WOULD COME ABOVE -- I DON'T KNOW WHAT YOUR FIRST ONE WAS  
 12 ABOUT, THINGS I'VE NEVER HEARD OF. OH, WHERE IS IT? I CAN  
 13 ASK YOU ABOUT THIS. REPUTATIONAL EVIDENCE, FACE MASH. QUITE  
 14 HONESTLY, I WOULD THINK COUNSEL COULD GET TOGETHER ON META'S  
 15 MOTION IN LIMINE NUMBER 2. I HAVEN'T LOOKED AT THE MOTION,  
 16 BUT I'VE READ THE TITLE AND THAT SEEMS TO ME TO BE THE KIND  
 17 OF THING THAT YOU CAN REACH AN AGREEMENT ON. WHEREAS THE  
 18 CONGRESSIONAL TESTIMONY, THAT'S A SERIOUS THING. PLAINTIFFS,  
 19 OF COURSE, ARE GOING TO WANT TO USE THAT AND THEY CAN USE IT  
 20 IN A VARIETY OF CONTEXT AND IT WOULD BE USEFUL TO KNOW HOW  
 21 THAT'S COMING IN AND WHEN.  
 22 MS. MCCONNELL: WE CAN CERTAINLY DISCUSS THAT IN THE  
 23 NEXT WEEK OR SO AND MAKE A PROPOSAL TO YOUR HONOR FOR THE  
 24 JANUARY 14TH HEARING.  
 25 THE COURT: YOU KNOW, SIMILARLY, TIK TOK SERVICES  
 26 OUTSIDE OF THE UNITED STATES -- I MEAN, TIK TOK WITH REGARD  
 27 TO ITS OWNERSHIP HAS BEEN, OF COURSE, ALL OVER THE NEWS.  
 28 THAT'S NOT RELEVANT. I WOULD THINK YOU'D BE ABLE TO GET

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1 TOGETHER ON SOME OF THESE THINGS.  
 2 I'M LOOKING AT SNAP'S MOTION IN LIMINE NUMBER 4  
 3 ABOUT RKC'S DISCLAIMED ACCOUNTS. THAT'S SPECIFIC TO -- I  
 4 UNDERSTAND WHY WE NEED TO DISCUSS THAT. SOME OF THESE OTHER  
 5 THINGS ABOUT REPUTATION, I WOULD SUGGEST YOU TRY TO WORK ON  
 6 THOSE AND THEN HAVE YOUR LEAD COUNSEL GO THROUGH THE LIST AND  
 7 FIGURE OUT WHETHER THEY WANT TO HAVE AN ARGUMENT IN FRONT OF  
 8 THE JURY ABOUT HOW YOU'RE USING CONGRESSIONAL TESTIMONY OR  
 9 I -- DON'T KNOW WHAT ELSE IS ON THERE.  
 10 MS. MCCONNELL: OKAY.  
 11 MS. SIMONSEN: THAT'S HELPFUL. THANK YOU. WE'LL DO  
 12 THAT.  
 13 THE COURT: OKAY. MAYBE I SHOULD GO OVER THE LIST  
 14 AGAIN AND MAKE SOME FURTHER SUGGESTIONS ON THAT. AGAIN, AS  
 15 LEAD COUNSEL ARE PUTTING THEIR CASES TOGETHER, THERE ARE  
 16 PROBABLY GOING TO BE THINGS LIKE THAT ABOUT NEWS STORIES,  
 17 NEWS ARTICLES AND THAT KIND OF THING.  
 18 OKAY. VERY GOOD. SO WE HAVE A SCHEDULE. AND SO  
 19 I'LL ASK PLAINTIFFS' LIAISON COUNSEL TO GIVE NOTICE, THEN.  
 20 OKAY.  
 21 MS. MCCONNELL: THANK YOU, YOUR HONOR.  
 22 THE COURT: THANKS VERY MUCH.  
 23 MS. MCCONNELL: THANK YOU.  
 24 (CONCLUSION OF PROCEEDINGS.)  
 25  
 26  
 27  
 28

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 12 HON. CAROLYN B. KUHL, JUDGE

COORDINATION PROCEEDING SPECIAL ) JCCP NO. 5255  
 TITLE [RULE 3.400] )  
 SOCIAL MEDIA CASES )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 CHRISTINA ARLINGTON SMITH, ET AL., )  
 \_\_\_\_\_ )  
 PLAINTIFFS, )  
 \_\_\_\_\_ ) LEAD CASE NUMBER FOR  
 V. ) FOR FILING PURPOSES:  
 \_\_\_\_\_ ) CASE NO. 22STCV21355  
 TIKTOK INC., ET AL., )  
 \_\_\_\_\_ )  
 DEFENDANTS, )  
 \_\_\_\_\_ )

I, JORGE P. DOMINGUEZ, OFFICIAL PRO TEMPORE REPORTER  
 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE  
 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING  
 PAGES, 1 THROUGH 41, INCLUSIVE, COMPRISE A FULL, TRUE AND  
 CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN DEPARTMENT 12  
 ON DECEMBER 30, 2025, IN THE MATTER OF THE ABOVE-ENTITLED  
 CAUSE.

DATED THIS 2ND DAY OF JANUARY, 2026.

*Jorge P. Dominguez*  
 JORGE P. DOMINGUEZ, CSR NO. 12523  
 OFFICIAL PRO TEMPORE REPORTER

# EXHIBIT J

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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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

Case No. [22-md-03047-YGR](#) (PHK)

**ORDER RESOLVING DISPUTE RE:  
FOUR META DOCUMENTS AND  
CRIME FRAUD EXCEPTION TO  
ATTORNEY-CLIENT PRIVILEGE**

Re: Dkts. 2474, 2627

**INTRODUCTION**

This MDL has been referred to the undersigned for all discovery purposes. *See* Dkt. 426. Now pending before the Court is a joint letter brief regarding a dispute between Plaintiffs and Meta concerning four documents Meta has redacted based on an assertion of the attorney-client privilege with regard to certain text in those documents. [Dkt. 2474]. Plaintiffs argue that these materials are subject to the crime-fraud exception to the attorney-client privilege, on the grounds that communications from counsel to a client to spoliage evidence are not properly shielded by the privilege. In support, Plaintiffs bring to this Court’s attention a pair of recent rulings from the Superior Court of the District of Columbia finding that these four documents are subject to the crime-fraud exception and ordering their production.

The Court heard oral argument on the dispute on December 1, 2025. *See* Dkt. 2524. At the hearing, the Parties confirmed that the dispute is ripe for this Court’s resolution and requested that the Court conduct an *in camera* review of the four disputed documents. Following the hearing, Meta submitted the documents to this Court for *in camera* review, along with three declarations from Meta personnel regarding the documents which were previously submitted to

United States District Court  
Northern District of California

1 the D.C. Superior Court in connection with Meta’s motion for reconsideration of that court’s prior  
2 ruling. Following receipt of the documents for *in camera* review, on December 17, 2025, this  
3 Court directed Meta to submit a declaration answering specific factual questions regarding the  
4 documents. [Dkt. 2581]. Meta did so on December 18, 2025. [Dkt. 2594]. Plaintiffs thereafter  
5 sent a procedurally defective email to Court staff requesting leave to submit a declaration of their  
6 own. By Order dated December 26, 2025, the Court excused Plaintiffs’ use of improper procedure  
7 to request relief and granted Plaintiffs leave to submit a non-argumentative declaration on factual  
8 matters in response to Meta’s submission. [Dkt. 2609]. Plaintiffs submitted their declaration that  
9 same day. [Dkt. 2611]. The Parties thereafter submitted emails directly to Court staff arguing  
10 various substantive points in connection with these various post-hearing submissions. For  
11 completeness of the record and to cure the procedural irregularity, the Court ordered the Parties to  
12 file their emails on the docket. [Dkt. 2617]. Meta filed its email on December 31, 2025. [Dkt.  
13 2620]. Plaintiffs filed their email on January 2, 2026. [Dkt. 2621].

14 On January 5, 2026, the Parties filed a joint notice of the D.C. Superior Court’s Order  
15 denying Meta’s motion for reconsideration of that court’s previous ruling that the four Meta  
16 documents at issue are subject to the crime-fraud exception to the attorney-client privilege,  
17 denying Meta’s motion for interlocutory review, and ordering production of the four documents  
18 by no later than January 12, 2026. [Dkt. 2622]. On January 6, 2026, the undersigned ordered the  
19 Parties to file a supplemental discovery letter brief to address the impact of the D.C. Superior  
20 Court’s order, including the practical impact of that decision given that the subject four documents  
21 would appear to be imminently produced in that case. [Dkt. 2623]. The Parties filed their joint  
22 supplemental letter brief on January 9, 2026. [Dkt. 2627].

23 The Court deems the matter submitted. *See* Civil L.R. 7-1(b).

24 **LEGAL STANDARDS**

25 A party seeking discovery bears the burden of establishing that its request satisfies the  
26 relevancy and proportionality requirements under Federal Rule of Civil Procedure 26(b)(1). *La.*  
27 *Pac. Corp. v. Money Mkt. 1 Inst. Inv. Dealer*, 285 F.R.D. 481, 485 (N.D. Cal. 2012). The resisting  
28 party, in turn, has the burden to show that the discovery should not be allowed. *Id.* The resisting

1 party must specifically explain the reasons why the request at issue is objectionable and may not  
 2 rely on boilerplate, conclusory, or speculative arguments. *Id.*; see also *Blankenship v. Hearst*  
 3 *Corp.*, 519 F.2d 418, 429 (9th Cir. 1975) (“Under the liberal discovery principles of the Federal  
 4 Rules defendants were required to carry a heavy burden of showing why discovery was denied.”).

5 The Court has broad discretion and authority to manage discovery. *U.S. Fidelity & Guar.*  
 6 *Co. v. Lee Inv. LLC*, 641 F.3d 1126, 1136 n.10 (9th Cir. 2011) (“District courts have wide latitude  
 7 in controlling discovery, and their rulings will not be overturned in the absence of a clear abuse of  
 8 discretion.”); *Laub v. U.S. Dep’t of Int.*, 342 F.3d 1080, 1093 (9th Cir. 2003). The Court’s  
 9 discretion extends to crafting discovery orders that may expand, limit, or differ from the relief  
 10 requested. See *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (holding trial courts have “broad  
 11 discretion to tailor discovery narrowly and to dictate the sequence of discovery”). For example,  
 12 the Court may limit the scope of any discovery method if it determines that “the discovery sought  
 13 is unreasonably cumulative or duplicative, or can be obtained from some other source that is more  
 14 convenient, less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).

15 Whether to conduct an *in camera* review of allegedly privileged documents is an issue of  
 16 federal law and procedure. See *Young v. Safeco Ins. Co. of Am.*, No. 20-CV01816-LK, 2022 WL  
 17 1061940, at \*2 (W.D. Wash. Apr. 8, 2022) (“Federal law, which governs the procedural aspects of  
 18 this case, rests the determination of when to conduct *in camera* review in the sound discretion of  
 19 the court.”); *Nyerges v. Hillstone Rest. Grp. Inc.*, No. CV-19-02376-PHXDWL, 2020 WL  
 20 5846606, at \*1 n.1 (D. Ariz. Oct. 1, 2020) (“Although state law determines the scope of []  
 21 privilege . . . in diversity actions, federal law governs here because the propriety of *in camera*  
 22 review is a procedural matter.”) (internal citation omitted).

23 The “practice of requiring parties who seek to avoid disclosure of documents to make the  
 24 documents available for *in camera* inspection” is “well established in the federal courts.” *United*  
 25 *States v. Zolin*, 491 U.S. 554, 569 (1989). Indeed, this Court has previously conducted multiple *in*  
 26 *camera* reviews of documents to resolve privilege disputes in this MDL without objection from  
 27 any party. See, e.g., Dkts. 1547, 1620. “*In camera* review does not destroy the privileged nature  
 28 of the contested communications[.]” *Zolin*, 491 U.S. at 569.



1 establish the claim that the crime-fraud exception applies.” *United States v. Chen*, 99 F.3d 1495,  
 2 1502 (9th Cir. 1996). The threshold for *in camera* review is “considerably lower” than that for  
 3 fully disclosing documents. *In re Grand Jury Investigation*, 974 F.2d at 1073. Once such  
 4 threshold showing is made, the decision whether to engage in *in camera* review lies within the  
 5 Court’s discretion. *Chen*, 99 F.3d at 1502. The Court must determine whether *in camera* review  
 6 is appropriate without considering the documents the Parties have already submitted to the Court.  
 7 *In re Outlaw Lab’ys, LP Litig.*, No. 18CV840 GPC (BGS), 2020 WL 3268581, at \*7 (S.D. Cal.  
 8 Jun. 17, 2020).

9 Based on the Court’s review of the relevant factors and in light of the totality of the  
 10 circumstances presented here, the Court finds that Plaintiffs have made a sufficient threshold  
 11 showing to warrant *in camera* review of the four documents at issue. First, the volume of  
 12 documents is very small. Second, the fact that the documents were produced in redacted form  
 13 indicates that the four documents were deemed of sufficient relevance to the case to be within the  
 14 scope of relevant discovery. Third, as discussed below, the Court finds that the *in camera* review,  
 15 together with other available evidence before the Court, will substantively aid the Court in  
 16 resolving whether the crime-fraud exception does apply. *Zolin*, 491 U.S. at 572. Given that the  
 17 standard for holding *in camera* review is not stringent and the lack of objection from any Party,  
 18 the Court exercises its discretion to review the four documents *in camera*.

19 Accordingly, the Court proceeds to analyze the substance of the dispute here: whether the  
 20 redacted portions of the four documents at issue are properly withheld as privileged. As discussed  
 21 below, the Court has conducted the *in camera* review to reach a determination as to whether the  
 22 crime-fraud exception to the attorney-client privilege applies in this case.

### 23 **A. The Crime Fraud Exception to the Attorney-Client Privilege**

24 “The attorney-client privilege protects confidential communications between attorneys and  
 25 clients, which are made for the purpose of giving legal advice.” *In re Grand Jury*, 23 F.4th 1088,  
 26 1091 (9th Cir. 2021) (quoting *United States v. Sanmina Corp.*, 968 F.3d 1107, 1116 (9th Cir.  
 27 2020)). The privilege attaches when “(1) legal advice of any kind is sought (2) from a  
 28 professional legal adviser in his capacity as such, (3) the communications relating to that purpose,

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1 (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from  
2 disclosure by himself or by the legal adviser, (8) unless the protection be waived.” *United States*  
3 *v. Ruehle*, 583 F.3d 600, 607 (9th Cir. 2009) (quoting *In re Grand Jury Investigation*, 974 F.2d at  
4 1071 n.2).

5 While the attorney-client privilege is one of the oldest and most fundamental common-law  
6 privileges, it is “not absolute.” *In re Grand Jury Investigation*, 810 F.3d 1110, 1113 (9th Cir.  
7 2016). “The protection afforded by the attorney-client privilege does not extend to any  
8 communication ‘in furtherance of intended, or present, continuing illegality.’” *In re Grand Jury*  
9 *Proceedings*, 87 F.3d 377, 381 (9th Cir. 1996) (citation omitted). “Thus the crime-  
10 fraud exception insures that the confidentiality enveloping the attorney-client relationship does not  
11 encompass communications ‘made for the purpose of getting advice for the commission of a fraud  
12 or crime,’ but the exception does not sweep so broadly that it discourages clients from ‘mak[ing]  
13 full disclosure to their attorneys of *past* wrongdoings, in order that the client may obtain the aid of  
14 persons having knowledge of the law and skilled in its practice.’” *Id.* (quoting *Zolin*, 491 U.S. at  
15 562-63) (internal citation omitted). “Under the crime-fraud exception, communications are not  
16 privileged when the client ‘consults an attorney for advice that will serve him in the commission  
17 of a fraud’ or crime.” *In re Grand Jury Investigation*, 810 F.3d at 1113 (quoting *Clark v. United*  
18 *States*, 289 U.S. 1, 15 (1933)).

19 Both federal common law and California state law recognize a crime-fraud exception to  
20 the attorney-client privilege. *Clark*, 289 U.S. at 15; *State Farm Fire & Cas. Co. v. Super. Ct.*, 54  
21 Cal. App. 4th 625, 634 (Cal. Ct. App. 1997).

22 Under federal law, a party seeking to vitiate the attorney-client privilege must satisfy a  
23 two-part test. First, the challenging party must make a *prima facie* showing that “the client was  
24 engaged in or planning a criminal or fraudulent scheme when it sought the advice of counsel to  
25 further the scheme.” *In re Grand Jury Investigation*, 810 F.3d at 1113. Second, the challenging  
26 party must demonstrate that the sought after communications are “sufficiently related to” and were  
27 made “in furtherance of the intended, or present, continuing illegality.” *Id.* (alterations omitted).  
28 “The attorney need not have been aware that the client harbored an improper purpose. Because

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1 both the legal advice and the privilege are for the benefit of the client, it is the client's knowledge  
2 and intent that are relevant.” *In re Napster, Inc. Copyright Litig.*, 479 F.3d 1078, 1090 (9th Cir.  
3 2007), *abrogated on other grounds by Mohawk Indus. Inc. v. Carpenter*, 558 U.S. 100 (2009).

4 The Ninth Circuit has held that a party in a civil action must establish the crime-fraud  
5 exception by a preponderance of the evidence when challenging attorney-client privilege. *Id.* at  
6 1094-95.

7 In California, the crime-fraud exception applies when lawyers assist their clients in making  
8 affirmative misrepresentations during business transactions, even if the lawyers are not shown to  
9 have made the affirmative misrepresentations themselves. *BP Alaska Exploration, Inc. v. Super.*  
10 *Ct.*, 199 Cal. App. 3d 1240, 1268-69 (Cal. Ct. App. 1988). In *BP Alaska*, a client hired counsel to  
11 perform an investigation, and then used the results of the investigation to send allegedly fraudulent  
12 letters to a business competitor in furtherance of a scheme to usurp a business venture that arose  
13 from confidential business information misappropriated from the competitor. The court concluded  
14 that the crime-fraud exception to the attorney-client privilege applied, because the client “sought  
15 its attorney's services to assist in the commission or planning of a fraud by making  
16 misrepresentations of fact aimed at” the competitor. *Id.* at 1269. The court did not require the  
17 attorneys to be involved in the fraud—it was enough that the “fraudulent scheme . . . evolved from  
18 [a] privileged communication.” *Id.*

19 Here, Plaintiffs argue that the crime-fraud exception applies here, because the allegedly  
20 privileged communications at issue constituted advice from lawyers to Meta employees that they  
21 should alter or change language in certain documents and such advice resulted in and encouraged  
22 spoliation of evidence. [Dkt. 2474 at 13].

23 The specific crime-fraud at issue then is spoliation of evidence. “Spoliation occurs when  
24 one destroys or materially alters evidence or fails to preserve property for another's use as  
25 evidence in pending or reasonably foreseeable litigation.” *Hynix Semiconductor Inc. v. Rambus*  
26 *Inc.*, 897 F. Supp. 2d 939, 975 (N.D. Cal. 2012) (finding spoliation of evidence after remand  
27 where Rambus engaged in “shred days” pursuant to advice of counsel).

28 This MDL was commenced on October 6, 2022. [Dkt. 1]. All four disputed documents at

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1 issue here postdate October 6, 2022. There is no dispute that all these documents were therefore  
2 within the time frame for the litigation hold for preservation of evidence which Meta undertook in  
3 connection with this litigation. There is, accordingly, no dispute that these four documents are  
4 chronologically within the time frame for relevance for purposes of discovery applicable to this  
5 MDL, and thus, no dispute that the documents have at least evidentiary value as discovery  
6 materials in this case.

7 Under applicable ethical rules, a California lawyer cannot counsel a client to unlawfully  
8 alter evidence. See Cal. Prof. Conduct Rule 3.4(a) (“A lawyer shall not: (a) . . . unlawfully alter,  
9 destroy or conceal a document or other material having potential evidentiary value. A lawyer shall  
10 not counsel or assist another person to do any such act[.]”). California Rule of Professional  
11 Conduct 3.4(a) is based on the identically worded ABA Model Rule of Professional Conduct  
12 3.4(a). Thus, the same ethical obligation applies to any lawyer who is a member of any bar which  
13 has adopted this Model Rule. As the State Bar of California’s comment to California Rule 3.4  
14 provides,

15 It is a criminal offense to destroy material for purpose of impairing its  
16 availability in a pending proceeding or one whose commencement  
17 can be foreseen. (See, e.g., Pen. Code, § 135; 18 U.S.C. §§ 1501-  
18 1520.) Falsifying evidence is also generally a criminal offense. (See,  
19 e.g., Pen. Code, § 132; 18 U.S.C. § 1519.) Applicable law may permit  
20 a lawyer to take temporary possession of physical evidence of client  
21 crimes for the purpose of conducting a limited examination that will  
22 not alter or destroy material characteristics of the evidence.

23 Because Meta is a California-based corporation and is engaged in this litigation here in this  
24 Court, California Rule 3.4(a) applies to all Meta lawyers who are members of the California bar  
25 (or have been admitted *pro hac vice*), including presumably all in-house Meta lawyers practicing  
26 law in California or with a California bar membership (or who are Registered In-House Counsel  
27 under the California bar). Based on the record submitted, the Court finds that this rule of  
28 professional conduct (or any counterpart rule governing the conduct of a lawyer who is a member  
of the bar of a different state) applies to the conduct and communications at issue here.

Under California Rule 3.4(a), a lawyer cannot counsel a client to destroy or alter evidence.  
Destroying evidence eliminates such evidence from possible discovery entirely and is sanctionable

1 conduct. *See SK hynix Inc. v. Rambus Inc.*, No. C-00-20905 RMW, 2013 WL 1915865, at \*22  
 2 (N.D. Cal. May 8, 2013) (imposing \$250,000,000 sanction on Rambus for spoliation of evidence  
 3 during “shred day”). Irreversibly altering evidence, such as in a way that overwrites or  
 4 irretrievably replaces the original evidence, also eliminates the original text or content of that  
 5 evidence from possible discovery entirely.

6 Accordingly, it should be self-evident that when a lawyer advises a client to destroy  
 7 evidence completely or to irreparably modify that evidence (where litigation is reasonably  
 8 foreseeable at the time, or worse, ongoing), communications regarding that advice could be  
 9 subject to the crime-fraud exception because such advice would run afoul of the lawyer’s duties  
 10 under the rules of professional conduct and could implicate criminal statutes concerning  
 11 fabricating or destroying evidence. *See, e.g.*, Cal. Penal Code § 135 (“A person who, knowing  
 12 that any book, paper, record, instrument in writing, digital image, video recording owned by  
 13 another, or other matter or thing, is about to be produced in evidence upon a trial, inquiry, or  
 14 investigation, authorized by law, willfully destroys, erases, or conceals the same, with the intent to  
 15 prevent it or its content from being produced, is guilty of a misdemeanor.”); *id.* § 31 (criminal  
 16 liability for aiding and abetting a misdemeanor); *id.* § 659 (counseling the commission of a  
 17 misdemeanor by another is itself a misdemeanor).

18 Courts confronted with lawyers involved in advising spoliation of evidence have  
 19 concluded the such attorney-client communications are not shielded by the privilege due to the  
 20 crime-fraud doctrine. *See, e.g., Rambus, Inc. v. Infineon Techs. AG*, 222 F.R.D. 280, 289-90 (E.D.  
 21 Va. 2004) (“Communications between lawyer and client respecting spoliation of evidence,  
 22 however, is fundamentally inconsistent with the asserted principles behind the recognition of the  
 23 attorney-client privilege, namely, ‘observance of law’ and the ‘administration of justice.’ Indeed,  
 24 by intentionally removing relevant evidence from litigation, spoliation directly undermines the  
 25 administration of justice. Moreover, an attorney who counsels a client about the spoliation of  
 26 evidence is not advancing the observance of the law, but rather counseling misconduct. Thus,  
 27 there is no logical reason to extend the protection of the attorney-client privilege to  
 28 communications undertaken in order to further spoliation.”) (internal citations omitted); *Micron*

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1 *Tech., Inc. v. Rambus Inc.*, 645 F.3d 1311, 1329-31 (Fed. Cir. 2011) (affirming piercing of  
2 attorney-client privilege under crime-fraud exception where communications from lawyers  
3 advised destruction of evidence).

4 With these legal standards in mind, the Court analyzes each of the four disputed documents  
5 (and in particular the redacted portions thereof) to determine whether the communications therein  
6 are subject to the crime-fraud exception to the attorney-client privilege due to spoliation.

7 **Documents 1 and 2**

8 The first document at issue was produced in redacted form during discovery in this MDL  
9 with Bates number META3047MDL-047-007006694 (the same document was produced in the  
10 D.C. Superior Court action bearing Bates number METADCG-008-01392318). For ease of  
11 reference, the D.C. Superior Court has referred to this document as “Document 1” and the Parties  
12 have followed that nomenclature. For similar reasons (and to avoid confusion), the undersigned  
13 will also refer to this document as Document 1 (and follow the same naming convention for the  
14 other three documents, discussed below).

15 Document 1 is a printout of a series (or thread) of electronic messages between two Meta  
16 employees (with their titles at the time provided by Meta)—[REDACTED] (Senior Researcher,  
17 Central Social Impact) and [REDACTED] (Research Manager). The messages are all dated  
18 November 22, 2022. Out of this series of electronic messages, only one particular message  
19 authored by Ms. [REDACTED] was redacted in its entirety on grounds of attorney-client privilege. The  
20 remainder of Document 1 was produced unredacted. Neither Ms. [REDACTED] nor Mr. [REDACTED] are, or  
21 were at the relevant time, attorneys.

22 Document 2 was also produced in redacted form during discovery in this MDL with Bates  
23 number META3047MDL-047-00396577 (the same document was produced in the D.C. Superior  
24 Court action bearing Bates number METADCG-008-010822021). Document 2 is a printout of a  
25 series (or thread) of electronic messages between Ms. [REDACTED] and another Meta employee, [REDACTED]  
26 [REDACTED] (User Experience Researcher), also dated November 22, 2022. Out of this series of  
27 electronic messages, only one particular message authored by Ms. [REDACTED] was redacted in its  
28 entirety on grounds of attorney-client privilege. The remainder of Document 2 was produced

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1 unredacted. Neither Ms. [REDACTED] nor Ms. [REDACTED] are, or were at the relevant time, attorneys.

2 The text redacted in Document 1 is identical to the text redacted in Document 2, and for  
3 that reason, the analysis herein applies equally to both. Based on the Court’s *in camera* review of  
4 the redacted text in the context of each disputed document, the fact that other text in Documents 1  
5 and 2 differs does not materially impact the analysis as to the redacted text in each.

6 In connection with the *in camera* review of these documents, Meta also submitted a  
7 declaration from Ms. [REDACTED] which was apparently submitted to the D.C. Superior Court in  
8 connection with Meta’s then-pending motion for reconsideration of the crime-fraud issue being  
9 litigated in that court. Ms. [REDACTED] attests that, in the redacted portion under dispute, she  
10 “described legal guidance that was relayed to [her] by an attorney working in-house at Meta.”  
11 [REDACTED] Decl. ¶ 3. Based on the Court’s *in camera* review and Meta’s declaration submitted in  
12 response to the Court’s December 17, 2025 Order, the communication at issue originated from  
13 Meta’s outside counsel, and was (according to Ms. [REDACTED]) “relayed” to her by an in-house  
14 lawyer.

15 Without detailing the substance of the communication, in general, the communication at  
16 issue refers to “possible adjustments to language” in a research proposal for the Meta & Youth  
17 Social Emotional Trends (“MYST”) study under contemplation at that time. *Id.* Ms. [REDACTED]  
18 attests that “[a]lthough that language was discussed with Meta attorneys, it was not ultimately  
19 modified.” *Id.*

20 Meta has confirmed through the declaration of its counsel that seven versions of the MYST  
21 study proposal document have been produced in discovery in this case. [Dkt. 2594-1 at 9-10 &  
22 n.6 (identifying the seven MYST study proposal documents produced with Bates Numbers:  
23 META3047MDL-294-00014165; META3047MDL-044-00022506; META3047MDL-044-  
24 00022521; META3047MDL-031-00115619; META3047MDL-034-00135618; META3047MDL-  
25 072-00327080; META3047MDL-294-00099937)]. Meta confirms that “[p]rior versions of  
26 MYST study proposal documents, including versions that predate the lawyer’s advice, have been  
27 retained, but have not been produced[.]” *Id.* at 10.

28 Based on the record submitted, there was no destruction of documents at issue here. At

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1 best, the record demonstrates that there was discussion about “possible” alteration of part of the  
2 MYST study proposal. Ms. ██████’s statement that “ultimately” the language was not modified  
3 implies that, in the process of editing/drafting before the MYST study was finalized, the language  
4 underwent modifications which “ultimately” were not implemented. The issue then reduces to  
5 whether the crime-fraud exception applies to communications regarding proposed or possible  
6 modifications to the underlying MYST study proposal, *i.e.* whether such communications qualify  
7 as some form of advising improper alteration of evidence.

8 When faced with a very similar issue, at least one other court has held that, where the  
9 various versions of the underlying document (both predating and postdating the attorney  
10 communication) are produced in discovery, there is insufficient cause to pierce the privilege based  
11 on the crime-fraud exception. *See Tessera, Inc. v Micron Tech., Inc.*, No. 2:05cv94, 2006 WL  
12 8441639, at \*2 (E.D. Tex. June 23, 2006). In that patent infringement case, Tessera asserted that  
13 certain Micron semiconductor chip products infringed Tessera’s patent claims. During discovery,  
14 Tessera argued that Micron altered a technical paper on Micron products (the original version is  
15 referred to as the “Paper”) in order to avoid language that would allegedly support Tessera’s  
16 infringement theories. *Id.* at \*1. Specifically, Tessera argued that “Micron attorneys advised  
17 some of its engineers to ‘doctor a technical paper on semiconductor packaging reliability issues’”  
18 and allegedly conveyed advice to alter that Paper to remove certain references to a technical  
19 feature of the Micron product. *Id.* The textual references at issue in the technical paper “were  
20 taken out of the final version (‘the Revised Paper’) following an email exchange wherein the  
21 authors were supposedly advised to remove the references in light of this litigation. Micron  
22 asserted privilege over the emails arguing that they contain[ed] legal advice, but Tessera argue[d]  
23 that because altering the Paper amounts to spoliation of evidence, the related emails must be  
24 produced under the crime-fraud exception to the attorney-client privilege.” *Id.* In *Tessera*,  
25 Micron produced both the original version of the Paper as well as the final Revised Paper in  
26 discovery—the dispute thus centered on whether the emails from the lawyers regarding the  
27 changes to that Paper should be produced or not. *Id.* at \*2.

28 It is self-evident that the factual scenario in *Tessera* is remarkably similar, if not identical,

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1 to the situation here: Meta argues that the redacted text from the chat thread at issue is privileged,  
2 but Plaintiffs argue that the crime-fraud exception applies because the chat message advises a  
3 Meta researcher to undertake what amounts to spoliation of evidence. The *Tessera* opinion  
4 resolved the crime-fraud dispute as follows:

5 Tessera has both the Paper and the Revised Paper. It may argue  
6 whatever it pleases concerning the motivation behind the alterations,  
7 but the mere fact that the Paper was altered does not automatically  
8 transform those changes into spoliation, which requires that Micron  
engaged in the destruction or significant and meaningful alteration of  
a document or instrument. Neither destruction nor alteration occurred  
in this case, therefore no spoliation occurred.

9 *Id.* at 2 (citation omitted).

10 As noted, here, Meta has confirmed that seven versions of the MYST study have been  
11 produced in discovery. Meta has confirmed that previous versions (prior to the attorney advice) of  
12 the MYST study proposal have been found and retained in its document repositories (although not  
13 produced in discovery previously). Based on this record, there has been no destruction of  
14 evidence, because the versions of the MYST study proposal which both predate and postdate the  
15 attorney advice here still exist. And there has been no irreversible or unreviewable alteration of  
16 evidence, because the pre- and post- advice versions exist and thus any changes are discoverable  
17 from simple comparison of the text of the various versions.

18 However, unlike in *Tessera* where both the Paper and the Revised Paper were produced,  
19 here, Meta has not produced in discovery the previous versions of the MYST study proposal (for  
20 various reasons Meta asserts based on the ESI protocol and Meta’s objections to Plaintiffs’  
21 requests for production). This is straightforward to remedy and bring the dispute over Documents  
22 1 and 2 in line with the reasoning of *Tessera*.

23 Accordingly, for all the reasons stated herein, the Court **ORDERS** Meta to perform a  
24 diligent and reasonable search for and then produce all non-duplicative versions of the MYST  
25 study proposal which predate November 22, 2022, including those versions Meta has already  
26 confirmed it has retained but not previously produced. These documents **SHALL** be produced on  
27 or before **January 23, 2026**, and to avoid delay Meta **SHALL** produce them on a rolling basis as  
28 they are found and processed for production.

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1 With these previous versions of the MYST study proposal in hand, as well as the already-  
2 produced later versions of that study proposal, Plaintiffs will be able to determine readily what  
3 changes were made to the language of that document over time and make use of those facts in  
4 arguing the merits of this case however they see fit. Given that the undersigned is solely resolving  
5 a discovery dispute, clearly nothing herein addresses or stops any Party from seeking guidance or  
6 relief from Judge Gonzalez Rogers regarding any issues concerning trial or other pre-trial related  
7 issues regarding these documents (including but not limited to scope of arguments regarding  
8 motivations for any changes, what if any inferences (negative or otherwise) would be permissible,  
9 any applicable jury instructions, or any other issues not expressly resolved by this Order).

10 Because Ms. [REDACTED] states that “ultimately” the language was not modified and because  
11 the various versions of the MYST study proposal were not destroyed, Plaintiffs have not made a  
12 sufficient showing that the crime-fraud exception to the attorney-client privilege applies to the  
13 redacted portions of Documents 1 and 2. As the *Tessera* opinion concluded, the production of the  
14 various edited versions of the underlying document provides the party seeking the discovery the  
15 underlying factual material from which that party can make arguments as to the merits of the case,  
16 without the need to pierce the privilege.

17 Accordingly, the Court **GRANTS-IN-PART** Meta’s motion for a protective order as to the  
18 redacted portions of Documents 1 and 2, subject to Meta’s compliance with the directives above to  
19 produce the various versions of the MYST study proposal and to timely serve a privilege log as  
20 discussed below.

21 **Document 3**

22 The next document at issue was produced in redacted form during discovery in this MDL  
23 with Bates number META3047MDL-050-00353504 (the same document was produced in the  
24 D.C. Superior Court action bearing Bates number METADCAG-010-003353309). For ease of  
25 reference, the D.C. Superior Court and the Parties have referred to this document as “Document 3”  
26 and for reasons discussed above the undersigned will also refer to this document as Document 3.

27 Document 3 is a printout of a series (or thread) of electronic messages between several  
28 Meta employees (whose titles at the time are provided)— [REDACTED] (CSI - Youth and Well-

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1 being Shared Research Team); [REDACTED] (Director, Research, Central Social Impact  
2 Research Team); [REDACTED] (Research Director, Social Impact Products RES Team);  
3 and Ms. [REDACTED] (discussed in connection with Documents 1 and 2 above). The chat messages in  
4 Document 3 are all dated March 10, 2023. Out of this series of electronic chat messages, one  
5 message authored by [REDACTED] and one message authored by Ms. [REDACTED] were each redacted  
6 on grounds of attorney-client privilege. The remainder of Document 3 was produced unredacted.  
7 None of the authors or recipients on this chat thread are, or were at the relevant time, attorneys.

8 In connection with the *in camera* review of these documents, Meta also submitted a  
9 declaration from Ms. [REDACTED] which was apparently submitted to the D.C. Superior Court  
10 in connection with Meta’s then-pending motion for reconsideration in that court. Ms. [REDACTED]  
11 [REDACTED] attests that, in one redacted portion of Document 3 which she authored, she “quoted an  
12 email from a colleague that described communications with Meta lawyers about a proposed study  
13 – the Meta & Youth Social Emotional Trends study (‘MYST’)[.]” [REDACTED] Decl. ¶ 3. Meta  
14 submitted no declaration addressing the redacted portion of Document 3 authored by Ms. [REDACTED].

15 After *in camera* review, the Court finds that the following two redacted chat messages in  
16 Document 3 do not mention, discuss, or even relate to any communication from anyone (including  
17 a lawyer) to destroy, alter, or change any evidence: (1) the redacted chat message authored by Ms.  
18 [REDACTED] dated March 10, 2023 at time stamp 09:41:37 PST; and (2) the redacted chat message  
19 immediately following authored by Ms. [REDACTED] on the same date with time stamp  
20 10:12:52 PST. Neither of these chat messages relays, communicates, or even summarizes the  
21 substance of any attorney-client communications at all. Rather, in general, these two chat  
22 messages are messages between Meta business personnel discussing a document and a work plan  
23 for these personnel to interact with Meta’s lawyers. At best, these are communications between  
24 lay persons regarding preparations or planning for communicating with lawyers, not actual  
25 attorney-client communications (whether relayed or not) in and of themselves. There is simply no  
26 discussion in these two chat messages regarding editing, altering, changing, modifying,  
27 destroying, or in any way spoliating any evidence. For these reasons and based on this *in camera*  
28 review, the Court **FINDS** that these portions of Document 3 are not subject to the crime-fraud

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1 exception to the attorney-client privilege.

2 The only remaining redacted portion of Document 3 is the March 1, 2023 chat message  
3 (with time stamp 09:24:30 PST) authored by Ms. [REDACTED] discussed in her declaration. As  
4 Ms. [REDACTED] avers, the redacted portion of this chat message quotes from an email sent by  
5 Emily Dalton Smith (VP of Product Management) to Nick Clegg (President, Global Affairs). Like  
6 Ms. [REDACTED], neither of these Meta personnel are lawyers. The email at issue also refers to  
7 Jennifer Newstead, Meta’s Chief Legal Officer, although the chat is unclear whether Ms.  
8 Newstead was herself a recipient of the email. Without detailing the substance of the  
9 communication, in general, the quoted email concerns issues under discussion between Meta  
10 business personnel and Meta’s legal department regarding the MYST study. Ms. Smith indicates  
11 that she “will bring two issues” to Mr. Clegg for his input in the following week concerning Ms.  
12 Smith’s group’s need for “durable, categorical legal guidance that allows us to operate freely,  
13 without treating each study as a unique decision.”

14 Unlike Documents, 1, 2, and 4, this redacted portion of Document 3 does not refer to any  
15 specific other documents or evidence. As counsel for Meta has represented to the Court under  
16 oath, “the conversation in Document 3 did not relate to legal advice given on a specific document,  
17 but rather to the entire MYST study, which is a complex, longitudinal study involving multiple  
18 waves of data collection, with analyses still ongoing.” [Dkt. 2594-1 at 4]. The MYST study (not  
19 limited to just its proposal document, referenced in Documents 1 and 2) involved multiple  
20 documents. *Id.* As part of its submission for *in camera* review, Meta also submitted the  
21 declaration of Sam Yang, Forensic Technology Lead on the eDiscovery and Information  
22 Governance team at Meta. [Dkt. 2594-2]. Meta relies on that declaration for its position that  
23 searching for and producing prior versions of MYST study documents (given the number of such  
24 documents and the potential number of prior versions) would be unduly burdensome. [Dkt. 2594-  
25 1 at 6].

26 Meta has indicated that at least some of the MYST study documents which have been  
27 produced are or were collaborative documents, such as Google documents. *Id.* at 4-6. Meta has  
28 confirmed that prior versions of those collaborative Google documents would have been retained

1 and are accessible at least via manual recovery using the Google Vault tool. *Id.*; *see also* Dkt.  
2 2594-2 at ¶¶ 3-6. Those prior versions of the MYST study collaborative documents have not been  
3 produced. Meta asserts that Google Vault itself does not allow for searching for prior versions of  
4 documents using a date range, and instead requires searching for versions by a specified date.  
5 [Dkt. 2594-2 at ¶¶ 5-6].

6 Meta’s declarant, Mr. Yang, does not discuss or address the fact that there exist a number  
7 of eDiscovery vendors and third-party software tools available for interfacing with Google  
8 documents and Google Vault, ingesting that data, and then providing more robust search  
9 capabilities using parameters such as date ranges which are beyond those capabilities built-into  
10 Google Vault itself. Given the number of complex litigations Meta has been involved in in recent  
11 years (including this MDL) and the sophistication of eDiscovery tools and vendors, the Court  
12 finds Meta’s declarant’s reliance on the search limitations of Google Vault alone to be  
13 unpersuasive. While there is always some burden involved in searching for and producing  
14 versions of documents, the question for this Court is whether the burden amounts to undue burden.  
15 Meta’s argument that it would be *unduly* burdensome to search for and produce prior versions of  
16 these collaborative MYST study documents is not sufficiently substantiated.

17 Based on the record submitted, there was no destruction of documents at issue here. At  
18 best, the record indicates that there was discussion with Meta’s lawyers about redesigning the  
19 MYST study. As with Documents 1 and 2, the issue then reduces to whether the crime-fraud  
20 exception applies to communications regarding proposed and implemented modifications to the  
21 MYST study documents, *i.e.* whether such communications qualify as improperly advising  
22 alteration of evidence.

23 The discussion above regarding the analogous *Tessera* opinion and Documents 1 and 2  
24 guides the resolution of the dispute as to Document 3. Meta has confirmed that collaborative  
25 documents (*i.e.*, Google documents) for the MYST study were produced in discovery. Meta has  
26 confirmed that previous versions (prior to the attorney advice) of these collaborative documents  
27 are found within Google Vault (although those versions have not been produced in discovery  
28 previously). Based on this record, there has been no destruction of evidence, because the versions

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1 of the MYST study documents which both predate and postdate the attorney advice here still exist.  
2 And there has been no irreversible or unreviewable alteration of evidence, because the pre- and  
3 post- advice versions exist, and thus, any changes are discoverable from simple comparison of the  
4 text of the various versions.

5 However, unlike in *Tessera* where both the original Paper and the Revised Paper were  
6 produced, here Meta has not produced in discovery the previous versions of the collaborative  
7 MYST study documents (for various reasons Meta asserts based on undue burden, the ESI  
8 protocol, and Meta’s objections to Plaintiffs’ requests for production). As discussed above, the  
9 Court **OVERRULES** Meta’s undue burden objection. This is straightforward to remedy and  
10 bring the dispute over Document 3 in line with the reasoning of *Tessera*. Accordingly, for all the  
11 reasons stated herein, the Court **ORDERS** Meta to perform a diligent and reasonable search for  
12 and then to produce all non-duplicative prior versions of all MYST study documents which are  
13 Google documents previously produced, where such prior versions pre-date March 10, 2023,  
14 including those versions Meta has already confirmed it has retained in Google Vault but not  
15 previously produced. Because the volume of these documents is higher than the volume in  
16 connection with Documents 1, 2 and 4, the documents ordered with regard to Document 3  
17 **SHALL** be produced on or before **January 30, 2026**, and to avoid delay Meta **SHALL** produce  
18 them on a rolling basis as they are found and processed for production. For avoidance of doubt,  
19 this Order only applies to Meta’s Google documents concerning the MYST study, and does not  
20 require searching for or producing prior MYST study documents which are not collaborative  
21 Google documents.

22 With these previous versions of the MYST study documents in hand, as well as the  
23 already-produced later version of those same Google documents, Plaintiffs will be able to  
24 determine readily what changes were made to the language of those documents over time and  
25 make use of those facts in arguing the merits of this case however they see fit. Given that the  
26 undersigned is solely resolving a discovery dispute, clearly nothing herein addresses or stops any  
27 Party from seeking guidance or relief from Judge Gonzalez Rogers regarding any issues  
28 concerning trial or other pre-trial related issues regarding these documents (including but not

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1 limited to scope of arguments regarding motivations for any changes, what if any inferences  
2 (negative or otherwise) would be permissible, any applicable jury instructions, or any other issues  
3 not expressly resolved by this Order).

4 Because the various versions of the Google documents which are MYST study documents  
5 were not destroyed, Plaintiffs have not made a sufficient showing that the crime-fraud exception to  
6 the attorney-client privilege applies to the redacted portion of Document 3 which quotes the email  
7 from Ms. Smith. As the *Tessera* opinion concluded, the production of the various edited versions  
8 of the underlying documents provides the party seeking the discovery the underlying factual  
9 material from which that party can make arguments as to the merits of the case, without the need  
10 to pierce the privilege.

11 Accordingly, the Court **GRANTS-IN-PART** Meta’s motion for a protective order as to  
12 this redacted portions of Document 3, subject to Meta’s compliance with the directives above to  
13 produce the various versions of the Google documents and to timely serve a privilege log as  
14 discussed below. However, as discussed above, the Court **GRANTS** Meta’s motion for a  
15 protective order regarding the two chat messages in Document 3 authored by Ms. [REDACTED] and Ms.  
16 [REDACTED] which the Court concludes are not at all subject to the crime-fraud exception, and  
17 correspondingly, **DENIES** Plaintiffs’ request that the Court find that those two chat messages in  
18 particular are subject to the crime-fraud exception and not privileged.

19 **Document 4**

20 The final document at issue was produced in redacted form during discovery in this MDL  
21 with Bates number META3047MDL-111-00468706 (the same document was produced in the  
22 D.C. Superior Court action bearing Bates number METADCG-022-00471540). For ease of  
23 reference, the D.C. Superior Court has referred to this document as “Document 4” and for reasons  
24 discussed above the undersigned will also refer to this document as Document 4.

25 Document 4 is a printout of a series (or thread) of electronic messages between three Meta  
26 employees— [REDACTED] (Project Manager), [REDACTED] (Product Design Director), and  
27 [REDACTED] (Product Manager), dated July 7, 2023. Out of this series of electronic chat  
28 messages, several messages authored by Ms. [REDACTED] and by Ms. [REDACTED] were redacted, either in

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1 whole or in part, on grounds of attorney-client privilege. The remainder of Document 4 was  
2 produced unredacted. Neither Ms. [REDACTED], nor Ms. [REDACTED], nor Ms. [REDACTED] are, or were at the  
3 relevant time, attorneys.

4 In connection with the *in camera* review of these documents, Meta also submitted a  
5 declaration from [REDACTED], Director and Associate General Counsel for Meta (who is also  
6 Registered In-House Counsel with the State of California). This declaration from Ms. [REDACTED] was  
7 apparently submitted to the D.C. Superior Court in connection with Meta’s then-pending motion  
8 for reconsideration in that court. Ms. [REDACTED] attests that, in the redacted portions of Document 4, the  
9 “chat exchange refers to legal advice I [Ms. [REDACTED]] provided regarding language and other content to  
10 be used in an internal slide deck.” [REDACTED] Decl. ¶ 3. Ms. [REDACTED] is not the author or recipient of any of  
11 the redacted chat messages.

12 The Court notes that the declaration of Ms. [REDACTED] is of limited utility in resolving this  
13 dispute. For the crime-fraud exception, it is the client’s knowledge and state of mind that are  
14 relevant, and thus, the attorney’s intent is not dispositive of the crime-fraud issue. *In re Grand*  
15 *Jury Investigation*, 628 F. App’x 482, 483 (9th Cir. Jan. 14, 2016); *see also ABN Corp. v. Groupe*  
16 *Pelm Int’l Corp.*, No. 23-cv-00004-RFL, 2024 WL 6884707, at \*4 (N.D. Cal. June 5, 2024) (“The  
17 [crime-fraud] exception applies based on the client’s intent, not the attorney’s”). Ms. [REDACTED]’s after-  
18 the-fact statements as to what she intended to convey by her communications eighteen months ago  
19 (as referenced in the chat thread) are neither particularly helpful nor compelling evidence  
20 dispositive of the dispute. Further, the Court finds unpersuasive her declaration’s attempt to  
21 interpret or construe certain words used in the chat thread (which again, Ms. [REDACTED] neither wrote nor  
22 received). The whole point of the agreed-upon *in camera* review of the documents was for the  
23 Court to see precisely what was said by Ms. [REDACTED] and Ms. [REDACTED], who both wrote in the  
24 vernacular (as is common in electronic chat messages), and thus, whose statements are readily  
25 understandable on their face without the need for a declaration providing interpretations of  
26 terminology (unlike, for example, a patent claim construction exercise).

27 Without detailing the substance of the communication, in general, the chat messages at  
28 issue refer to multiple alterations suggested by Meta’s counsel to text in a set of slides to be used

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1 for a presentation which Ms. [REDACTED] and Ms. [REDACTED] were working on at the time. [REDACTED] Decl. ¶ 3.  
2 The chat thread at some points mentions Ms. [REDACTED] by name, as well as [REDACTED],  
3 Director and Associate General Counsel, Product (Instagram). [Dkt. 2594-1 at 8]. There is also  
4 mention in this thread that, at one point, a total of five lawyers have been “added” to the slide deck  
5 at issue. *Id.* However, not every single redacted chat message refers to a Meta attorney. Unlike  
6 the study proposal discussed in Documents 1 and 2 above, there is no averment here that the slides  
7 discussed in Document 4 remained unchanged (“ultimately” or otherwise). There is no real  
8 dispute that the slide deck discussed by Ms. [REDACTED] and Ms. [REDACTED] changed over time.

9 Meta has confirmed through the declaration of its counsel that Meta produced the  
10 referenced slide deck (with redactions) bearing Bates No. META3047MDL-299-00000001. [Dkt.  
11 2594-1 at 7 n.3]. Meta’s counsel also avers that Meta produced another document,  
12 META3047MDL-111-00158033, containing slides “with significant overlapping content” to the  
13 slide deck referenced in META3047MDL-111-00468706. *Id.* Meta confirms that “[p]rior  
14 versions of the slides, including the versions that predate the lawyer’s advice, have been retained,  
15 but have not been produced[.]” *Id.* at 7.

16 Based on the record submitted, there was no destruction of documents at issue here. At  
17 best, the record demonstrates that there was discussion about alterations to the language in the  
18 underlying slide deck discussed in the chat messages of Document 4. As with Documents 1 and 2,  
19 the issue then reduces to whether the crime-fraud exception applies to communications regarding  
20 proposed and implemented modifications to the underlying slide deck, *i.e.* whether such  
21 communications qualify as improperly advising alteration of evidence.

22 The discussion above regarding the analogous *Tessera* opinion and Documents 1 and 2  
23 guides the resolution of the dispute as to Document 4. Meta has confirmed that the underlying  
24 slide deck was produced in discovery. Meta has confirmed that previous versions (prior to the  
25 attorney advice) of the slide deck have been found and retained in its document repositories  
26 (although not produced in discovery previously). Based on this record, there has been no  
27 destruction of evidence, because the versions of the slide deck which both predate and postdate the  
28 attorney advice here still exist. And there has been no irreversible or unreviewable alteration of

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1 evidence, because the pre- and post- advice versions exist, and thus, any changes are discoverable  
2 from simple comparison of the text of the various versions.

3 However, unlike in *Tessera* where both the Paper and the Revised Paper were produced,  
4 here, Meta has not produced in discovery the previous versions of the slide deck (for various  
5 reasons Meta asserts based on the ESI protocol and Meta’s objections to Plaintiffs’ requests for  
6 production). This is straightforward to remedy and bring the dispute over Document 4 in line with  
7 the reasoning of *Tessera*.

8 Accordingly, for all the reasons stated herein, the Court **ORDERS** Meta to perform a  
9 diligent and reasonable search for and then produce all non-duplicative versions of the slide deck  
10 which predate July 7, 2023, including those versions Meta has already confirmed it has retained  
11 but not previously produced. These documents **SHALL** be produced on or before **January 23,**  
12 **2026**, and to avoid delay Meta **SHALL** produce them on a rolling basis as they are found and  
13 processed for production.

14 With these previous versions of the slide deck in hand, as well as the already-produced  
15 later version of that slide deck, Plaintiffs will be able to determine readily what changes were  
16 made to the language of that document over time and make use of those facts in arguing the merits  
17 of this case however they see fit. Given that the undersigned is solely resolving a discovery  
18 dispute, clearly nothing herein addresses or stops any Party from seeking guidance or relief from  
19 Judge Gonzalez Rogers regarding any issues concerning trial or other pre-trial related issues  
20 regarding these documents (including but not limited to scope of arguments regarding motivations  
21 for any changes, what if any inferences (negative or otherwise) would be permissible, any  
22 applicable jury instructions, or any other issues not expressly resolved by this Order).

23 Because the various versions of the slide deck were not destroyed, Plaintiffs have not made  
24 a sufficient showing that the crime-fraud exception to the attorney-client privilege applies to the  
25 redacted portions of Document 4. As the *Tessera* opinion concluded, the production of the various  
26 edited versions of the underlying document provides the party seeking the discovery the  
27 underlying factual material from which that party can make arguments as to the merits of the case,  
28 without the need to pierce the privilege.

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1           Accordingly, the Court **GRANTS-IN-PART** Meta’s motion for a protective order as to the  
2 redacted portions of Document 4, subject to Meta’s compliance with the directives above to  
3 produce the various versions of the slide deck and timely serve a privilege log as discussed below.

4           **Conclusion as to Privilege and Crime-Fraud**

5           The Court is cognizant that its conclusions as to the crime-fraud issues here differ from  
6 those of the D.C. Superior Court. As the D.C. Superior Court’s order denying Meta’s motion for  
7 reconsideration makes clear, the D.C. Superior Court was applying D.C. law on the issue of crime-  
8 fraud and not the controlling Ninth Circuit standards applicable here. The precise formulation of  
9 the crime-fraud standard under D.C. law is not identical to the formulation of the standard under  
10 Ninth Circuit or California law (discussed above). To the extent the conclusions of law differ as  
11 between this Court and the D.C. Superior Court, that should not be surprising and is of course one  
12 reason why the D.C. Superior Court’s decisions are, at best, nonbinding, persuasive authority.

13           Also, while the D.C Superior Court undertook *in camera* review and provided in-depth  
14 analysis twice (both for the original order and the order denying Meta’s motion for  
15 reconsideration), the D.C. Superior Court explicitly did not take into consideration the declarations  
16 of the Meta personnel which were submitted. Further, likely due to confidentiality issues, the  
17 D.C. Superior Court’s orders refrain from discussing many of the details of the four disputed  
18 documents (even in the relatively general terms used in this Order), and thus contrast with this  
19 Court’s analysis in that respect. Ultimately, the D.C. Superior Court’s orders are not binding  
20 authority and, to the extent the findings of fact differ here, that is explicable given the slightly  
21 different procedural posture of that case and the different record submitted and considered.

22           As discussed above, the Court bases its finding that the crime-fraud exception should not  
23 apply in large part on the rationale that, if the underlying documents and evidence which  
24 demonstrate the changes made to the documents are produced, then there has been no spoliation.  
25 It follows that if Meta refuses or otherwise fails to produce the documents as ordered herein, or if  
26 it turns out that the prior versions of the documents do not in fact exist, then a fundamental  
27 premise of the Court’s rulings would be lacking. Accordingly, the Court **DENIES WITHOUT**  
28 **PREJUDICE** Plaintiffs’ request to find these four documents are subject to the crime-fraud

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1 exception and not privileged.

2           Additionally, because this dispute centers on application of the attorney-client privilege,  
3 the Court asked Meta to submit a copy of the privilege log for the four documents at issue. [Dkt.  
4 2581 at 2]. In response, Meta reported that, based on the Parties’ discovery protocol, no privilege  
5 log was required for the redactions for these four documents. [Dkt. 2594-1 at 11]. However, these  
6 four documents have become intensely disputed in three different courts. Meta is the proponent of  
7 the attorney-client privilege as to the redacted portions of Documents 1 through 4 here.

8           The party asserting the attorney-client privilege has the burden of proving that the privilege  
9 applies. *United States v. Gray*, 876 F.2d 1411, 1415 (9th Cir. 1989) (citations omitted). The  
10 Ninth Circuit has “previously recognized a number of means of sufficiently establishing the  
11 privilege, one of which is the privilege log approach.” *In re Grand Jury Investigation*, 974 F.2d at  
12 1071. “The Ninth Circuit has held that a party meets its burden of demonstrating the applicability  
13 of the attorney-client privilege by submitting a log that identifies (a) the attorney and client  
14 involved, (b) the nature of the document, (c) all persons or entities shown on the document to have  
15 received or sent the document, (d) all persons or entities known to have been furnished the  
16 document or informed of its substance, and (e) the date the document was generated, prepared, or  
17 dated.” *Khasin v. Hershey Co.*, No. 5:12-cv-01862-EJD-PSG, 2014 WL 690278, at \*2 (N.D. Cal.  
18 Feb. 21, 2014) (citing *id.*); *see also Club Level, Inc. v. City of Wenatchee*, 619 F. App’x 316, 319  
19 (9th Cir. 2015) (affirming district court's determination that challenged privilege log satisfied Rule  
20 26(b)(5), where privilege log “disclosed the nature of the correspondence, the date of sending, the  
21 sender and recipient(s), and a brief statement describing the subject of the content”).

22           For most of the redacted text in these four documents, it is reasonably evident (based on  
23 the *in camera* review) whether the redacted portion discusses an attorney-client communication.  
24 However, some of the redactions do not directly identify or readily provide a means to infer the  
25 identity of the attorney involved. Accordingly, the Court **ORDERS** Meta to prepare a privilege  
26 log for the redacted portions of these four documents and to serve that privilege log on Plaintiffs  
27 by no later than **January 26, 2026**.

28           As summarized above, the D.C. Superior Court has on reconsideration confirmed its ruling

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1 that the four documents at issue here are subject to the crime-fraud exception to the attorney-client  
2 privilege under D.C. law, ordered Meta to produce those four documents in their entirety  
3 unredacted by January 12, 2026, and denied Meta’s request for interlocutory review of that order  
4 denying reconsideration. There is apparently a writ of mandamus pending which Meta has filed  
5 with the D.C. Court of Appeals, along with a motion to stay. As of the date of this Order, there is  
6 no stay in place and mandamus has not been granted. Accordingly, it is entirely conceivable that  
7 the fully unredacted versions of the four documents will be produced in discovery (over Meta’s  
8 objections) imminently.

9 For these reasons, the Court directed the Parties to file a supplemental brief discussing the  
10 practical impact of the D.C. Superior Court’s ruling. [Dkt. 2623]. The Parties have reported that  
11 the JCCP action in Los Angeles Superior Court is scheduled to commence trial on January 27,  
12 2026 and, as reported by the Parties, Judge Kuhl presiding over that action has asked a similar  
13 question. The undersigned understands that oral argument in the JCCP on this same crime-fraud  
14 issue is scheduled for January 14, 2026 and, for that reason, the Court has endeavored to issue this  
15 Order as expeditiously as possible given the fast-moving pace of activities in the D.C. Superior  
16 Court.

17 Meta argues that the production of the four documents in the D.C. Superior Court action  
18 will have no practical impact on this MDL. There is no automatic sharing of discovery documents  
19 for all the Parties as between that action and this MDL. The Protective Order in the D.C. Superior  
20 Court action will govern the confidential treatment of the four documents (if they are produced)  
21 and they will not be made public (nor automatically available to all counsel in this MDL). [Dkt.  
22 2627 at 12].

23 Plaintiffs argue that “[i]n light of [the D.C Superior Court’s order denying reconsideration]  
24 and the impending JCCP trial, the documents are likely to become a matter of public record in the  
25 near future, rendering the dispute here one of admissibility at trial rather than a discovery dispute  
26 over a question of privilege regarding documents not otherwise disclosed.” *Id.* at 14. Plaintiffs  
27 further argue that “[t]he documents are likely to be relied upon at trial in the D.C. action and to  
28 become part of the public record. This development substantially narrows—and may eliminate

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1 altogether—the live controversy on which Meta bases its request for relief in the MDL.” *Id.*  
2 Plaintiffs also report that “the plaintiff State Attorneys General in this MDL are permitted to  
3 access documents produced in the D.C. action, even if those documents have a confidentiality  
4 designation, by virtue of a law enforcement information sharing provision in the D.C. action’s  
5 protective order.” *Id.* at 15.

6 Plaintiffs argue that “the imminent production of the documents following a ruling  
7 rejecting privilege materially changes the landscape. Courts routinely account for such  
8 developments when determining whether continued withholding serves any legitimate purpose,  
9 especially once the documents have become public.” *Id.* (citing *U.S. v. Philip Morris Inc.*, 212  
10 F.R.D. 421, 428 (D.D.C. 2002)). As a consequence, Plaintiffs argue that “[w]ith the MDL trial six  
11 months away, the practical consequences of production should be assessed on a concrete rather  
12 than hypothetical basis after the documents are produced in the D.C. action and Judge Kuhl has  
13 issued a ruling in the JCCP. If the Court reaches the merits, it should confirm that the documents  
14 are not privileged under the crime-fraud exception.” *Id.*

15 As noted, there is a lag of several months between the JCCP trial and the first trial in this  
16 MDL. There is also a gap of months between the currently ordered production of the four  
17 documents and trial in this MDL. Further, as noted, the State Plaintiffs in this MDL will have the  
18 ability to access the four documents as soon as they are produced in the D.C. action. And it is  
19 entirely possible that the four documents may be publicly disclosed at trial or a hearing in either  
20 the JCCP or the D.C. Superior Court prior to trial in this MDL. For these reasons, there is a  
21 likelihood that the status of these four documents may change between now and trial in this MDL.  
22 As a practical matter, at some point it is possible that this entire dispute as to privilege may  
23 become moot or at least narrowed. Accordingly, this Order granting Meta partial relief is  
24 **WITHOUT PREJUDICE** to Plaintiffs’ filing an appropriate motion for other or different relief  
25 with regard to these four documents (without the need to seek leave from the undersigned to file a  
26 motion for reconsideration), if, for example, the four documents are made public in another forum.

27 **CONCLUSION**

28 For all the reasons discussed herein, the Court **ORDERS** that Meta’s motion for a

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1 protective order with regard to these four documents is **GRANTED-IN-PART**. In accordance  
2 with the discussion herein, the Court **ORDERS** Meta to produce the documents as directed herein  
3 by the deadlines noted above (January 23, 2026 for most categories of documents and January  
4 30, 2026 for the remainder).

5 Further, the Court **ORDERS** Meta to prepare and serve on Plaintiffs a privilege log for the  
6 redactions on each of the four documents. Meta’s privilege log **SHALL** be served on or before  
7 January 26, 2026.

8 Meta is further **ORDERED** to file a notice of compliance with the document production  
9 and privilege log requirements set forth herein (and attach a copy of that privilege log) by  
10 January 27, 2026.

11 This Order was drafted specifically to avoid disclosure of the substance of any alleged  
12 attorney-client communications. The summaries and discussion of the four documents here are at  
13 a level of generality which would normally be found on a privilege log (identifying authors,  
14 recipients, dates, and summary of subject matter). Accordingly, the Court **ORDERS** that there is  
15 no waiver of any applicable attorney-client privilege by virtue of this Court’s description or  
16 discussion of the four documents in this Order. The Court further **ORDERS** that no Party to this  
17 MDL shall argue waiver of any applicable attorney-client privilege based on this Order.

18 Because this Order discusses internal Meta documents and declaration, and because of the  
19 Protective Order’s confidentiality provisions, the Parties are further **ORDERED** to meet and  
20 confer promptly and jointly file a proposed redacted version of this Order for public filing. That  
21 proposed public version of this Order **SHALL** be filed on or before January 23, 2026. The  
22 Parties are also **ORDERED** to provide to Judge Kuhl the full version of this Order as soon as it is  
23 issued, subject to the appropriate confidentiality provisions of the Protective Order in the JCCP.

24 Further, because this Order discusses the Meta declarations from the D.C. Superior Court  
25 which were submitted *in camera* in connection with this dispute (but not filed), Meta is  
26 **ORDERED** to file redacted, public versions of those declarations on the docket here for clarity  
27 and completeness of the record. Meta **SHALL** file those public versions of the declarations by  
28 January 23, 2026. Meta **SHALL** file under seal the unredacted, full versions of these

1 declarations by **January 14, 2026.**

2 Finally, because this Order discusses at least in part some of the non-privileged, unredacted  
3 text of the four documents, again for completeness of the record, Meta is **ORDERED** to file under  
4 seal the *redacted* versions of Documents 1-4 by **January 14, 2026.**

5 This **RESOLVES** Dkts. 2474 and 2627.

6 The Court **DIRECTS** the Clerk of Court to file this Order **UNDER SEAL.**

7

8 **IT IS SO ORDERED.**

9 Dated: January 12, 2026



PETER H. KANG  
United States Magistrate Judge

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# EXHIBIT K

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

***Social Media Cases*  
JCCP5255  
(Lead Case: 22STCV21355)**

**Dept. 12 SSC  
Hon. Carolyn B. Kuhl  
Date of Hearing: January 14, 2026**

**Plaintiffs’ Motion to Compel Production of Unredacted Documents**

Court’s Ruling: The Motion is denied

In requests for production served on Meta on December 23, 2023, Plaintiffs sought documents regarding Meta’s internal research/analyses of problematic use of Meta’s platforms by minors. (McConnell Decl., Ex. A.) Among the many documents produced by Meta in this litigation, Meta has produced four documents reflecting communications among Meta employees regarding internal studies of the effects of social media use (Documents). (McConnell Decl., Exs. B, C, D, E.) These documents have been referred to in judicial proceedings in other jurisdictions as Documents 1, 2, 3 and 4.

The Documents consist of email communications sent among Meta employees who were involved in studying the effects of social media use. It is undisputed that no attorneys are included in these communications. But in the communications, the non-attorney employees share amongst themselves statements or direction previously provided by Meta’s attorneys regarding the studies. For example, from the unredacted version of Exhibit B (Document 1) it can be gathered that this document is a communication between two employees wherein one employee appears to share a statement from outside counsel, and another employee responds: “fairly sad state of affairs, but familiar territory.” (McConnell Decl., Ex. B.) In Exhibit D (Document 3), an employee responds to the “legal team’s” redacted input (shared by a non-attorney employee) with the following:

I just fundamentally disagree with that logic and the legal team's approach ... We need to do this research to understand and improve our products. Not doing the research is actually riskier and worse for both our users and our company. Legal is revisiting the same issues over and over again. It's unproductive and incredibly expensive to do this - we need durable, categorical legal guidance that allows us to operate freely without treating each study as a unique decision.

(McConnell Decl., Ex. D, at p. 1.) By reviewing the redacted versions of the Documents, the reader can conclude that that the redacted portions of the Documents consist of direction that was provided by Meta's attorneys and that is being recounted among the non-attorney employees communicating by email.

A judge from the Superior Court of the District of Columbia has determined that the Documents are not entitled to attorney-client privilege (DC Court's Order). (See McConnell Decl., Ex. I.) The D.C. Court determined that the crime-fraud exception to attorney-client privilege applied. After Meta filed a Motion for Reconsideration, the D.C. Court confirmed its prior ruling. Meta has challenged the Superior Court's ruling, seeking an appellate writ.

Subsequently, in a joint letter brief, Meta and the plaintiffs in the MDL proceeding that mirrors this JCCP litigation (*In Re: Social Media Adolescent Addiction/ Personal Injury Products Liability Litigation*), presented to Magistrate Judge Peter H. Kang the same issue ruled on by the D.C. Superior Court and presented to this court in the instant motion: whether the crime-fraud exception to the attorney-client privilege requires complete production of the four documents that Meta redacted to protect attorney-client communications. In a 28 page Order filed January 12, 2026, Judge Kang determined that the crime-fraud exception to the attorney-client privilege does not justify vitiating Meta's attorney-client privilege as to the four documents in question (although Judge Kang required the production by Meta of additional documents and the service of a privilege log).

Contrary to the usual practice of the California courts, the parties have stipulated that this court may conduct an in camera review of the Documents without privilege redactions, and this court has done so.

There is no attorney-client privilege "if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud." (California Evid. Code, § 956, subd. (a).) "To invoke the

crime-fraud exception, the proponent must make a prima facie showing that the services of the attorney were sought or obtained to aid someone in committing a crime or fraud. [Citation.] Evidence Code section 956 does not require a completed crime or fraud. It applies to attorney communications sought to enable the client to *plan to commit* a fraud, whether the fraud is successful or not. [Citations] It is the intent of the client upon which attention must be focused and not that of the lawyers.” (*Favila v. Katten Muchin Rosenman LLP* (2010) 188 Cal.App.4th 189, 220, internal citations and quotation marks omitted; emphasis in original.)

“A person who, knowing that any ... record ..., or other matter or thing, is about to be produced in evidence upon a trial, inquiry, or investigation, authorized by law, willfully destroys, erases, or conceals the same, with the intent to prevent it or its content from being produced, is guilty of a misdemeanor.” (Pen. Code, § 135.) At the time the Documents were created, this litigation had already been filed against Meta. Any evidence from internal studies regarding the effects of social media use on minors is directly relevant to Plaintiffs’ claims; Meta was thus aware that such evidence would be produced in this litigation.

Plaintiffs’ principal theory of the crime committed is that evidence was destroyed or concealed at the direction of counsel. In their Reply, Plaintiffs partially back away from the original claim that evidence was being destroyed or concealed from Plaintiffs, claiming rather that “Meta engaged in a coordinated effort to guide, alter, and sometimes bury research.” (Defs’ Reply, at p. 4.) Plaintiffs have not articulated a theory of *fraud* perpetrated using the advice or assistance of counsel. It does not appear that concealing evidence from an opponent in litigation is typically treated as fraud. Rather, under those circumstances the crime is defined in line with Penal Code section 135.

The Documents at issue, read in their entirety without redactions, do not, on the face of the documents, indicate that any evidence was destroyed or concealed. The additional record created by the Declarations filed by Meta and the deposition excerpts filed by Plaintiffs also do not lead this court to conclude that any evidence relevant to the subject matter discussed in the Documents was destroyed or concealed. The court had reached this conclusion prior to Judge Kang’s Order of January 12, 2026. There is no reason for this court to burden the record with further descriptions of the unredacted versions of the Documents and the other evidence submitted by the parties here, which also was part of the record before Judge Kang. The court instead refers to Judge Kang’s factual descriptions of the redacted Documents and the other evidence bearing on whether any document or other evidence was destroyed or concealed by Meta.

Advice by counsel concerning the direction of a client's future research activities, how that research should be characterized, and whether research findings should be made public is within the protection of the attorney-client privilege so long as evidence concerning such research is not destroyed and is not concealed in litigation. This does not mean that a party opponent cannot comment on the research itself, the direction of the research, the characterization of the research findings, or the fact that research was not made public (insofar as such facts are relevant in litigation). A party opponent may not, of course, invade any attorney-client privileged communications that may have motivated the client's decision-making regarding research.

This ruling is without prejudice to Plaintiffs' renewing the Motion based on an enhanced evidentiary record should documents that are produced in response to Judge Kang's January 12, 2026 Order justify reconsideration.

### **Defendants' Motion Requesting In-Camera Review**

For the reasons discussed above, this Motion is off calendar as moot. Plaintiffs stipulated to the relief requested (i.e., that the court review the unredacted Documents in camera without vitiating Meta's claim of privilege).

### **Meta Defendants' Motion to Seal (Motion to Compel Production of Unredacted Documents and Opposition Thereto)**

Meta moves to seal certain documents filed in connection with Plaintiffs' Motion. However, because the rules for sealing of records "do not apply to discovery motions and records filed or lodged in connection with discovery motions or proceedings" (Cal.Rules of Court, rule 2.550, subd. (a)(3)), Meta's Motion to Seal is unnecessary. The records can remain under seal without an order from this court approving that sealing. The Motion to Seal is off calendar as moot.

Date: 1/15/2026



*Carolyn B. Kuhl*

Carolyn B. Kuhl / Judge

Judge of the Superior Court of Los Angeles