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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

This Document Relates To:

ALL ACTIONS

MDL No. 3047

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

**AGENDA AND JOINT STATEMENT
FOR JANUARY 26, 2026, CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Case Management Order (“CMO”) Nos. 1 and 18, the Parties submit this agenda and joint statement in advance of the January 26, 2026, Case Management Conference (“CMC”).

I. Proposed Agenda for Case Management Conference

- Argument on Defendants’ Motions for Summary Judgment and Rule 702 Motions
- Argument on the New York Times’ Motion to Intervene and Unseal Judicial Records

II. Joint JCCP Update

Ruling on Remaining *Sargon* Motions. On December 3, 2025, Judge Kuhl issued rulings on the Parties’ remaining *Sargon* motions. **Exs. A-L.** Judge Kuhl granted in full defendants’ *Sargon* motions as to Dr. Minette Drumwright (plaintiffs’ marketing and corporate ethics expert) and Dr. Sarah Roberts (plaintiffs’ expert on defendants’ business models). Judge Kuhl denied in part and granted in part defendants’ *Sargon* motions as to Dr. John Chandler (plaintiffs’ marketing expert) and Brooke Istook (plaintiffs’ expert focused on online sexual harms). Judge Kuhl denied in full defendants’ *Sargon* motions as to Meredith McCarron (plaintiffs’ data expert), Dr. Seth Noar (plaintiffs’ warnings expert), Dr. Stuart Murray (plaintiffs’ specific cause expert), Dr. Kara Bagot (plaintiffs’ specific cause expert), and Arturo Bejar (a former Meta employee and contract worker whom plaintiffs have designated as a non-retained expert). Judge Kuhl denied in full plaintiffs’ *Sargon* motions as to Julian Ackert (YouTube’s data expert), Dr. Dzmitry Asinski (data expert for Meta and TikTok), and Robert Johnson (plaintiffs’ expert on defendants’ financial condition).

Witness Lists. After submitting initial witness lists in November for the first two trial pool 1 cases, and based on the Court’s orders, the parties filed updated witness lists on December 16, 2025 that included a description of each witness’s role and relevance to the case, along with total estimated time for direct and cross for each side. On December 18, 2025, Judge Kuhl issued a final decision on trial length, giving each side 46 hours to present their case (inclusive of openings and closings). The deadline for witness lists for the third trial pool 1 trial is currently being held in abeyance per stipulation, while the parties complete and the Court considers briefing on representativeness of that case and while the parties continue further required discovery regarding certain post-discovery factual allegations by the plaintiff.

Deposition Designations. On December 10, 2025, the parties submitted to the Court a set of representative deposition designations for five witnesses designated per side for the JCCP trial pool 1 cases. Judge Kuhl provided guidance on format for deposition designations based on that representative set, requesting, among other things, that lead trial counsel for each side review designations and objections before submission and represent to the Court that the designations are likely to be played. The parties will continue to submit deposition designations to the Court on an agreed schedule, providing designations to the Court no later than 10 calendar days prior to the date the parties anticipate the testimony will be played.

Verdict Form and Jury Instructions. The parties have submitted joint and disputed jury instructions and proposed verdict forms. Judge Kuhl has held two hearings to address the disputed instructions and the proposed verdict forms. The parties are currently waiting for the JCCP Court's rulings with respect to disputed jury instructions and the verdict form that she intends to use with the jury.

Motions *in Limine*. Judge Kuhl asked the parties to divide the MILs into two priority buckets. She heard argument on the first set of priority MILs on December 16, 2025 and issued rulings on January 6, 2026 (8 total). **Ex. M.** On January 14, 2026, Judge Kuhl held oral argument on the second set of priority MILS (8 total). The court has not yet issued rulings on those.

Voir Dire and Jury Selection. The parties are scheduled to begin jury selection in *KGM* on January 27, 2026 in Judge Kuhl's courtroom, with 75 potential jurors expected each morning and afternoon through at least January 29, 2026. The Court will give an agreed hardship questionnaire, followed by a substantive juror questionnaire that the parties continue to confer on. Jurors will return for substantive voir dire beginning on either January 30, 2026 or during the week of February 2, 2026. The parties also continue to negotiate the terms of a proposed order on juror research following a hearing held before Judge Kuhl on January 14, 2026, using Judge Kuhl's proposed order as guidance.

Motion to Compel Unredacted Documents. On January 14, 2026, Judge Kuhl held a hearing regarding the JCCP Plaintiffs' motion to compel production of the same four unredacted documents that were subject to a privilege dispute resolved by Magistrate Judge Kang on January 12, 2026. *See* ECF 2629. On January 15, Judge Kuhl issued a ruling concluding that the crime-fraud exception did not

1 apply to the four documents, “without prejudice to Plaintiffs’ renewing the Motion based on an
 2 enhanced evidentiary record should documents that are produced in response to Judge Kang’s January
 3 12, 2026 Order justify reconsideration.” Judge Kuhl’s order is attached as **Ex. N**.

4 **Final Pretrial Conference.** The parties in *KGM* will appear before Judge Kuhl on January 20,
 5 2026 for the final pretrial conference, at which they will discuss, among other things, the trial calendar,
 6 jury questionnaire, status of conferral on remaining evidentiary issues, and jury instructions.

7 **MSJs in Second Trial Pool.** The Parties’ Motions for Summary Judgment as to the Pool 2
 8 Plaintiffs (*PMY*, *SJ*, *KDB*) are due on February 2, 2026. Defendants also intend to file on February 2,
 9 2026 a Motion for Judgment on the Pleadings as to the Pool 2 Plaintiffs’ products liability claims, which
 10 the Pool 2 Plaintiffs assert survived the Court’s demurrer order because they arise under different states’
 11 laws.

12 **III. Discovery Update**

13 **A. Joint Discovery Update**

14 A copy of the following discovery-related submissions and orders, which were (or will by January
 15 26 have been) filed or issued since the last CMC Statement was filed, will be sent by email to Judge
 16 Gonzalez Rogers after this CMC Statement is filed (numbers refer to ECF docket numbers):

- 17 ● Order re: Meta Witnesses’ Preparedness For State AGs’ 30(b)(6) Deposition Topics and Related
 18 Discovery Requests (ECF 2441)
- 19 ● Joint Letter Brief (“JLB”) re: Disputes Over Privilege Issues in Connection With the Deposition of
 20 Jason Sattizahn (ECF 2454)
- 21 ● Joint Status Report (“JSR”) re: Supplemental Responses and Document Production re: Eugenia
 22 Cooney (ECF 2455)
- 23 ● JSR re: TikTok Defendants 30(b)(6) Witness Samantha Kersul Search Terms (ECF 2461)
- 24 ● JLB re: Whether Certain Meta Documents are Protected by Attorney-Client Privilege (ECF 2474)
- 25 ● JSR re: Supplemental Responses and Document Production re: Eugenia Cooney (ECF 2485)
- 26 ● JSR re: Supplemental Responses and Document Production re: Eugenia Cooney (ECF 2494)
- 27 ● Joint Statement re: Meta’s Response to Interrogatory No. 6 (ECF 2508)
- 28 ● Order granting Stipulation Resolving Disputes Over Privilege Issues in Connection With the
 Deposition of Jason Sattizahn (ECF 2527)

- Order re: Further Information Re Meta's Motion for Protective Order (ECF 2581)
- Declaration of Ashley M. Simonsen in Response to Order re: Further Information Re Meta's Motion for Protective Order (ECF 2954-1)
- Plaintiffs' Supplemental Authority re: Whether Certain Meta Documents are Protected by Attorney-Client Privilege (ECF 2597)
- Declaration of Austin Brane in Response to Order re: Further Information Re Meta's Motion for Protective Order (ECF 2611-1-5)
- Order Granting Stipulation Concerning Procedure for Meta's Privilege Objections to the Transcript of Deposition of Jason Sattizahn (ECF 2618)
- Notice of Filing of Email Dated December 30, 2025 in Further Support of Joint Letter Brief re: Whether Certain Meta Documents are Protected by Attorney-Client Privilege and in Response to Plaintiffs Declaration Dated December 26, 2025 (ECF 2620)
- Joint Notice of D.C. Superior Court's January 5, 2026 Order Denying Meta's Motion for Reconsideration Regarding Four Documents at Issue in Pending Joint Letter Brief (ECF 2622)
- Joint Supplemental Letter Brief re: the Impact of the D.C. Superior Court's January 5, 2026 Order on the Parties' Dispute Over Whether Certain Meta Documents Are Protected By Attorney-Client Privilege (ECF 2627)
- Order Resolving Dispute re: Four Meta Documents And Crime Fraud Exception to Attorney-Client Privilege (ECF 2629)

IV. Joint Update Regarding Ninth Circuit Appeal

The Ninth Circuit held oral argument on the collateral order appeal and the cross-appeals on January 6, 2026. A video recording of the oral argument is available on the Ninth Circuit's website at the following link: <https://www.ca9.uscourts.gov/media/video/?20260106/24-7032/>.

V. Joint Update Regarding SD and AG Jury Instruction Exchanges

The parties have been meeting and conferring on draft instructions to narrow the issues. The remaining disputed issues will be briefed in the submissions due to the Court on January 28, 2026. The parties are conferring on the format and length of the brief on a disputed instruction of Defendants concerning Section 230 and the First Amendment, which would apply to all of the six districts.

VI. Pre-Trial Schedule for First and Second School District Bellwether Trial

By e-mail dated January 14, 2026, the Court set June 15, 2026 as the trial date for the first Bellwether action. Plaintiffs sent Defendants a proposed *Joint Stipulation and [Proposed] Order*

1 *Regarding the Pretrial Schedule* for the *Breathitt* and *Tucson* cases, and the parties are meeting and
2 conferring.

3 **VII. Timing of Second Bellwether Trial**

4 PISD Plaintiffs note that they would like to discuss with the Court the timing of the second
5 bellwether trial. As previously discussed with the Court, PISD Plaintiffs maintain that, following the
6 first bellwether trial, which was a Defense selection, the second bellwether trial should proceed as a
7 Plaintiffs' selection (Tucson).

8 The State AGs' position is that the AG trial should be scheduled as the second trial in the MDL.
9 At the very least, the Court should defer further scheduling decisions until the February CMC, when
10 Meta and the State AGs will discuss trial planning with the Court.

11 Defendants agree that further scheduling discussions should await the February CMC. Meta also
12 maintains that it is premature to schedule any trial in the State AG case.

Respectfully submitted,

DATED: January 16, 2026

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ATTESTATION

I, David P. Mattern, 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: January 16, 2026

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