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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 ENTREPRENEUR MEDIA, LLC,
2 Plaintiff,
3 v.
4 META PLATFORMS, INC.,
5 Defendant.

Case No. 3:25-cv-09579-VC

**ADMINISTRATIVE MOTION TO QUASH
APEX DEPOSITION**

Trial Date: May 24, 2027
Date Action Filed: November 6, 2025

14 CHICKEN SOUP FOR THE SOUL, LLC
15 Plaintiff,
16 v.
17 META PLATFORMS, INC.
18 Defendant.

Case No. 3:26-cv-02333-VC

Trial Date: May 24, 2027
Date Action Filed: March 17, 2026

22 CAMBRONNE INC., *et al.*
23 Plaintiff,
24 v.
25 META PLATFORMS, INC.
26 Defendant.

Case No. 3:26-cv-03725-VC

Trial Date: May 24, 2027
Date Action Filed: December 22, 2025

1 COGNELLA, INC.

2 Plaintiff,

3 v.

4 META PLATFORMS, INC.

5 Defendant.

Case No. 3:26-cv-04053-VC

Trial Date: May 24, 2027

Date Action Filed: May 4, 2026

1 I. INTRODUCTION

2 Plaintiffs seek to depose Mark Zuckerberg, the CEO of one of the world’s largest companies,
 3 on topics for which he possesses no unique knowledge. Having already sat for a 4.5-hour deposition
 4 in the *Kadrey* matter, he should not be subjected to duplicative, burdensome discovery. Because
 5 Plaintiffs cannot meet their heavy burden under the apex doctrine, their request for his deposition should
 6 be denied or, at minimum, deferred until after Plaintiffs complete scheduled fact and 30(b)(6)
 7 depositions. Should the Court order his additional deposition, it should impose strict limitations on
 8 topics, timing, and scheduling to prevent any abuse of his time.

9 II. LEGAL STANDARD

10 “When a party seeks the deposition of a high-level executive (a so-called ‘apex’ deposition) . .
 11 . such discovery creates a tremendous potential for abuse or harassment.” *Apple Inc. v. Samsung Elecs.*
 12 *Co., Ltd.*, 282 F.R.D. 259, 263 (N.D. Cal. 2012). “For that reason, parties seeking to depose a high
 13 ranking corporate officer must first establish that the executive (1) has unique, non-repetitive, firsthand
 14 knowledge of the facts at issue in the case, and (2) that other less intrusive means of discovery, such as
 15 interrogatories and depositions of other employees, have been exhausted without success.” *Groupon,*
 16 *LLC v. Groupon, Inc.*, 2012 WL 359699, at *2 (N.D. Cal. Feb. 2, 2012) (quoting *Affinity Labs of Tex.*
 17 *v. Apple, Inc.*, 2011 WL 1753982, at *15 (N.D. Cal. May 9, 2011)). Where “it appears unlikely that
 18 [the apex witness] has percipient knowledge of material facts, or if there are other witnesses who could
 19 testify to those facts from a similar vantage point, there is more reason to question whether the
 20 deposition is being sought for abusive rather than appropriate fact-finding purposes.” *Largan Precision*
 21 *Co., Ltd. v. Motorola Mobility LLC*, 2024 WL 4980808, at *1 (N.D. Cal. Nov. 14, 2024).

22 III. ARGUMENT

23 A. Plaintiffs Have Not Met Their Burden

24 There is no dispute that Mr. Zuckerberg is an apex witness and that the apex doctrine applies. Ex.
 25 1 (“Hr’g. Tr.”) at 31:12-17. Plaintiffs have not established that he possesses “unique first-hand, non-
 26 repetitive knowledge of facts at issue in the case[s],” *Groupon*, 2012 WL 359699, at *2, and that there
 27 are no other witnesses who could testify to those facts, *Largan*, 2024 WL 4980808, at *1. To the contrary,
 28 Mr. Zuckerberg’s December 2024 deposition testimony demonstrates that he lacks unique knowledge of

the issues raised by Plaintiffs' claims.¹ Plaintiffs' Complaints allege that Mr. Zuckerberg provided authorization to download a data source called Libgen to train Meta's Llama model. *See, e.g., Entrepreneur*, Dkt. 1 ¶ 38. Mr. Zuckerberg has already been asked if he had "heard of Libgen" and answered, "No."² And his testimony further demonstrates his lack of unique knowledge with respect to Plaintiffs' broader claims as he denied knowledge of any issue concerning the use of copyrighted works in training AI models or communications within Meta regarding the same; denied knowledge of any Meta employee using torrenting to acquire works used to train Meta's AI models; and denied knowledge of any removal or alteration of copyright management information.

Tellingly, Plaintiffs have identified no document produced in discovery since David Boies (alongside eight other attorneys from multiple law firms) first took Mr. Zuckerberg's deposition that would necessitate a second deposition. Plaintiffs' proffered justifications³ fail to satisfy the unique knowledge requirement of the apex doctrine.

July 28, 2026, WSJ Opinion (cited at Dkt. 97 at 6). This piece references Meta only once, stating "Meta is committed to building with the principles of individual empowerment, invention and balance of power."⁴ Elsewhere, it conveys, "I expect the economy will become more entrepreneurial with a greater number of people working at small businesses rather than larger companies." *Id.* These broad, uncontroversial statements do not bear on copyright infringement or fair use. *See also Affinity Labs*, 2011 WL 1753982, at *16 ("The mere fact that [a CEO] made public statements, even on issues that [the plaintiff] considers relevant to its claims, are insufficient to justify his deposition.").

The "quality" of Meta's AI outputs and whether they substitute for or dilute the market for copyrighted works. Dkt. 97 at 6–7. As to this broad topic, the Court has already recognized that "market dilution" is not an appropriate topic for Mr. Zuckerberg's deposition. *See Hr'g. Tr.* at 31:22–23. Plaintiffs recently deposed Damon Civin, a data science senior director whose role is to "measure

¹ All four cases assert the same claims. *See Entrepreneur*, Dkt. 1 ¶¶ 63–78; *Cognella*, Dkt. 1 ¶¶ 91–112; *Chicken Soup*, Dkt. 63 ¶¶ 89–110; *Cambronne*, Dkt. 192 ¶¶ 92–113.

² Meta would be pleased to provide the Court excerpts, but because the contents of Mr. Zuckerberg's first deposition are not reasonably contested here, it does not do so.

³ This brief responds to the justifications of Plaintiffs as presented in the case management statements and July 31 conference. To the extent that Plaintiffs' response introduces new reasons or evidence, Meta respectfully requests an opportunity to respond.

⁴ Mark Zuckerberg, "The AI Future Is for Everyone," WALL STREET JOURNAL (July 28, 2026), <https://www.wsj.com/opinion/the-ai-future-is-for-everyone-a0c24e20?msocid=3e883e4167276eeb3a47292a663c6f75>.

1 the performance of the products” of Meta’s Superintelligence Lab “and the models that power them.”
 2 Ex. 2 (“Civin Tr.”) at 11:9–14. Mr. Civin answered questions about Meta’s AI model outputs based on
 3 his experience and expertise. Civin Tr. at 106:25–107:6, 108:18–109:13. Plaintiffs also deposed Ranjan
 4 Subramanian, a senior data scientist, who testified extensively on these same topics and will sit for a
 5 second deposition on 30(b)(6) topics and can respond to further questions then regarding Meta AI’s
 6 prompts and responses. *See, e.g.*, Ex. 3 (“Subramanian Tr.”) at 8:15–17, 130:16–22, 140:23–142:9,
 7 143:23–144:3; Dkt. 105 at 8.

8 ***The “mid-2025 pivot from Meta AI to Meta Superintelligence Labs.”*** Dkt. 97 at 7.
 9 Entrepreneur’s Complaint does not mention Meta Superintelligence Labs (MSL). MSL is simply an
 10 umbrella group for all of Meta’s AI work. Civin Tr. at 10:21–23. The Gen AI group that developed
 11 Llama was incorporated into MSL along with other groups engaged in AI work. If information about
 12 MSL as an entity is relevant, it can be explored through the depositions of those involved in its day-to-
 13 day operations. *E.g.*, Civin Tr. at 9:13–18. As to the specific topic of Meta’s “industrial-scale program
 14 of scanning physical books,” Dkt. 97 at 7, referred to as “Project Vellum,” Plaintiffs have recently
 15 questioned Melanie Kambadur, a research director within MSL. Ex. 4 (“Kambadur Tr.”) at 18:12–17,
 16 133:23–134:11. Ms. Kambadur also named a Meta employee with direct first-hand knowledge of the
 17 project who Plaintiffs have not yet deposed. Kambadur Tr. at 136:8–11. She did *not* name Mr.
 18 Zuckerberg. And several of Plaintiffs’ 30(b)(6) topics go to the issue of data acquisition, including
 19 Project Vellum. *See, e.g.*, Ex. 5 (noticing 30(b)(6) deposition topics concerning Llama 4 data sources
 20 and Project Vellum). Meta will produce a corporate witness prepared to provide relevant information
 21 on those topics.

22 ***“The licensing market” [for Entrepreneur’s works].*** Dkt. 97 at 7. It is unclear why Plaintiffs
 23 believe Meta’s CEO has unique knowledge of their “licensing market.” He repeatedly testified that he
 24 did not know or remember details concerning Meta’s licensing agreements and was not aware of the
 25 organizations or companies with which Meta had agreements. There is no testimony or documents that
 26 suggest this answer is different today. The “licensing market” issue is one of Plaintiffs’ 30(b)(6) topics,⁵

27 _____
 28 ⁵ “Meta’s consideration, negotiation, or valuation of licensing or purchasing books, magazines, or professional or instructional content for use with the MODELS, and any internal assessment of the cost, availability, or existence of a market for such licenses or purchases.”

1 for which Meta will provide a knowledgeable corporate witness. Ex. 5 at 4. And Plaintiffs recently
 2 deposed Didem Foss, who has worked on AI data licensing since early 2024. Ex. 6 (“Foss Tr.”) at
 3 40:4–41:4. Ms. Foss provided the unique first-hand knowledge of this topic that Mr. Zuckerberg lacks.
 4 Plaintiffs will also depose Shelley Venus, a senior director for content business development and
 5 strategy at Meta, who has further knowledge relating to certain licenses.

6 ***Intentionality or Willfulness.*** Plaintiffs imply that they would like to depose Meta’s CEO
 7 because information about willfulness is relevant to damages. Again, Plaintiffs cite nothing involving
 8 Mr. Zuckerberg, uniquely, since his December 2024 deposition that bears on Meta’s alleged
 9 “willfulness.” Their complaints attack the same conduct at issue in *Kadrey* (*i.e.*, the downloading, use,
 10 and alleged distribution of works to train Llama) without identifying any superseding event. Regardless,
 11 courts have rejected this justification for apex depositions. *See Jensen v. BNSF Ry. Co.*, 2015 WL
 12 3662593, at *3 (N.D. Cal. May 19, 2015) (barring an apex deposition where “additional questions
 13 relevant to punitive damages [could] be addressed through the Rule 30(b)(6) witness.”).

14 ***Identifying Additional Witnesses.*** Plaintiffs suggest they want to depose Mr. Zuckerberg to
 15 identify additional relevant witnesses, Hr’g. Tr. at 38:10–21. This inverts the doctrinal requirement that
 16 other sources of knowledge be exhausted *before* deposing an apex executive.

17 Plaintiffs have not exhausted less intrusive means of discovery. *See, e.g., Anderson v. Cnty. of*
 18 *Contra Costa*, 2017 WL 930315, at *4 (N.D. Cal. Mar. 9, 2017) (denying a request to depose an apex
 19 witness and requiring that plaintiffs “depose a Rule 30(b)(6) witness” and “then meet and confer with
 20 Defendants about the necessity and scope” of the witness’s deposition); *Affinity Labs*, 2011 WL
 21 1753982, at *14. Plaintiffs have not completed their 30(b)(6) depositions, including on topics that
 22 ***overlap directly*** with the topics about which they wish to question Meta’s CEO. *See, e.g.*, Exhs. 5 & 7.
 23 As shown, Plaintiffs have not exhausted the numerous fact witnesses who possess superior, ***direct***
 24 knowledge of the topics for which they seek Mr. Zuckerberg’s testimony: Plaintiffs intend to depose at
 25 least 10 additional fact witnesses. *See* Dkt. 107 at 3–4. For those witnesses recently questioned about
 26 the requested topics (Mr. Civin, Ms. Kambadur, and Ms. Foss), Plaintiffs have not explained why
 27 Meta’s CEO’s additional testimony is required. At a minimum, Plaintiffs should be precluded from
 28 taking Mr. Zuckerberg’s testimony unless and until such “less intrusive means of discovery . . . have

1 been exhausted without success.” *Groupion*, 2012 WL 359699, at *2.

2 **B. Any Deposition Should Be Limited**

3 **Timing:** As ordered by the Court, Meta is working to identify a date for Mr. Zuckerberg’s
4 deposition prior to August 26. Meta respectfully requests relief from that deadline. To avoid
5 duplication and harassment, no deposition of Mr. Zuckerberg should occur until depositions of 30(b)(6)
6 and other fact witnesses are substantially complete. Plaintiffs have noticed more than *forty* 30(b)(6)
7 topics and Meta has agreed to produce six witnesses covering these topics, each of whom will provide
8 robust corporate testimony. One such designee on multiple 30(b)(6) topics is scheduled to be deposed
9 on August 26-28. *See* Dkt. 97 at 4–5. After those depositions, the Court should order Plaintiffs to meet
10 and confer with Meta on what, if any, additional information they require from Mr. Zuckerberg and
11 their basis for believing that he uniquely possesses that information, and present that to the Court.

12 **Scope:** To avoid abusive and uninformative redundancy, Meta asks the Court to preclude
13 Plaintiffs from asking Mr. Zuckerberg about events predating his December 2024 deposition unless
14 they can show he has unique personal knowledge of the events and his prior *Kadrey* testimony does not
15 already address the topic. For events postdating his 2024 deposition, they should be required to explain
16 how these events are relevant to their claims and demonstrate he has unique personal knowledge.

17 **Length:** Given the limited topics (if any) on which Plaintiffs have valid grounds to depose Mr.
18 Zuckerberg, and to protect against abuse of Mr. Zuckerberg’s time, his deposition should be limited to
19 two hours. *See, e.g., Apple*, 282 F.R.D. at 265 (limiting Samsung CEO’s deposition to two hours).
20 Based on the extent of the deponent’s unique, firsthand, relevant knowledge, and the exhaustion of
21 other discovery methods, *see id.* at 263–64, courts frequently limit the length of an “apex” deposition
22 to two hours. *See, e.g., Finisar Corp. v. Nistica, Inc.*, 2015 WL 3988132, at *4 (N.D. Cal. June 30,
23 2015); *In re Transpacific Passenger Air Transp. Antitrust Litig.*, 2014 WL 939287, at *6 (N.D. Cal.
24 Mar. 6, 2014). That approach is particularly warranted here, where Mr. Zuckerberg already sat for a
25 4.5-hour deposition in *Kadrey*; a total of 6.5 hours of deposition time of Mr. Zuckerberg is more than
26 proportionate to the needs of the case.

1 Dated: August 6, 2026

2 By: /s/ Karen L. Dunn

Karen L. Dunn

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FILER'S ATTESTATION

I, Karen L. Dunn, am the CM/ECF user whose ID and password are being used to file this Administrative Motion to Quash Deposition. Pursuant to Civil Local Rule No. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: August 6, 2026

By: /s/ Karen L. Dunn
Karen L. Dunn (*pro hac vice*)