

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Meta Pixel Healthcare Litigation

Meta Pixel Healthcare Litigation · No. 22-cv-03580-WHO (VKD) · Decided April 10, 2025

SUMMARY

The court resolves a discovery dispute concerning whether plaintiffs may depose Meta CEO Mark Zuckerberg in the Meta Pixel Healthcare Litigation. The court finds that Zuckerberg is likely to possess some unique first-hand knowledge relevant to the case but limits the deposition to privacy-related facts known through his role under the FTC Consent Order and as a decision maker. The deposition is limited to three hours, must occur by May 30, 2025 absent stipulation, and counts against plaintiffs’ allotment of 12 individual depositions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 10, 2025
DOCKET	22-cv-03580-WHO (VKD)
DISPOSITION	other
PROCEDURAL POSTURE	The court resolved a discovery dispute concerning whether plaintiffs could depose Meta CEO Mark Zuckerberg.
STANDARD OF REVIEW	The court exercised discretion under Federal Rule of Civil Procedure 26(c) and Rule 26(b)(2)(C) to determine whether to permit or limit an apex deposition. The party seeking a protective order bears the burden of showing good cause by demonstrating harm or prejudice resulting from the discovery.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Plaintiffs v. Meta Platforms, Inc.

TOPICS

- discovery dispute
- civil procedure
- health law
- consumer protection

PRACTICE AREAS

civil procedure

discovery

privacy and health data

QUESTIONS PRESENTED

1. Whether plaintiffs demonstrated sufficient grounds to take the deposition of Meta CEO Mark Zuckerberg despite the limitations applicable to apex depositions.
2. Whether the scope and timing of Zuckerberg's deposition should be limited to prevent undue burden, abuse, or harassment.

HOLDINGS

1. Plaintiffs may depose Zuckerberg because they showed that he was likely to have at least some unique first-hand knowledge of facts relevant to a claim or defense by virtue of his role under the FTC Consent Order and as a decision maker regarding privacy-related matters.
2. The deposition must be limited to facts known to Zuckerberg by virtue of his role under the FTC Consent Order and his participation as a decision maker regarding privacy-related matters relevant to the case; it may not be used to obtain information about how Meta implemented the pixel, what data it obtained, how it used the data, or how it implemented privacy protections when that information is available from other witnesses or less intrusive means.

KEY QUOTATIONS

“Having considered the parties’ discovery dispute submission, as well as the FTC Consent Order and Mr. Mudd’s testimony, the Court finds that plaintiffs have shown Mr. Zuckerberg is likely to have at least some unique first-hand knowledge of facts relevant to a claim or defense by virtue of his role pursuant to the FTC Consent Order and as a decision maker regarding privacy-related matters at issue in this case.” (at 2)

“Rather, plaintiffs’ deposition of Mr. Zuckerberg should be directed to facts known to him by virtue of his role pursuant to the FTC Consent Order and as a decision maker regarding privacy-related matters relevant to this case.” (at 2-3)

FACTUAL BACKGROUND

Plaintiffs sought to depose Meta CEO Mark Zuckerberg based on evidence that he had responsibilities under an FTC Consent Order and had participated in certain privacy-related decisions. The court found that the Consent Order required Zuckerberg to be informed of consequential privacy decisions and to certify Meta's compliance, while also requiring reliance on his personal knowledge. Testimony from Meta executive Mr. Mudd indicated that a relevant proposal had been presented to Zuckerberg and that he made a decision or gave directions concerning it. The court concluded that Zuckerberg was likely to possess at least some unique first-hand knowledge relevant to the claims or defenses.

PROCEDURAL HISTORY

In multidistrict litigation concerning Meta's pixel technology and the collection and use of health-related data, plaintiffs sought to depose Mark Zuckerberg. Meta opposed the deposition, arguing that Zuckerberg lacked

unique first-hand knowledge and that plaintiffs had not exhausted less intrusive discovery methods. The court resolved the dispute on the parties' written submission without oral argument and permitted the deposition subject to specified limitations.

DISPOSITION

other

CASES CITED

- Rivera v. NIBCO, Inc., 364 F.3d 1057, 1063 (9th Cir. 2004)
- Apple Inc. v. Samsung Elecs. Co., Ltd., 282 F.R.D. 259, 263 (N.D. Cal. 2012)
- Affinity Labs v. Apple, Inc., No. 09-cv-4436 CW (JL), 2011 WL 1753982, at *16-*17 (N.D. Cal. May 9, 2011)
- Frasco v. Flo Health Inc., No. 21-cv-00757-JD, Dkt. Nos. 264, 269 (N.D. Cal. Feb. 8, 2023)
- Doble v. Mega Life and Health Ins., No. 09-cv-1611-CRB (JL), 2010 WL 1998904, at *3 (N.D. Cal. May 18, 2010)
- Celerity, Inc. v. Ultra Clean Holding, Inc., No. 05-cv-4374-MMC (JL), 2007 WL 205067, at *3 (N.D. Cal. Jan. 25, 2007)

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