

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO ex rel.
RAÚL TORREZ, Attorney General,

Plaintiff,

vs.

Case No. D-101-CV-2021-00132

META PLATFORMS, INC., f/k/a
FACEBOOK, INC.,

Defendant.

SPECIAL VERDICT FORM

The jury finds as follows:

Part I: Statements About Users' Control of Their Data

Question 1:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"You have control over how your information is shared. We do not share your personal information with people or services you don't want. We do not give advertisers access to your personal information. We do not and never will sell any of your information to anyone."	Mark Zuckerberg 5/24/2010	From Facebook, Answering Privacy Concerns with New Settings, Washington Post (PX 7)
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Yes ☒ No ☐

If you answered "yes" to Question 1(a), please proceed to Question 1(b). If you answered "no" to Question 1(a), please proceed directly to Question 2.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 1(b), please proceed to Question 1(c). If you answered "no" to Question 1(b), please proceed directly to Question 2.

c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 2:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"There are other internet companies or data brokers or folks that might try to track and sell data, but we don't buy and sell."	Mark Zuckerberg 4/4/2018	Q&A with Mark Zuckerberg on Protecting People's Information, Meta Newsroom (PX 8)
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Yes ☒ No ☐

If you answered "yes" to Question 2(a), please proceed to Question 2(b). If you answered "no" to Question 2(a), please proceed directly to Question 3.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 2(b), please proceed to Question 2(c). If you answered "no" to Question 2(b), please proceed directly to Question 3.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 3:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We do not sell data or give your personal data to advertisers, period."	Sheryl Sandberg 4/5/2018	Sheryl Sandberg: Facebook 'made big mistakes' on protecting user data, PBS (PX 9)
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Yes ☒ No ☐

If you answered "yes" to Question 3(a), please proceed to Question 3(b). If you answered "no" to Question 3(a), please proceed directly to Question 4.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 3(b), please proceed to Question 3(c). If you answered "no" to Question 3(b), please proceed directly to Question 4.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 4:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"So we don't sell data, we don't give the data to anyone else but overwhelmingly people do tell us that if they're going to see ads on Facebook, they want the ads to be relevant; they don't want bad ads."	Mark Zuckerberg 7/18/2018	Interview with Kara Swisher (PX 12)
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Yes ☒ No ☐

If you answered "yes" to Question 4(a), please proceed to Question 4(b). If you answered "no" to Question 4(a), please proceed directly to Question 5.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 5:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We don't sell people's data and we don't share personal information with advertisers without permission."	Sheryl Sandberg 1/24/2019	Facebook Post (PX 14)
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Yes ☒ No ☐

If you answered "yes" to Question 5(a), please proceed to Question 5(b). If you answered "no" to Question 5(a), please proceed directly to Question 6.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 5(b), please proceed to Question 5(c). If you answered "no" to Question 5(b), please proceed directly to Question 6.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 6:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We don't sell your data and we don't tell advertisers who you are. What we do is allow advertisers to reach people interested in their products."	Sheryl Sandberg 1/30/2019	Facebook Q4 2018 Earnings Call (PX 15)
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Yes ☒ No ☐

If you answered "yes" to Question 6(a), please proceed to Question 6(b). If you answered "no" to Question 6(a), please proceed directly to Question 7.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 6(b), please proceed to Question 6(c). If you answered "no" to Question 6(b), please proceed directly to Question 7.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Part II: Statements About Misinformation on Facebook

Question 7:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We do not profit from misinformation or hate, and we do not want this content on our platforms."	Mark Zuckerberg 7/30/2020	Facebook Q2 2020 Earnings Call (PX 85)
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Yes ☒ No ☐

If you answered "yes" to Question 7(a), please proceed to Question 7(b). If you answered "no" to Question 7(a), please proceed directly to Question 8.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 7(b), please proceed to Question 7(c). If you answered "no" to Question 7(b), please proceed directly to Question 8.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 8:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"Well, if we see harmful misinformation on the platform, then we take it down. It's against our policy. So the 18 million number that I shared is the number of pieces of content that we've seen on the platform that we take down. Now, do we catch everything? Of course there are mistakes that we make or areas where we need to improve, but that's the best number that we have in terms of what we've seen and what our systems have been able to detect."	Mark Zuckerberg 8/18/2021	Interview on CBS This Morning (PX 86)
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Yes ☒ No ☐

If you answered "yes" to Question 8(a), please proceed to Question 8(b). If you answered "no" to Question 8(a), please proceed directly to Question 9.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

If you answered "yes" to Question 8(b), please proceed to Question 8(c). If you answered "no" to Question 8(b), please proceed directly to Question 9.

Yes ☒ No ☐

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 9:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We remove content from Facebook when it poses a real risk of harm, like graphic violence, hate speech or fake COVID cures."	Anna Stepanov 11/9/2021	Widely Viewed Content Report, Third Quarter 2021, Meta Newsroom (PX 87)
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Yes _____ No ☒

If you answered "yes" to Question 9(a), please proceed to Question 9(b). If you answered "no" to Question 9(a), please proceed directly to Question 10.

- b. Has the State proven that, with respect to the above Statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes _____ No _____

If you answered "yes" to Question 9(b), please proceed to Question 9(c). If you answered "no" to Question 9(b), please proceed directly to Question 10.

- c. With respect to the above statement, please write the number of violations, if any:

Question 10:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We have 10 fact-checking partners in the US to address viral misinformation, including five who cover content in Spanish. We add warning labels to content they debunk so that people can decide for themselves what to read, trust and share. We're also investing an additional \$5 million in fact-checking and media literacy initiatives ahead of the midterms."	Nick Clegg 8/16/2022	How Meta is Planning for the 2022 US Midterms, Meta Newsroom (PX 88)
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Yes _____ No ✓

If you answered "yes" to Question 10(a), please proceed to Question 10(b). If you answered "no" to Question 10(a), please proceed directly to Question 11.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes _____ No _____

If you answered "yes" to Question 10(b), please proceed to Question 10(c). If you answered "no" to Question 10(b), please proceed directly to Question 11.

- c. With respect to the above statement, please write the number of violations, if any:

Part III: Statements About Hate Speech on Facebook

Question 11:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"There is no place for hate in our community. That's why we've always taken down any post that promotes or celebrates hate crimes or acts of terrorism — including what happened in Charlottesville."	Mark Zuckerberg 8/16/2017	Facebook Post (PX 133)
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Yes ☒ No ☐

If you answered "yes" to Question 11(a), please proceed to Question 11(b). If you answered "no" to Question 11(a), please proceed directly to Question 12.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 11(b), please proceed to Question 11(c). If you answered "no" to Question 11(b), please proceed directly to Question 12.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 12:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"There are really two core principles at play here. There's giving people a voice, so that people can express their opinions. Then, there's keeping the community safe, which I think is really important. We're not gonna let people plan violence or attack each other or do bad things."	Mark Zuckerberg 7/18/2018	Interview with Kara Swisher (PX 12)
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Yes ☒ No ☐

If you answered "yes" to Question 12(a), please proceed to Question 12(b). If you answered "no" to Question 12(a), please proceed directly to Question 13.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 12(b), please proceed to Question 12(c). If you answered "no" to Question 12(b), please proceed directly to Question 13.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 13:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"Facebook does not benefit from hate, and we have no incentive other than to remove it when we find it."	Facebook 7/1/2020	Announcements: Sharing Our Actions on Stopping Hate (PX 137)
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Yes ☒ No ☐

If you answered "yes" to Question 13(a), please proceed to Question 13(b). If you answered "no" to Question 13(a), please proceed directly to Question 14.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 13(b), please proceed to Question 13(c). If you answered "no" to Question 13(b), please proceed directly to Question 14.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 14:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"I want to be unambiguous: Facebook does not profit from hate." "When we find hateful posts on Facebook and Instagram, we take a zero tolerance approach and remove them."	Nick Clegg 7/1/2020	<i>Facebook Does Not Benefit from Hate, Meta Newsroom (PX 138)</i>
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Yes ☒ No ☐

If you answered "yes" to Question 14(a), please proceed to Question 14(b). If you answered "no" to Question 14(a), please proceed directly to Question 15.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 14(b), please proceed to Question 14(c). If you answered "no" to Question 14(b), please proceed directly to Question 15.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 15:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We do not allow hate speech on Facebook because it creates an environment of intimidation and exclusion, and in some cases, may promote real-world violence."	Facebook 12/1/2020	<i>Oversight Board Selects Case on Uyghur Muslims</i> , Meta Newsroom (PX 139)
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Yes ✓ No _____

If you answered "yes" to Question 15(a), please proceed to Question 15(b). If you answered "no" to Question 15(a), please proceed directly to Question 16.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ✓ No _____

If you answered "yes" to Question 15(b), please proceed to Question 15(c). If you answered "no" to Question 15(b), please proceed directly to Question 16.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 16:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We remove content from Facebook when it poses a real risk of harm, like graphic violence, hate speech or fake COVID cures."	Anna Stepanov 11/9/2021	<i>Widely Viewed Content Report, Third Quarter 2021, Meta Newsroom (PX 87)</i>
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Yes _____ No ☒

If you answered "yes" to Question 16(a), please proceed to Question 16(b). If you answered "no" to Question 16(a), please proceed directly to Question 17.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes _____ No _____

If you answered "yes" to Question 16(b), please proceed to Question 16(c). If you answered "no" to Question 16(b), please proceed directly to Question 17.

- c. With respect to the above statement, please write the number of violations, if any:

Part IV: Statements About Application of Facebook's Community Standards

Question 17:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We want to make clear that we remove content from Facebook, no matter who posts it, when it violates our standards. There are no special protections for any group — whether on the right or the left. 'Cross Check' — the system described in Dispatches — simply means that some content from certain Pages or Profiles is given a second layer of review to make sure we've applied our policies correctly."	Facebook 7/17/2018	Working to Keep Facebook Safe, Newsroom Post (PX 201)
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Yes ☒ No ☐

If you answered "yes" to Question 17(a), please proceed to Question 17(b). If you answered "no" to Question 17(a), please proceed directly to Question 18.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 17(b), please proceed to Question 17(c). If you answered "no" to Question 17(b), please proceed directly to Question 18.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 18:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"I know many of you think we should have labeled the President's posts in some way last week. Our current policy is that if content is actually inciting violence, then the right mitigation is to take that content down -- not let people continue seeing it behind a flag. There is no exception to this policy for politicians or newsworthiness."	Mark Zuckerberg 6/5/2020	Facebook Post (PX 202)
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Yes ☒ No ☐

If you answered "yes" to Question 18(a), please proceed to Question 18(b). If you answered "no" to Question 18(a), please proceed directly to Question 19.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 18(b), please proceed to Question 18(c). If you answered "no" to Question 18(b), please proceed directly to Question 19.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 19:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"Even if a politician or government official says it, if we determine that content may lead to violence or deprive people of their right to vote, we will take that content down. Similarly, there are no exceptions for politicians in any of the policies I'm announcing here today."	Mark Zuckerberg 6/26/2020	Facebook Post (PX 203)
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Yes ☒ No ☐

If you answered "yes" to Question 19(a), please proceed to Question 19(b). If you answered "no" to Question 19(a), please proceed directly to Question 20.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 19(b), please proceed to Question 19(c). If you answered "no" to Question 19(b), please proceed directly to Question 20.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Part V: Statements About Facebook's App Developer Investigation

Question 20:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"So now we're going to change this and we're going to make it so that now everyone has to choose to share their own data with an app themselves."	Mark Zuckerberg 4/30/2014	2014 F8 Developer Conference (PX 273)
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Yes ☒ No ☐

If you answered "yes" to Question 20(a), please proceed to Question 20(b). If you answered "no" to Question 20(a), please proceed directly to Question 21.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 20(b), please proceed to Question 20(c). If you answered "no" to Question 20(b), please proceed directly to Question 21.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 21:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"We will tell people affected by apps that have misused their data. This includes building a way for people to know if their data might have been accessed via 'thisisyourdigitallife.' Moving forward, if we remove an app for misusing data, we will tell everyone who used it."	Facebook 3/21/2018	Cracking Down on Platform Abuse, Meta Newsroom (PX 274)
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Yes ☒ No ☐

If you answered "yes" to Question 21(a), please proceed to Question 21(b). If you answered "no" to Question 21(a), please proceed directly to Question 22.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 21(b), please proceed to Question 21(c). If you answered "no" to Question 21(b), please proceed directly to Question 22.

- c. With respect to the above statement, please write the number of violations, if any:

1, 386, 648

Question 22:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"So we are doing a set of things to restrict the amount of access that developers can get going forward, but the other is we need to make sure that there aren't any other Cambridge Analyticas out there, right? Or folks who have improperly accessed data, so we're going to go now and investigate every app that has access to a large amount of information from before we lock down our platform, and if we detect any suspicious activity, we're going to do a full forensic audit." "Well it's hard to know what we'll find, but we're going to review thousands of apps. So this is going to be an intensive process, but this is important. I mean this is something that, in retrospect, we clearly should've done up front with Cambridge Analytica. We should not have trusted the certification that they gave us, and we're not going to make that mistake again." "And going forward when we identify apps that are similarly doing sketchy things, we're going to make sure that we tell people then too, right? That's definitely something that looking back on this, you know, I regret that we didn't do at the time. And I think we got that wrong. And we're committed to getting that right going forward."	Mark Zuckerberg 3/21/2018	Interview with Laurie Segall, Mark Zuckerberg: "I'm really sorry that this happened," CNN Money (PX 275)
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Yes ☒ No ☐

If you answered "yes" to Question 22(a), please proceed to Question 22(b). If you answered "no" to Question 22(a), please proceed directly to Question 23.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 22(b), please proceed to Question 22(c). If you answered "no" to Question 22(b), please proceed directly to Question 23.

c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 23:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"First, we will investigate all apps that had access to large amounts of information before we changed our platform to dramatically reduce data access in 2014, and we will conduct a full audit of any app with suspicious activity. We will ban any developer from our platform that does not agree to a thorough audit. And if we find developers that misused personally identifiable information, we will ban them and tell everyone affected by those apps."

Mark Zuckerberg
3/21/2018

Facebook Post
(PX 279)

Yes ☒ No ☐

If you answered "yes" to Question 23(a), please proceed to Question 23(b). If you answered "no" to Question 23(a), please proceed directly to Question 24.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 23(b), please proceed to Question 23(c). If you answered "no" to Question 23(b), please proceed directly to Question 24.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Question 24:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

“Even if you solve the problem going forward, there’s still this issue of: Are there other Cambridge Analyticas out there, or other Kogans who, when the platform worked a certain way in the past, were there apps which could have gotten access to more information, and potentially sold it without us knowing, or done something that violated people’s trust? We also need to make sure we get that under control. That’s why we spent a lot of time figuring out, O.K. here’s what it’s going to take to do a full investigation of every app that got access to a large amount of information before we changed the platform policies to dramatically reduce the data access that developers had. For any app that we uncover that has any suspicious activity, we’re going to go do a full forensic audit, and make sure we have the capacity to do that, to make sure that other developers aren’t doing what Kogan did here.” “We’re going to tell anyone whose data may have been shared. Now, there’s a question of whether we have the exact record in our systems today of who your friends were on that day when there was access three and a half or four years ago, so we’re going to be conservative on that and try to tell anyone whose data may have been affected, even if we don’t know for certain that they were.”	Mark Zuckerberg 3/21/2018	Kevin Roose & Sheera Frankel, Mark Zuckerberg’s Reckoning: ‘This Is a Major Trust Issue’, New York Times (PX 280)
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Yes ☒ No ☐

If you answered “yes” to Question 24(a), please proceed to Question 24(b). If you answered “no” to Question 24(a), please proceed directly to Question 25.

- b. Has the State prove that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 24(b), please proceed to Question 24(c). If you answered "no" to Question 24(b), please proceed directly to Question 25.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 25:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"And that's why the first action that we now need to go take is to not rely on certifications that we've gotten from developers, but [we] actually need to go and do a full investigation of every single app that was operating before we had the more restrictive platform policies — that had access to a lot of data — and for any app that has any suspicious activity, we're going to go in and do a full forensic audit. And any developer who won't sign up for that we're going to kick off the platform. So, yes, I think the short answer to this is that's the step that I think we should have done for Cambridge Analytica, and we're now going to go do it for every developer who is on the platform who had access to a large amount of data before we locked things down in 2014."	Mark Zuckerberg 3/21/2018	N. Thompson, Mark Zuckerberg Talks to WIRED About Facebook's Privacy Problem, WIRED (PX 281)
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Yes ✓ No

If you answered "yes" to Question 25(a), please proceed to Question 25(b). If you answered "no" to Question 25(a), please proceed directly to Question 26.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ✓ No

If you answered "yes" to Question 25(b), please proceed to Question 25(c). If you answered "no" to Question 25(b), please proceed directly to Question 26.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 26:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"This was a huge breach of trust. People come to Facebook every day and they depend on us to protect their data and I am sorry that we let so many people down. We spent the last few days trying to get to the bottom of what happened. Cambridge Analytica never should have had this data. They told us they deleted it but it is our mistake that we did not verify that. Years ago, we changed platforms so apps get much less data but that really wasn't enough. We needed to go back and verify that the apps that has the data used it well. So, Mark announced very strong steps yesterday, we're going to be investigating and auditing apps and if we find misuse we're gonna tell people."

Sheryl Sandberg
3/22/2018

Interview with Julia Boorstin, Facebook COO Sandberg: 'We do not sell your data', CNBC (PX 282)

Yes ☒ No ☐

If you answered "yes" to Question 26(a), please proceed to Question 26(b). If you answered "no" to Question 26(a), please proceed directly to Question 27.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 26(b), please proceed to Question 26(c). If you answered "no" to Question 26(b), please proceed directly to Question 27.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 27:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"So in the Cambridge Analytica case, the friends of friends' sharing that enabled that, we shut that down in 2015."	Sheryl Sandberg 4/5/2018	Sheryl Sandberg: Facebook 'made big mistakes' on protecting user data, PBS (PX 9)
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Yes ✓ No _____

If you answered "yes" to Question 27(a), please proceed to Question 27(b). If you answered "no" to Question 27(a), please proceed directly to Question 28.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ✓ No _____

If you answered "yes" to Question 27(b), please proceed to Question 27(c). If you answered "no" to Question 27(b), please proceed directly to Question 28.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 28:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"So the specific case of the friends of friends sharing that happened with Cambridge Analytica that specific case was shut down in 2015 but what we didn't do until recently and what we're doing now is just take a broader view looking to be more restrictive in ways data could be misused."	Sheryl Sandberg 4/5/2018	Sheryl Sandberg Says Facebook Needs to Do Better Protecting Data, Bloomberg Television (PX 283)
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Yes ☒ No ☐

If you answered "yes" to Question 28(a), please proceed to Question 28(b). If you answered "no" to Question 28(a), please proceed directly to Question 29.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 28(b), please proceed to Question 28(c). If you answered "no" to Question 28(b), please proceed directly to Question 29.

- c. With respect to the above statement, please write the number of violations, if any:

2,100,000

Question 29:

- a. Has the State proven that Facebook engaged in an unfair or deceptive trade practice with respect to the following statement:

"Where we find evidence that these or other apps did misuse data, we will ban them and notify people via this website. It will show people if they or their friends installed an app that misused data before 2015 — just as we did for Cambridge Analytica."

Ime Archibong
5/14/2018

An Update on Our App
Investigation and Audit,
Meta Newsroom (PX
289)

Yes ☒ No ☐

If you answered "yes" to Question 29(a), please proceed to Question 29(b). If you answered "no" to Question 29(a), please proceed directly to Question 30.

- b. Has the State proven that, with respect to the above statement, Facebook engaged in an unfair or deceptive trade practice willfully?

Yes ☒ No ☐

If you answered "yes" to Question 29(b), please proceed to Question 29(c). If you answered "no" to Question 29(b), please proceed directly to Question 30.

- c. With respect to the above statement, please write the number of violations, if any:

1,386,648

Part VI: Practices

Question 30:

With respect to the State's allegation that Facebook made false or misleading statements about users' control of their data:

- a. Has the State proven that Facebook engaged in an unconscionable trade practice?

Yes ☒ No ☐

If you answered "yes" to Question 30(a), please proceed to Question 30(b). If you answered "no" to Question 30(a), please proceed directly to Question 31.

- b. Has the State proven that Facebook engaged in that unconscionable trade practice willfully?

Yes ☒ No ☐

Question 31:

With respect to the State's allegation that Facebook made false or misleading statements about misinformation on Facebook:

- a. Has the State proven that Facebook engaged in an unconscionable trade practice?

Yes ☒ No ☐

If you answered "yes" to Question 31(a), please proceed to Question 31(b). If you answered "no" to Question 31(a), please proceed directly to Question 32.

- b. Has the State proven that Facebook engaged in that unconscionable trade practice willfully?

Yes ☒ No ☐

Question 32:

With respect to the State's allegation that Facebook made false or misleading statements about hate speech on Facebook:

- a. Has the State proven that Facebook engaged in an unconscionable trade practice?

Yes ☒ No ☐

If you answered "yes" to Question 32(a), please proceed to Question 32(b). If you answered "no" to Question 32(a), please proceed directly to Question 33.

- b. Has the State proven that Facebook engaged in that unconscionable trade practice willfully?

Yes ☒ No ☐

Question 33:

With respect to the State's allegation that Facebook made false or misleading statements about preferential treatment:

- a. Has the State proven that Facebook committed an unconscionable trade practice?

Yes ☒ No ☐

If you answered "yes" to Question 33(a), please proceed to Question 33(b). If you answered "no" to Question 33(a), please proceed directly to Question 34.

- b. Has the State proven that Facebook engaged in that unconscionable trade practice willfully?

Yes ☒ No ☐

Question 34:

With respect to the State's allegation that Facebook made false or misleading statements about the App Developer Investigation:

- a. Has the State proven that Facebook engaged in an unconscionable trade practice?

Yes ☒ No ☐

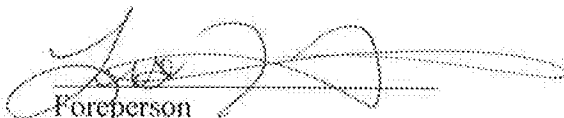
If you answered "yes" to Question 34(a), please proceed to Question 34(b). If you answered "no" to Question 34(a), you do not need to answer Question 34(b).

- b. Has the State proven that Facebook engaged in that unconscionable trade practice willfully?

Yes ☒ No ☐

AT LEAST 10 OF US AGREE AS TO EACH QUESTION ABOVE.

Dated this 25 day of September, 2026


Foreperson

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
9/25/2026 1:46 PM
KATHLEEN VIGIL CLERK OF THE COURT
Tamara Snee

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT**

STATE OF NEW MEXICO, *ex rel.*
RAÚL TORREZ, Attorney General,

Plaintiff,

v.

No. D-101-CV-2021-00132

META PLATFORMS, INC., *f/k/a*
FACEBOOK, INC.,

Defendant.

FINAL JURY INSTRUCTIONS

INSTRUCTION 1

PRELIMINARY STATEMENT

MEMBERS OF THE JURY:

The time has now come to give you final instructions that will guide your deliberations as the sole judges of the facts of this case.

First, I will summarize the issues between the parties. Second, I will state the rules of law governing this case.

Please pay close attention to these instructions. I will read them only once, but the written instructions will be given to you to take to the jury room.

INSTRUCTION 2

STATEMENT OF THEORIES FOR RECOVERY

In this case, the plaintiff, the State of New Mexico, seeks civil penalties in the form of money from the defendant, Facebook, based on allegations that Facebook willfully violated New Mexico's Unfair Practices Act.

INSTRUCTION 3

STATEMENT OF FACTUAL CONTENTIONS OF PLAINTIFF

CAUSATION AND BURDEN OF PROOF

To establish that Facebook violated New Mexico's Unfair Practices Act, the State has the burden of proving at least one of the following:

- (i) that Facebook committed an unfair or deceptive trade practice by knowingly making a false or misleading statement in connection with the sale of goods or services in the regular course of Facebook's business, or
- (ii) that Facebook committed an unconscionable trade practice by engaging in an act or practice in connection with the sale of goods or services that takes advantage of the lack of knowledge, ability, experience or capacity of New Mexicans to a grossly unfair degree, to their detriment.

INSTRUCTION 4

STATEMENT OF DENIAL

Facebook denies the State's claims and maintains that the State cannot meet its burden of proving that Facebook committed any violation of the Unfair Practices Act. Facebook contends that its statements, acts, or practices were not in connection with the sale of goods or services, that its statements were not false or misleading, and that its acts and practices were not unconscionable.

Facebook further contends that the State's claims fail, in whole or in part, because

- (i) the Unfair Practices Act does not apply to publishing third-party content;
- (ii) the statements, acts, or practices at issue are protected by Section 230 of the Federal Communications Decency Act; and
- (iii) the statements, acts, or practices at issue are protected by the Free Speech Clause of the New Mexico Constitution and the First Amendment to the United States Constitution.

INSTRUCTION 5

STATEMENT OF OTHER CONTENTIONS AND BURDEN OF PROOF

Related to the above, the State says and has the burden of proving that Facebook willfully violated New Mexico's Unfair Practices Act.

INSTRUCTION 6

BURDEN OF PROOF: GREATER WEIGHT OF THE EVIDENCE

A party seeking a recovery has the burden of proving every essential element of the claim by the greater weight of the evidence.

To prove by the greater weight of the evidence means to establish that something is more likely true than not true.

When I say, in these instructions, that the State has the burden of proof on proving that Facebook violated New Mexico's Unfair Practices Act, I mean that you must be persuaded that what is sought to be proved is more probably true than not true. Evenly balanced evidence is not sufficient.

INSTRUCTION 7

UNFAIR OR DECEPTIVE TRADE PRACTICES; ELEMENTS; MISREPRESENTATION

The Unfair Practices Act prohibits unfair or deceptive trade practices. For the State to prove that Facebook engaged in an unfair or deceptive trade practice, the State must prove that:

1. Facebook made one or more oral statements, written statements, visual descriptions, or representations of any kind that were false or misleading; and
2. The statement, description, or representation was knowingly made; and
3. The statement, description, or representation was made in connection with the sale, lease, rental, or loan of goods or services in the regular course of Facebook's business; and
4. The statement, description, or representation was of the type that may, tends to, or does deceive or mislead any person.

Practices prohibited by the Unfair Practices Act include but are not limited to, representing that goods or services have characteristics, uses, benefits or quantities that they do not have; representing that goods or services are of a particular standard or quality if they are of another; and using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive.

A statement, description, or representation is false or misleading if it omits a material fact and, as a result, may, tends to, or does deceive. A party has a duty to disclose material facts reasonably necessary to prevent its statements or representations from being misleading.

A fact is material if a reasonable person would attach importance to its existence or nonexistence in determining a choice of action or if the maker of the statement, description, or

representation knows or has reason to know that its recipient regards or is likely to regard the fact as important.

A false or misleading statement, description, or representation need not actually deceive any person in order to violate the Unfair Practices Act. The Act may be violated by any statement, description, or representation that may, tends to, or does deceive.

INSTRUCTION 8

KNOWINGLY: DEFINITION

A claim of unfair or deceptive trade practices under the Unfair Practices Act requires that a statement, description, or representation be “knowingly” made. Knowingly is not the same as intentionally. A statement is knowingly made for purposes of the Unfair Practices Act if:

Facebook was actually aware that the statement was false or misleading when it was made, or

Facebook, by using reasonable diligence, should have been aware that the statement was false or misleading.

INSTRUCTION 9

STATEMENTS REGARDING INTENTIONS TO PERFORM FUTURE ACTIONS

In this case, the State alleges that Facebook made certain statements about its intentions to perform actions in the future. To prove that Facebook knowingly made false or misleading statements about its intentions to perform future acts, it is not enough for the State to prove that Facebook ultimately did not perform the actions in question. In addition, the State must prove that Facebook (i) did not intend to perform the actions at the time it made the statements or (ii) through the exercise of reasonable diligence, should have known it could not perform those actions at the time it made the statements.

INSTRUCTION 10

UNCONSCIONABLE TRADE PRACTICES: ELEMENTS

The Unfair Practices Act also prohibits unconscionable trade practices. For the State to prove that Facebook engaged in an unconscionable trade practice, the State must prove that:

1. Facebook committed an act or engaged in a practice in connection with the sale, lease, rental, or loan of any goods or services, or in connection with the offering for sale, lease, rental, or loan of any goods or services, and
2. That act or practice took advantage of lack of knowledge, ability, experience, or capacity of New Mexicans to a grossly unfair degree.

Conduct may be said to take advantage of a person's lack of knowledge, ability, experience, or capacity to a grossly unfair degree if the conduct was designed to take advantage of particular characteristics or vulnerabilities of the person and resulted in gross unfairness.

INSTRUCTION 11

IN CONNECTION WITH THE SALE OF GOODS OR SERVICES

A claim of unfair or deceptive trade practices under the Unfair Practices Act requires that a false or misleading statement, description, or representation be made in connection with the sale, lease, rental, or loan of goods or services. A transaction between Facebook and the State of New Mexico or any particular New Mexican is not required. It is sufficient if Facebook made a false or misleading misrepresentation in connection with a sale, lease, rental, or loan of goods or services to a third party.

INSTRUCTION 12

UNFAIR PRACTICES ACT; WILLFUL CONDUCT

In this case, the State claims that Facebook's conduct in violating the Unfair Practices Act was willful. You may consider this portion of the State's claim only if you first find that Facebook violated the New Mexico Unfair Practices Act. Willful conduct is the intentional doing of an act with knowledge that harm may result.

INSTRUCTION 13

VIOLATIONS / CIVIL PENALTY

If you find that Facebook willfully violated the New Mexico Unfair Practices Act, you must also determine the number of violations that Facebook committed.

In determining the number of violations, you should consider the specific facts and circumstances of the case, including the number of New Mexicans who were part of the reasonably expected or anticipated audience for these representations, and the repetition of the conduct constituting the violation. A separate violation may be found for each New Mexican who was part of the reasonably expected or anticipated audience for these representations.

On the special verdict form, you must decide:

1. Whether Facebook, through its employees or managers, made misrepresentations or omission which violated the UPA, and if so, whether that conduct was willful (as “willful” is defined in the Court’s instructions);
2. If you find any willful misrepresentations, then you must determine the number of violations; and
3. Whether Facebook committed an unconscionable trade practice concerning each topic and, if so, whether that conduct was willful.

A practice may be both unfair or deceptive and unconscionable. You should make these determinations separately as directed on the verdict form.

The State is not required to identify individual consumers or prove that any consumer actually viewed, relied on, or was deceived or harmed by Facebook’s misrepresentations or misconduct. You must only determine the number of people in New Mexico who were part of the reasonably expected or anticipated audience of a deceptive or unconscionable trade practice based

on the evidence presented at trial and reasonable inferences from that evidence. This number of New Mexicans will constitute the number of violations under the UPA.

INSTRUCTION 14

SECTION 230

Facebook is a provider of interactive computer services. Federal law provides some protections for providers of interactive computer services when they make decisions about what third-party content to put on their social media platforms and about what third-party content to remove from their social media platforms.

“Third-party content” means words, pictures, video, audio, or any other form of communication that is not spoken by or created by Facebook.

Section 230 does not protect the provider of interactive computer services for violations under the UPA for their own actions. Section 230 protects a provider of interactive computer services for simply publishing content. Publishing in this context means allowing, not allowing, altering, or removing third-party content on any of its social media platforms.

INSTRUCTION 15

NO LIABILITY FOR PROTECTED FREE SPEECH

Both the New Mexico Constitution and the First Amendment to the U.S. Constitution protect Facebook's freedoms of speech and expression and to petition the government. This means that the law protects Facebook from liability for exercising its right to speak, to engage in expressive activity, or to petition the government.

Facebook's "expressive activity" includes recommending, delivering, displaying, compiling, organizing, and labeling content (such as accounts, posts, texts, videos, images, music, comments, direct messages, "likes," advertisements, and applications) posted by third parties on Facebook. Third parties include users, advertisers, and third-party application developers.

The First Amendment does not protect a company from making false or misleading statements when it is engaged in commercial speech. Commercial speech refers to statements made for the purpose of a commercial transaction.

INSTRUCTION 16

NO LIABILITY FOR PUBLISHING CONTENT

The Unfair Practices Act does not apply to publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matters who publish, broadcast, or reproduce material without knowledge of its deceptive or unconscionable character.

INSTRUCTION 17

NO LIABILITY FOR STATEMENTS TO THE UNITED STATES CONGRESS

During the trial, you heard or saw evidence about oral or written statements made by Facebook to the United States Congress. The Court has ruled that the statements are no longer in the case. As a result, during your deliberations, you cannot consider any oral or written statements made by Facebook to the United States Congress.

INSTRUCTION 18

CIRCUMSTANTIAL EVIDENCE

A fact may be proved by circumstantial evidence. Circumstantial evidence consists of proof of facts or circumstances which give rise to a reasonable inference of the truth of the fact sought to be proved.

INSTRUCTION 19

CORPORATION ACTS THROUGH EMPLOYEES

A corporation can act only through its officers and employees. Any act or omission of an officer or an employee of a corporation, within the scope or course of employment, is the act or omission of the corporation.

INSTRUCTION 20

CORPORATION AS PARTY

The defendant in this case is a corporation. The plaintiff in this case is the State. Both are entitled to the same fair and unprejudiced treatment as an individual and you should decide the case with the same impartiality as you would use in deciding a case between individuals.

INSTRUCTION 21

RULES OF EVIDENCE

The evidence which you are to consider in this case consists of the testimony of the witnesses and the exhibits admitted into evidence by the court and any facts admitted or agreed to by counsel, and any facts which the court instructs you to accept as true.

The production of evidence in court is governed by rules of law. From time to time it has been my duty, as judge, to rule on the evidence. You must not concern yourselves with the reasons for these rulings. You should not consider what would or would not have been the answers to the questions which the court ruled could not be answered.

INSTRUCTION 22

WITNESS IMPEACHED

A witness may be discredited or impeached by contradictory evidence or inconsistent conduct, or by evidence that at other times the witness has made material statements, under oath or otherwise, which are inconsistent with the present testimony of the witness, or by evidence that the general reputation of the witness for truth, honesty or integrity is bad, or by specific acts of wrongdoing of the witness.

If you believe that any witness has been impeached or discredited, it is your exclusive province to give the testimony of that witness only such credit as you may think it deserves.

INSTRUCTION 23

REDACTIONS

When you review the documents admitted into evidence during your deliberations, you may see that certain portions of a document have been redacted as authorized by the Court. The Court may authorize redaction of documents for many reasons, including to protect personal information or privileged communications.

You should not speculate about the content of the portions that have been redacted by the Court, nor should you consider as part of your deliberation the fact that certain portions have been so redacted. Rather, you should consider only those portions that have been admitted into evidence.

INSTRUCTION 24

PERFORMANCE OF YOUR DUTIES

Faithful performance by you of your duties is vital to the administration of justice.

INSTRUCTION 25

DUTY TO FOLLOW INSTRUCTIONS

The law of this case is contained in these instructions and it is your duty to follow them. You must consider these instructions as a whole, not picking out one instruction, or parts thereof, and disregarding others.

INSTRUCTION 26

JURY SOLE JUDGES OF WITNESSES

You alone are the judges of the credibility of the witnesses and of the weight to be given to the testimony of each of them. In determining the credit to be given to the testimony of any witness, you may take into account the witness' ability and opportunity to observe, the witness' memory, the witness' manner while testifying, any interest, bias or prejudice that the witness may have and the reasonableness of the testimony, considered in light of all the evidence in the case.

INSTRUCTION 27

JURY SOLE JUDGES OF THE FACTS

You are the sole judges of all disputed questions of fact in this case. It is your duty to determine the true facts from the evidence produced here in open court. Your verdict should not be based on speculation, guess, or conjecture.

At the start of the trial, I instructed you about implicit or unconscious bias and the need to ensure that unconscious bias does not affect the way you view the parties, the witnesses, or the evidence. Now that you are about to begin your final deliberations, that caution bears repeating. You must not let bias influence your decision. You must not be biased in favor of or against any party or witness because of their gender, gender identity, race, religion, ethnicity, sexual orientation, age, education, national origin, social or economic status, disability, or any other impermissible form of bias. In forming your views about the parties, witnesses, and evidence, focus on individual facts, avoid jumping to conclusions based on stereotypes, and think about the reasons for your views to make sure they are not based on feelings you may have about people of a particular type, class, or background.

Your verdict must be based on the evidence presented. You are to apply the law, as stated in these instructions, to the facts as you find them and, in this way, decide the case. Neither sympathy nor prejudice should influence your verdict.

INSTRUCTION 28

ALL JURORS TO PARTICIPATE

The jury acts as a body. Therefore, on every question on the verdict form which the jury must answer it is necessary that all jurors participate regardless of the vote on another question. Before a question can be answered, at least ten of you must agree upon the answer; however, the same ten need not agree upon each answer.

INSTRUCTION 29

CLOSING ARGUMENTS

After these instructions on the law governing this case, the lawyers may make closing arguments, or statements, on the evidence and the law. These summaries can be of considerable assistance to you in arriving at your decision and you should listen carefully. You may give them such weight as you think proper. However, neither these final discussions nor any other remarks or arguments of the attorneys made during the course of the trial are to be considered by you as evidence or as correct statements of the law, if contrary to the law given to you in these instructions.

INSTRUCTION 30

VERDICT OF JURY

On retiring to the jury room, and before commencing your deliberations, you will select one of your members as foreperson.

You will be given the Court's instructions and a special verdict form. Take the time you need to consider whether your verdict might be influenced by stereotypes and biases and reflect carefully and consciously about the evidence. In the course of your deliberations, listen to your fellow jurors, who all have their own lived experiences. Listening to different perspectives with an open mind may help you better identify the possible effects of hidden biases.

When as many as ten of you have agreed on a verdict and your answers to the questions presented on the special verdict form, your foreperson must sign the appropriate form and you will all then return to open court.