

EXHIBIT E

11/20/2024

Richard Kadrey, et al. v. Meta Platforms, Inc. Michael Clark 30(b)(6), Vol III
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, ET AL.,)	
INDIVIDUAL AND REPRESENTATIVE)	
)	PLAINTIFFS,) LEAD CASE NO.
)	
v.)	3:23-cv-03417-VC
META PLATFORMS, INC.,)	
)	DEFENDANT.)

* * * H I G H L Y C O N F I D E N T I A L * * *
* * * A T T O R N E Y S ' E Y E S O N L Y * * *

VIDEO-RECORDED 30(B)(6) DEPOSITION OF
MICHAEL CLARK
VOLUME III
WEDNESDAY, NOVEMBER 20, 2024
SAN FRANCISCO, CALIFORNIA
9:38 A.M. PST

REPORTED BY AUDRA E. CRAMER, CSR NO. 9901

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1 Q. This says, "Decided to go with direct
2 file upload without using torrents for the
3 following reasons: Using torrents would entail
4 seeding the files, sharing the content outside.
5 This could be legally not okay."

6 So how did Meta obtain and copy LibGen?

7 MS. HARTNETT: Object to the form.

8 THE WITNESS: So I spoke with
9 Bashlykov. We used libtorrent and the torrent
10 protocol for downloading. We had tried to
11 download a few different ways. One of them
12 included doing it via direct downloads where
13 there were individually hosted files in
14 different places and saw many issues with that
15 where files wouldn't exist, it was too slow or
16 would error out.

17 Also tried -- well, actually, the other
18 only other option was downloading via torrent,
19 and --

20 BY MS. POUYMIROU:

21 Q. And that's what you did?

22 A. That's what we did. And the library

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1 that we used using, LibGen -- sorry --
2 libtorrent for downloading LibGen, Bashlykov
3 modified the config setting so that the smallest
4 amount of seeding possible could occur.

5 Q. What does that mean?

6 A. When you use a torrent protocol, part
7 of the configuration on how torrents work is you
8 can only download as long as you offer to
9 participate in the torrent network in some way,
10 and seeding means that you have to open up some
11 amount of sharing of the torrent file while
12 you're downloading.

13 Q. So why did Meta decide to minimize
14 seeding the files?

15 Is it because it was concerned that
16 that was legally not okay, to quote this
17 document?

18 MS. HARTNETT: Objection to the form.

19 And to the extent it calls for any
20 attorney-client privilege, please don't reveal
21 that.

22 THE WITNESS: Yeah, I do not know what