

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: TIKTOK MINOR PRIVACY
LITIGATION

MDL No.

**PLAINTIFF NICK MCKISSICK'S MOTION TO TRANSFER ACTIONS TO THE
NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR
COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Plaintiff Nick McKissick¹, through undersigned counsel, and pursuant to 28 U.S.C. § 1407 or, alternatively, JPML Rule 7.1(b)(i), requests that the Panel enter a conditional transfer order consolidating all Related Actions and transferring his action and all Related Actions² to the Northern District of California before Judge Yvonne Gonzalez Rogers. This Motion is supported by the accompanying brief in support of the motion, a schedule of actions, a copy of the docket sheet for each matter, a copy of the complaint for each matter, and proof of service.

Dated: December 5, 2024

Respectfully submitted:

/s/ Kiley Grombacher

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¹ *McKissick, et. al., v. Bytedance, Inc., et. al.*, 3:24-cv-08051-AGT (N.D. Ca.) (Nov. 15, 2024).

² See Attached Schedule of Actions (collectively, the "Related Actions").

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: TIKTOK MINOR PRIVACY
LITIGATION**

MDL No.

**BRIEF IN SUPPORT OF PLAINTIFF NICK MCKISSICK’S MOTION TO TRANSFER
ACTIONS TO THE NORTHER DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C.
§ 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

I. INTRODUCTION

Plaintiff seeks respectfully move the Judicial Panel on Multidistrict Litigation for an Order, pursuant to 28 U.S.C. § 1407, that transfers consolidates Plaintiff’s Action¹ and all Related Actions² that seek economic loss and other equitable remedies relating to Defendants ByteDance, Inc.; ByteDance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc. (hereinafter, the “TikTok Defendants”) failure disclose that TikTok collects and sells personally identifiable information (“PII”) of millions of minor children, without the consent of the minors or their parents, to the United States District Court for the Northern District of California before the Honorable Yvonne Gonzalez Rogers; Like other cases currently before Judge Gonzalez Rogers in MDL No. 3047, Plaintiff McKissick’s case arises out of his minor child’s use of a social media platform, TikTok. Specifically, his claims arise from TikTok’s insufficient age verification policies and failure to notify parents or obtain parental consent to collect minor users’ PII.

At the time of this filing, approximately seven (7) cases have been filed across five (5) United States district courts arising from this conduct. As set forth fully below, action by this Panel to transfer, consolidate, and coordinate these actions in the Northern District of California before Judge Gonzalez Rogers who is currently presiding over the related multidistrict litigation

¹ *McKissick, et. al., v. ByteDance, Inc., et. al.*, 3:24-cv-08051-AGT (N.D. Ca.) (Nov. 15, 2024).

² See Attached Schedule of Actions (collectively, the “Related Actions”).

No. 3047 will promote their just and efficient prosecution, enhance judicial economy, and serve the convenience of the parties. The consolidation and transfer before Judge Gonzalez Rogers or, alternatively, the inclusion of these cases in MDL No. 3047 is appropriate where, as here, common questions of fact and law abound, and transfer will further the convenience of the parties and witnesses, promote the just and efficient conduct of these actions and serve the goals of judicial economy, thereby advancing the overall interests of the Court. Consolidation and transfer either as a separate MDL or with MDL No. 3047 is appropriate because the Related Actions involve common issues of law and fact and the same TikTok Defendants as those in MDL No. 3047. Plaintiffs therefore respectfully request that the Panel determine that Plaintiff McKissick’s action—along with the Related Actions and all other cases arising out of TikTok’s collection of minor users’ PII—be transferred for inclusion in MDL No. 3047.

II. BACKGROUND

On November 15, 2024, Plaintiff filed suit in the United States District Court for the Northern District of California against the TikTok Defendants. Plaintiff and the Related Actions each allege that TikTok failed to disclose that it collects and sells PII of minor children including, but not limited to: name, age, profile image, password, email, phone number, address, “approximate” location, social media account information, phone and social media contacts, messages sent to and received from other TikTok users, information in the clipboard of a user’s device, and payment card numbers. Upon information and belief, the TikTok Defendants collect and sell access to this personal data without the minors’ or their parents’ notice, knowledge, or consent, in violation of the Children’s Online Privacy Protection Act of 1998 (“COPPA”) and Children’s Online Privacy Protection Rule (“Rule” or “COPPA Rule”), a federal statute and regulations that protect children’s privacy and safety online. It also defies an order entered in

2019 to resolve a lawsuit in which the United States alleged that TikTok Inc.'s and TikTok Ltd.'s predecessor companies similarly violated COPPA and the COPPA Rule by allowing children to create and access accounts without their parents' knowledge or consent, collecting data from those children, and failing to comply with parents' requests to delete their children's accounts and information. Plaintiffs allege that TikTok did so knowingly, due to its lax age verification procedures. Like the actions already pending in MDL No. 3047, each of the Related Actions is based on the same or substantially similar allegations concerning TikTok's insufficient and defective age verification measures and TikTok's knowledge that millions of minors use its app.

III. ARGUMENT

a. Transfer and Consolidation of These Cases is Appropriate Under 28 U.S.C. § 1407.

28 U.S.C. §1407(a) authorizes the transfer of civil actions pending in different federal district courts to a single federal district court for coordinated or consolidated pretrial proceedings so long as this Panel determines that the cases involve common questions of fact, and that the transfer will serve the convenience of the parties and witnesses and will promote the just and efficient conduct of the litigation. The Panel typically considers four factors in deciding whether to transfer a case under Section 1407:

- a. the elimination of duplication in discovery;
- b. the avoidance of conflicting rules and schedules;
- c. the reduction of litigation cost; and
- d. the conservation of the time and effort of the parties, attorneys, witnesses, and courts.

Here, each of these factors are met.

i. Commonality Among the Related Actions

As an initial matter, the Related Actions each assert the same or similar claims based on multiple common factual allegations and will involve common legal theories. As such, transfer

and coordination will assist the parties and the courts in avoiding duplicative rulings on the common issues in dispute and will also serve the convenience of the parties and witnesses and promote the just and efficient resolution of the litigation. Common questions of fact exist, and may be presumed, where two or more complaints assert comparable allegations against similar defendants based on similar transactions and events. *See In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales, Practices, and Products Liab. Litig.*, 704 F. Supp. 2d 1379, 1381 (J.P.M.L. 2010). Here, the complaints filed in the Related Actions assert common questions of fact by virtue of Plaintiff's allegations of the Defendants' wrongful conduct in collecting and using minor children's PII without parental consent. Common question of facts and law include but are not limited to:

- a. Whether TikTok has or had a practice of collecting Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- b. Whether TikTok has or had a practice of using Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- c. Whether TikTok's practices violate the Children's Online Privacy Protection Act of 1998 ("COPPA") and the Children's Online Privacy Protection Rule ("COPPA Rule");
- d. Whether TikTok engaged in unlawful business practices;
- e. Whether TikTok engaged in unfair business practices;
- f. Whether TikTok has unjustly received and retained monetary benefits from Plaintiff's minor child and Class Members by profiting off the use of their Personal Information; and
- g. Whether Class Members are entitled to damages and/or restitution, and if so, the method of computing damages and/or restitution.

ii. Commonality Between the Related Actions and MDL No. 3047

The Related Actions share common factual allegations and will involve common legal

theories with the Related Action as well as other cases against the TikTok Defendants in MDL No. 3047. In particular, both the Related Actions and the cases against the TikTok Defendants in MDL No. 3047 allege:

- a. TikTok’s age verification measures are defective;
- b. TikTok’s parental controls are defective; and
- c. TikTok and its employees have long known that children misrepresent their ages to pass through TikTok’s age gate, and that despite other measures purportedly designed to remove children from the platform, children are ubiquitous on TikTok;

The Panel cited to various common questions of fact that overlap with Plaintiff’s Action and the Related Action, including but not limited to whether Defendants “fail to verify users’ ages” or “encourage adolescents to bypass parental controls” as reasoning in consolidating and transferring MDL No. 3047 to the Northern District of California. (Doc. No. 37 at 2.) For these same reasons, consolidation and transfer is appropriate here.

iii. Transfer is Convenient and Will Promote Just and Efficient Litigation.

Given the common factual and legal issues set forth above, consolidation and transfer will avoid conflicting rules and schedules by eliminating inconsistent rulings and moving towards adjudication with minimum delay. As this Panel has stated, “transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole, even if it might inconvenience some parties to that action.” (Doc. No. 37) (citing *In re Crown Life Ins. Co. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001)).

Consolidation will also reduce litigation costs by streamlining and providing a path forward for all cases without duplication of effort among multiple parties. This will conserve the time and resources of all parties—including attorneys, witnesses, and judicial resources—by avoiding duplicate depositions, expert witnesses, and evidentiary hearings. Where consolidation

will necessarily avoid the risk of duplicative and costly discovery proceedings, it is favored. *See In re Zostavax (Zoster Vaccine Live) Prods. Liab. Litig.*, 330 F. Supp. 3d 1378, 1379 (J.P.M.L. 2016). With consolidation, duplicative discovery will be eliminated and there will be no risk of inconsistent judicial rulings. *See In re Actos Prods. Liab. Litig.*, 840 F.Supp.2d 1356 (J.P.M.L. 2011).

Here, centralization will help avoid duplicative discovery that would delay the swift, efficient, and cost-effective adjudication of these matters. Plaintiff, and presumably the Related Actions, requires discovery concerning TikTok’s age verification procedures, which is also at issue in MDL No. 3047. Moreover, discovery is well underway in MDL No. 3047 involving the conduct at issue.

b. The Panel Expressed a Preference for Centralization of Cases Involving Social Media Platforms’ Age Verification Procedures.

In consolidating and transferring MDL No. 3047 to the Northern District of California, the Panel cited to various common questions of fact, including whether Defendants in the MDL “fail to verify users’ ages” or “encourage adolescents to bypass parental controls”—questions that are essential to Plaintiff and the Related Actions’ legal theories. (*See* Doc. No. 37 at 2). The Panel ultimately found that given the common issues in the cases against the various social media companies, centralization would “eliminate duplicative discovery; prevent inconsistent pretrial rulings, including with respect to motions to dismiss and Daubert motions; and conserve the resources of the parties, their counsel, and the judiciary” as well as “serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation” (Doc. No. 37 at 2.) The same reasoning supports transfer and consolidation of the Related Actions here, which allege that TikTok knowingly collected and used minors’ PII without parental consent, which was made possible by TikTok’s lax age verification procedures.

Although the Related do not allege social media addiction, the degree to which factual and legal issues overlap, and discovery will be duplicative, weighs in favor of transfer. As this Panel previously stated:

That individualized factual issues may arise in each action does not—especially at this early stage of litigation—negate the efficiencies to be gained by centralization. The transferee judge can address unique issues using separate discovery tracks for each defendant or platform and employ separate motion tracks, to the extent necessary. The Panel has centralized product liability cases involving similar products made by different manufacturers where there will be overarching issues of general causation. *See, e.g., In re Fluoroquinolone Prods. Liab. Litig.*, 122 F. Supp. 3d 1378, 1379 (J.P.M.L. 2015). In addition to persuasively arguing that causation issues will overlap, the Meta defendants point out that all defendants likely will assert the same defenses. Centralization of all actions, therefore, will allow for efficient coordination of briefing and rulings on motions to dismiss, as well as *Daubert* motions.

(Doc. No. 37 at 2.)

c. Transfer to the Northern District of California is an Appropriate Transferee District.

Even absent the existence of MDL No. 3047, the Northern District of California would be an appropriate transferee district, and Judge Gonzalez Rogers is capable of effectively overseeing this litigation. As an initial matter, California is the nexus of wrongful conduct alleged in the Related Actions. Defendants operate as a common enterprise with Defendants TikTok Inc., TikTok U.S. Data Security Inc., and ByteDance, Inc. each having principal places of business in California.

The Panel typically takes into consideration various factors in determining the most appropriate transferee forum, including: (1) convenience of the parties; (2) location of witnesses and other evidence; (3) whether the district is in an accessible metropolitan location; (4) experience in management of class actions and complex litigation; (5) the caseload of the transferee district; and (6) the number of cases pending in the jurisdiction. *See e.g., In re Wheat Farmers Antitrust Class Action Litig.*, 366 F. Supp. 1087, 1088 (J.P.M.L.1973); *In re*

Preferential Drug Prod. Pricing Antitrust Litig., 429 F. Supp. 1027, 1029 (J.P.M.L. 1977); *In re Tri-State Crematory Litig.*, 206 F. Supp. 2d 1376, 1378 (J.P.M.L. 2002); *In re Gen. Motors Corp. Dex-Cool Prod. Liab. Litig.*, 293 F. Supp. 2d 1381, 1382 (J.P.M.L. 2003); *In re Educ. Testing Serv. Prt 7-12 Test Scoring Litig.*, 350 F. Supp. 2d 1363, 1365 (J.P.M.L. 2004); see also MANUAL FOR COMPLEX LITIGATION 20.131 (4th ed. 2016) (Relevant factors include “the site of the occurrence of the common facts, where the cost and inconvenience will be minimized[,] and the experience, skill, and caseloads of available judges.”).

Given that several of the TikTok Defendants are headquartered in California, and litigation against TikTok in MDL No. 3047 is already centralized in the Northern District of California, there is simply no more convenient or more appropriate forum for transfer. The witnesses and evidence at issue are likely located in California, depositions would be most conveniently taken in California, and the parties and their counsel are already accustomed to litigating similar issues in the Northern District of California before Judge Gonzalez Rogers, who has effectively and efficiently managed MDL No. 3047 for the past two years and who is familiar with the parties and the issues. Given that a substantial amount of work has already taken place before Judge Gonzalez Rogers, centralization in the Northern District of California would serve judicial efficiency and convenience of the parties.

Moreover, Judge Gonzalez Rogers has the requisite experience, skill, and caseload to take on this litigation. The judge selected to oversee this litigations should have “the ability and temperament to steer this complex litigation on a steady and expeditious course” *In re: Microsoft Corp. Windows Operating Sys. Antitrust Litig.*, MDL 1332, 2000 WL 34448877 (J.P.M.L. 2000). This panel has also emphasized the importance of experience when coordinating and consolidating cases pursuant to 28 U.S.C. § 1407. See *In re: Pradaxa*

(Dabigatran Etexilate) Prods. Liab. Litig., MDL No. 2385, Doc. 106 (assigning Judge David R. Herndon due, in part, to his experience handling another large pharmaceutical litigation). Judge Gonzalez Rogers has the necessary subject matter knowledge, experience, and ability to effectively and judiciously guide and manage this litigation. Given her experience, perceived availability, and demonstrated commitment to the efficient administration of this litigation, the Northern District of California is the appropriate Court, and Judge Gonzalez Rogers is the appropriate judge, for managing this litigation in a manner that will facilitate this litigation for the benefit of all parties.

IV. CONCLUSION

For the reasons set forth fully herein, Plaintiffs respectfully request that this Panel transfer all noticed Related Actions, and all subsequently filed tag-along cases as plead only against the TikTok Defendants involving claims relating to TikTok's collection and use of minor users' PII without parental notice or consent, to the Northern District of California for pre-trial centralization before Judge Yvonne Gonzalez Rogers and/or for inclusion in MDL No. 3047 pursuant to JPML Rule 7.1(b)(i).

Dated: December 5, 2024

Respectfully submitted:

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**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

**IN RE: TIKTOK MINOR PRIVACY
LITIGATION**

MDL DOCKET NO.

SCHEDULE OF ACTIONS

#	Caption and parties (list all plaintiffs v. all defendants)	Court	Civil Action No.	Judge Assigned
1	<p>Plaintiff(s): Nick McKissick, on Behalf of A.M. individually and on behalf of all others similarly situated,</p> <p>v.</p> <p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.</p>	U.S. District Court Northern District of California (San Francisco)	3:24-cv-08051-AGT	Magistrate Judge Alex G. Tse
2	<p>Plaintiff(s): Christina Middleton, a guardian and next of kin on behalf of A.B., a minor, individually and on behalf of all others similarly situated</p> <p>v.</p>	U.S. District Court Western District of Missouri, Kansas City Division	4:24-cv-00742-FJG	Hon. Fernando J. Gaitan, Jr

	<p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.</p>			
3	<p>Plaintiff(s): A.A., a minor, by and through their guardian ad litem, Marcelo Muto; A.B., a minor, by and through their guardian ad litem Heather Bressette ; and A.C., a minor, by and through their guardian ad litem Darryl Maulsby, individually and on behalf of all others similarly situated,</p> <p>v.</p> <p>Defendants(s): Bytedance LTD, Bytedance, Inc.; TikTok LTD, TikTok Inc., TikTok PTE LTD, and TikTok U.S. Data Security Inc.</p>	<p>U.S. District Court Central District of California (Western Division - Los Angeles)</p>	<p>2:24-cv-06784-ODW- RAO</p>	<p>Hon. Otis D. Wright, II</p>
4	<p>Plaintiff(s): Scott Humbert on behalf of E.H. and J.H.; Tonia Lightwine, on behalf of B.L.; and Monroe Seigle, on behalf of M.S.</p> <p>v.</p> <p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok,</p>	<p>U.S. District Court Northern District of Florida (Panama City)</p>	<p>5:24-cv-00236-MW- MJF</p>	<p>Hon. Mark E. Walker</p>

	Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.			
5	<p>Plaintiff(s): United States of America</p> <p>v.</p> <p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.</p>	U.S. District Court Central District of California	2:24-cv-06535-ODW- RAO	Hon. Otis D. Wright, II
6	<p>Plaintiff(s): Jody Villanueva, on behalf of, J.C., Angela Faucett, on behalf of K.F., and Lamartine Pierre, Jr., on behalf of C.P., individually, and on behalf of all others similarly situated</p> <p>v.</p> <p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.</p>	U.S. District Court Central District of California	2:24-cv-07922-ODW- RAO	Hon. Otis D. Wright, II

7	<p>Plaintiff(s): Kathleen Lanser, a guardian and next of kin on behalf of A.L., individually and on behalf of all others similarly situated</p> <p>v.</p> <p>Defendants(s): Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.</p>	<p>U.S. District Court District of New Jersey (Newark)</p>	<p>2:24-cv-10818-SDW- AME</p>	<p>Hon. Susan D. Wigenton</p>
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Dated: December 5, 2024

Respectfully submitted,

By: /s/ Kiley Lynn Grombacher

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**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:24-cv-08051-AGT**

McKissick, on Behalf of A.M. v. ByteDance, Inc et al
Assigned to: Magistrate Judge Alex G. Tse
Cause: 28:1332 Diversity-(Citizenship)

Date Filed: 11/15/2024
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Nick McKissick, on Behalf of A.M.
*individually and on behalf of all others
similarly situated*

represented by **Kiley Lynn Grombacher**
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ATTORNEY TO BE NOTICED

V.

Defendant

ByteDance, Inc

Defendant

ByteDance Ltd.

Defendant

TikTok Ltd.

Defendant

TikTok Inc.

Defendant

TikTok Pte. Ltd.

Defendant

TIKTOK U.S. DATA SECURITY, INC.

Date Filed	#	Docket Text
11/15/2024	<u>1</u>	CLASS ACTION COMPLAINT (with jury demand) against ByteDance Ltd., ByteDance, Inc, TIKTOK U.S. DATA SECURITY, INC., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd. (Filing fee \$ 405, receipt number ACANDC-20056198.). Filed by Nick McKissick, on Behalf of A.M. (Grombacher, Kiley) (Filed on 11/15/2024) Modified on 11/18/2024 (cjl, COURT STAFF). (Entered: 11/15/2024)

11/15/2024	2	Proposed Summons. (Grombacher, Kiley) (Filed on 11/15/2024) (Entered: 11/15/2024)
11/15/2024	3	***SEE DOCKET ENTRY 4 FOR CORRECTED DOCUMENT*** Civil Cover Sheet by Nick McKissick, on Behalf of A.M. (Grombacher, Kiley) (Filed on 11/15/2024) Modified on 11/18/2024 (cjl, COURT STAFF). (Entered: 11/15/2024)
11/18/2024		Electronic filing error . Electronic Filing Error. No Divisional Assignment selected on Civil Cover Sheet. If case is in connection to an MDL case, please indicate case number in section VIII- Related cases, if any. Please e-file an Amended Civil Cover only. Re: 3 Civil Cover Sheet filed by NICK McKissick, on Behalf of A.M. (kxo, COURT STAFF) (Filed on 11/18/2024) (Entered: 11/18/2024)
11/18/2024	4	Civil Cover Sheet by Nick McKissick, on Behalf of A.M. (Grombacher, Kiley) (Filed on 11/18/2024) Modified on 11/19/2024 (cjl, COURT STAFF). (Entered: 11/18/2024)
11/19/2024	5	Case assigned to Magistrate Judge Alex G. Tse. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (kxo, COURT STAFF) (Filed on 11/19/2024) (Entered: 11/19/2024)
11/19/2024	6	Summons Issued as to ByteDance Ltd., ByteDance, Inc, TIKTOK U.S. DATA SECURITY, INC., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd. (cjl, COURT STAFF) (Filed on 11/19/2024) (Entered: 11/19/2024)
11/19/2024	7	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 2/7/2025. Initial Case Management Conference set for 2/14/2025 02:00 PM in San Francisco, - Videoconference Only. (cjl, COURT STAFF) (Filed on 11/19/2024) (Entered: 11/19/2024)

PACER Service Center			
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 **NICK MCKISSICK on behalf of A.M.;**)
12 **individually and on behalf of all others**)
13 **similarly situated,**)

14 **Plaintiff,**)

15 **vs.**)

16 **BYTEDANCE, INC.; BYTEDANCE**)
17 **LTD.; TIKTOK LTD.; TIKTOK INC.;**)
18 **TIKTOK PTE. LTD.; AND TIKTOK**)
19 **U.S. DATA SECURITY, INC.,**)

20 **Defendants.**)

CLASS ACTION COMPLAINT
JURY TRIAL DEMANDED

21 Plaintiff NICK MCKISSICK on behalf of A.M. brings this Class Action
22 Complaint against Defendants Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.;
23 TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc. (“Defendants”)
24 as individuals and on behalf of all others similarly situated, and allege, upon personal
25 knowledge as to Plaintiffs’ own actions and to counsels’ investigation, and upon
26 information and belief as to all other matters, as follows:
27
28

STATEMENT OF FACTS

1
2 1. Plaintiff brings this class action against Defendants for its failure
3 disclose that it collects and sells personally identifiable information (“PII”) of
4 millions of minor children, without the consent of the minors or their parents,
5 including, but not limited to: name, age, profile image, password, email, phone
6 number, address, “approximate” location, social media account information, phone
7 and social media contacts, messages sent to and received from other TikTok users,
8 information in the clipboard of a user’s device, and payment card numbers.
9
10

11 2. Upon information and belief, Defendants collects and sells access to this
12 personal data without the minors’ or their parents’ notice, knowledge, or consent.
13

14 **A. The Children’s Online Privacy Protection Act and the COPPA Rule**
15 **Require That TikTok Provide Parental Notice and Gain Parental**
16 **Consent Before Collecting or Using Children’s Personal**
17 **Information.**

18 3. TikTok collects and uses these young children’s Personal Information
19 without providing direct notice to their parents or gaining their parents’ verifiable
20 consent, in violation of the Children’s Online Privacy Protection Act of 1998
21 (“COPPA”) and Children’s Online Privacy Protection Rule (“Rule” or “COPPA
22 Rule”), a federal statute and regulations that protect children’s privacy and safety
23 online. It also defies an order that this Court entered in 2019 to resolve a lawsuit in
24 which the United States alleged that TikTok Inc.’s and TikTok Ltd.’s predecessor
25 companies similarly violated COPPA and the COPPA Rule by allowing children to
26 create and access accounts without their parents’ knowledge or consent, collecting
27
28

1 data from those children, and failing to comply with parents’ requests to delete their
2 children’s accounts and information.

3
4 4. TikTok continues to violate COPPA. Last month, the Department of
5 Justice filed a new lawsuit against TikTok for violating COPPA and illegally
6 collecting and using young children’s Personal Information. *See United States v.*
7
8 *Bytedance, Ltd., et. al.* (Case No. 2:24-cv-06535-ODW-RAO) (C.D. Cal.) (Wright,
9 J.).

10 5. The COPPA Rule sets requirements for any “operator of a Web site or
11 online service directed to children, or any operator that has actual knowledge that it is
12 collecting or maintaining Personal Information from a child [under the age of 13].”
13 Section 312.3 of COPPA Rule, 16 C.F.R. §§ 312.3.

14
15
16 6. The COPPA Rule requirements apply to TikTok. TikTok is directed to
17 children, and TikTok has actual knowledge that it is collecting Personal Information
18 from children.

19
20 7. The COPPA Rule has two requirements that are pertinent to this case:
21 (1) parental notice and (2) parental consent.

22
23 8. First, pursuant to the COPPA Rule, TikTok must provide direct notice to
24 parents, notifying them of “what information it collects form children, how it uses
25 such information and its disclosure practices for such information.” 16 C.F.R. §§
26 312.3(a); 312.4.
27
28

1 9. Second, pursuant to the COPPA Rule, TikTok must “[o]btain verifiable
2 parental consent prior to any collection, use, and/or disclosure of Personal
3 Information from children.” 16 C.F.R. §§ 312.3(b); 312.5.

4
5 10. The COPPA Rule defines “Personal Information,” as “[I]ndividually
6 identifiable information about an individual collected online, including:

- 7 • A first and last name;
- 8 • A home or other physical address including street name and name of a
9 city or town;
- 10 • Online contact information as defined in this section;
- 11 • A screen or user name where it functions in the same manner as
12 online contact information, as defined in this section;
- 13 • A telephone number;
- 14 • A Social Security number;
- 15 • A persistent identifier that can be used to recognize a user over time
16 and across different Web sites or online services. Such persistent
17 identifier includes, but is not limited to, a customer number held in a
18 cookie, an Internet Protocol (IP) address, a processor or device serial
19 number, or unique device identifier;
- 20 • A photograph, video, or audio file where such file contains a child's
21 image or voice;
- 22 • Geolocation information sufficient to identify street name and name
23 of a city or town; or
- 24 • Information concerning the child or the parents of that child that the
25 operator collects online from the child and combines with an identifier
26 described in this definition.”

27 Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

1 11. Plaintiff uses the same definition of “Personal Information” from
2 Section 312.2 of the COPPA Rule for this Complaint.

3
4 12. 33. The COPPA Rule defines “Child” as “an individual under the age of
5 13.” Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

6 **B. TikTok has Repeatedly and Persistently Violated COPPA and**
7 **Otherwise Collected the Personal Information of Minors Without**
8 **Notice to, Or Consent of, Parents.**

9 13. TikTok’s predecessor Musical.ly launched in 2014. Musical.ly was a
10 social media platform where users could create and share short lip-sync videos.

11 14. By 2016, New York Times tech reporter John Herrman wrote an article
12 about the prevalence of young children on Musical.ly, explaining that “[w]hat is
13 striking about the app, though, is how many of its users appear to be even younger
14 than [13].”¹

15
16
17 15. Mr. Herrman wrote:

18 The app does not collect or show the age of its users, but some of its top-
19 ranked users, whose posts routinely collect millions of likes, called hearts,
20 appear from their videos and profile photos to be in grade-school. Until
21 recently, the app had a feature that suggested users to follow based on their
location. In New York, that feature revealed a list composed largely not just of
teenagers, but of children.²

22 16. The CEO of a social media advertising agency told the New York Times
23 that with Muscial.ly users, “you’re talking about first, second, third grade.”³

24
25
26
27 ¹ Josh Herrman, Who’s Too Young for an App? Musical.ly Tests the Limits, New York
Times, Sept. 16, 2016, <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

28 ² *Id.*

³ *Id.*

1 17. As Musical.ly was gaining popularity among elementary school kids in
2 the United States, Beijing-based ByteDance Ltd. created TikTok in 2017. On
3 November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1 billion. On
4 August 2, 2018, TikTok merged with Musical.ly, consolidating the accounts and data
5 into one application.
6

7
8 18. In February 2019, the United States Department of Justice filed a
9 complaint against TikTok's predecessors, Musical.ly and Musical.ly, Inc., alleging
10 violations of the COPPA Rule and Section 5 of the FTC Act, 15 U.S.C. § 45.
11

12 19. The Department of Justice alleged that TikTok's Musical.ly
13 predecessors had collected and used Personal Information from children younger than
14 13 in violation of COPPA, including by (1) failing to directly notify parents of the
15 information it collects online from children under 13 and how it uses such
16 information and (2) failing to obtain verifiable parental consent before any collection
17 or use of Personal Information from children under 13. *United States v. Musical.ly, et*
18 *al.*, No. 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).
19

20 20. In March 2019, the Honorable Otis D. Wright II entered a Stipulated
21 Order for Civil Penalties, Permanent Injunction, and Other Relief against TikTok's
22 predecessors. *Id.* at Dkt. No. 10 (2019 Permanent Injunction).
23

24 21. As part of the 2019 Permanent Injunction, TikTok's predecessors were
25 enjoined from violating the COPPA Rule, including by (1) "failing to make
26 reasonable efforts, taking into account available technology, to ensure that a parent of
27
28

1 a child receives direct notice of Defendants’ practices with regard to the collection,
2 use, or disclosure of Personal Information from children” and (2) “failing to obtain
3 verifiable parental consent before any collection, use, or disclosure of Personal
4 Information from children.” 2019 Permanent Injunction at 8.

6 22. In 2019, Musical.ly was renamed TikTok Ltd., and Musical.ly Inc. was
7 renamed TikTok Inc. This renaming did not change the companies’ obligations under
8 the 2019 Permanent Injunction.

10 **C. Despite the Permanent Injunction, TikTok Collects and Uses**
11 **Children’s Personal Information Without Parental Notification or**
12 **Consent.**

13 23. Despite the 2019 Permanent Injunction, millions of American minor
14 children, particularly those under the age of 13, continue to join TikTok. And,
15 TikTok continues to collect and use their Personal Information.

17 24. When users create a TikTok account, TikTok uses an “age gate” and
18 requires that the user provide their birthday – the day, month, and year.

19 25. Since at least March 2019, if a Child enters a birthday that indicates that
20 they are 13 years old or over, then they are provided with a regular TikTok account.

22 26. Since at least March 2019, if a Child enters a birthday that indicates that
23 they are younger than 13 years old, then they are provided with a “TikTok For
24 Younger Users” or “Kids Mode” account. TikTok does not notify parents or obtain
25 parental consent for Kids Mode accounts.
26
27
28

1 27. Children with Kids Mode accounts can view videos but cannot post
2 videos.

3
4 28. TikTok’s “age gate” is insufficient. Other than asking for their birthday,
5 TikTok makes no other attempt during the sign-in process to verify the user’s age.

6 29. TikTok and its employees have long known that children misrepresent
7 their ages to pass through TikTok’s age gate, and that despite other measures
8 purportedly designed to remove children from the platform, children are ubiquitous
9 on TikTok.
10

11
12 30. TikTok’s internal company data and documents classified 18 million of
13 its 49 million daily users in the United States as being 14 years or younger.⁴ That
14 number is likely much higher given the inadequacies of TikTok’s age gate.
15

16 31. A former TikTok employee said that TikTok employees had pointed out
17 videos from children who appeared to be younger than 13 that were allowed to
18 remain online for weeks.⁵
19

20 32. Defendants use human content moderators to review flagged accounts
21 that potentially belong to children. In January 2020, for example, a TikTok moderator
22 recognized that Defendants maintain accounts of children despite the “fact that we
23 know the user is U13,” *i.e.*, under the age of 13, so long as the child’s profile does not
24 admit that fact explicitly.
25
26

27 ⁴ Raymond Zhong & Sheera Frenkel, A Third of TikTok’s U.S. Users May Be 14 or
28 Under, Raising Safety Questions, *New York Times*, Aug. 14, 2020,
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

⁵ *Id.*

1 33. Another employee admitted that TikTok moderators were required to
2 ignore any “external information” indicating that a user under review is a child.

3
4 34. As another example, in a July 2020 chat, one of Defendants’ employees
5 circulated the profiles of numerous underage users he had identified “literally through
6 one minute of scanning,” noting “[t]his is incredibly concerning and needs to be
7 addressed immediately.”
8

9 35. TikTok utilizes internal algorithms to predict user’s ages based on their
10 online behavior. However, TikTok refuses to use its age-prediction algorithm to
11 identify children under the age of 13 and stop them from using regular TikTok
12 accounts.
13

14 36. Furthermore, until at least May 2022, TikTok allowed consumers to
15 avoid the age gate when creating a TikTok account by allowing consumers to use
16 login credentials from certain third-party online services, including Instagram and
17 Google. Children were permitted to create TikTok accounts without entering their
18 birthday if they used login credentials from Google. However, Google allowed
19 children under the age of 13 to create Google accounts with parental consent to use
20 Google.
21
22
23

24 37. Regardless of whether a Child uses a regular TikTok account or a Kids
25 Mode account, TikTok violates the COPPA Rule by collecting and using their
26 Personal Information without parental notice and consent.
27
28

1 38. TikTok’s insufficient age verification policies resulted in millions of
2 Children gaining access to regular TikTok accounts and to the adult content and
3 features of a regular TikTok account.
4

5 39. For Children with regular TikTok accounts, TikTok collects Personal
6 Information about them, including first and last name, age, email address, phone
7 number, persistent identifiers for the device(s) used to access TikTok, social media
8 account information, and profile image(s), as well as photographs, videos, and audio
9 files containing the user’s image and voice and the metadata associated with such
10 media (such as when, where, and by whom the content was created), usage
11 information, device information, location data, image and audio information,
12 metadata, and data from cookies and similar technologies that track users across
13 different websites and platforms.
14
15
16

17 40. For Children with Kids Mode accounts, TikTok still collects Personal
18 Information about them, including several types of persistent identifiers, including IP
19 address and unique device identifiers. TikTok also collects app activity data, device
20 information, mobile carrier information, and app information from Children using
21 Kids Mode accounts—which it combines with persistent identifiers and uses to amass
22 profiles on children.
23
24

25 41. In August 2024, the Department of Justice filed a new complaint
26 alleging that TikTok violated COPPA and the COPPA Rule, including by (1)
27 knowingly creating accounts for children and collecting data from those children
28

1 without first notifying their parents and obtaining verifiable parental consent; (2)
2 failing to honor parents' requests to delete their children's accounts and information;
3
4 and (3) failing to delete the accounts and information of users it knows are children.

5 **D. TikTok Generates Revenue from Its Unlawful Conduct by Advertising to**
6 **Children.**

7 42. TikTok is a short-form video social media platform.

8 43. In January 2024, TikTok reported that it had approximately 170 million
9
10 monthly active users in the United States.

11 44. TikTok earns a substantial amount of its revenue from advertising.

12 45. TikTok reported that it earned \$16 billion in revenue in the United States
13
14 in 2023.

15 46. TikTok uses the Personal Information collected from children (under the
16
17 age of 13) to target them with advertising.

18 47. TikTok targets users with specific advertisements by collecting
19
20 persistent identifiers about the users and combining the identifiers with other
21
22 information about the users.

23 48. In other words, TikTok targets specific advertisements to children
24
25 (under the age of 13) by violating COPPA. Thus, a substantial portion of the revenue
26
27 that TikTok earns from advertisements that are served on children (under the age of
28
13) is a direct and proximate result of TikTok's violation of COPPA.

49. TikTok's algorithm is trained on data collected from users via the
TikTok platform and from third-party sources. Such data include videos viewed,

1 “liked,” or shared, accounts followed, comments, content created, video captions,
2 sounds, and hashtags, as well as device and account settings such as language
3 preference, country setting, and device type.

5 50. TikTok combines this collected data with children’s persistent
6 identifiers. The collected data is thus Personal Information. Section 312.2 of COPPA
7 Rule, 16 C.F.R. § 312.2.

9 51. TikTok also provides targeting options to advertisers that are based on
10 this collected Personal Information.

12 52. For example, for behavioral targeting, TikTok targets users based on
13 their interactions with organic and paid content, including the types of videos the user
14 viewed.

16 53. For interest targeting, TikTok’s algorithm analyzes users’ long-term
17 platform activities.

18 **E. Defendants Operate Under a Common Enterprise.**

20 54. Defendants are a series of interconnected companies that operate the
21 TikTok social media platform. Defendant ByteDance Ltd. is the parent and owner of
22 Defendants ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns Defendants TikTok
23 LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok Inc., which
24 owns Defendant TikTok U.S. Data Security Inc.

26 55. Upon information and belief, a group of ByteDance Ltd. and TikTok
27 Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Penyuan, and Zhu
28

1 Wenjia, direct and control TikTok’s core features and development. Since 2019,
2 ByteDance Ltd. and TikTok Inc. have promoted TikTok in the United States,
3 spending hundreds of millions of dollars on advertising, employing U.S.-based staff
4 and executives, and developing and distributing TikTok to run on Apple and Android
5 devices.
6

7
8 56. ByteDance Inc. and TikTok Inc. have responsibilities for developing,
9 providing, and supporting TikTok in the United States.

10 57. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the
11 Apple App Store and Google Play Store.
12

13 58. TikTok Ltd. identifies itself as the developer of TikTok in the Apple
14 App Store, and TikTok Pte. Ltd. identifies itself as the developer of TikTok in the
15 Google Play Store. The tiktok.com domain is registered to TikTok Ltd.
16

17 59. Beginning in 2023, TikTok Inc. transferred Personal Information of
18 children to TikTok U.S. Data Security Inc., which has maintained that data without
19 notice to those children’s parents or parental consent.
20

21 60. Defendants share officers and directors. For example, TikTok Inc.’s
22 chief executive officers between 2020 and the present (Kevin Mayer, V Pappas, and
23 Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd., and
24 ByteDance Ltd.’s chief executive officers (Zhang Yiming and Liang Rubo) have
25 simultaneously served as directors of TikTok Ltd. TikTok Inc.’s Global Chief
26 Security Officer, Roland Cloutier, also served as cyber risk and data security support
27
28

1 for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.’s officers and directors
2 have also overlapped with each other, and with officers and directors of TikTok Inc.
3
4 Defendants intertwine their finances; for example, ByteDance Ltd. provides
5 compensation and benefits to TikTok Inc.’s CEO, and TikTok Inc. employees
6 participate in ByteDance Ltd.’s stock option plan.

7
8 61. Defendants have one centralized bank account for ByteDance Ltd.’s
9 more than a dozen products, including TikTok. Defendants operate on a “shared
10 services” model in which ByteDance Ltd. provides legal, safety, and privacy
11 resources, including personnel. ByteDance’s largest shareholder, Zhang Yiming,
12 signed the 2019 consent order with the United States on behalf of Musical.ly, TikTok
13 Ltd.’s predecessor company.
14

15
16 62. Defendants have operated as a common enterprise while engaging in the
17 unlawful acts and practices alleged below.

18
19 **JURISDICTION & VENUE**

20 63. This Court has subject matter jurisdiction over this action pursuant to the
21 Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d)(2), because this is a class
22 action wherein the amount in controversy exceeds the sum or value of \$5,000,000.00,
23 exclusive of interest and costs, there are more than 100 members in the proposed
24 class, and at least one member of the class is a citizen of a state different from each
25 Defendants
26
27
28

1 64. Defendant are each subject to personal jurisdiction in this district
2 because they have substantial aggregate contacts throughout the United States and the
3 state of California. Defendants have engaged, and continue to engage, in conduct that
4 has a direct, substantial, reasonably foreseeable, and intended effect of causing injury
5 to persons throughout the United States, and the state of California, and this District,
6 and it purposely availed itself of the laws of the United States and the State of
7 California.
8

9
10 65. Defendants are each subject to personal jurisdiction in this District
11 because they purposely avail themselves of the privilege of conducting activities in
12 the United States and the State of California and direct business activities toward
13 consumers throughout the United States and the State of California. Furthermore,
14 Defendants engaged and continue to engage in conduct that has a foreseeable,
15 substantial effect throughout the United States, the State of California, and this
16 District connected with its unlawful acts. Defendants operate as a common enterprise
17 with Defendants TikTok Inc., TikTok U.S. Data Security Inc., and ByteDance, Inc.
18 having principal places of business in California.
19

20
21 66. Venue is proper in this District under 28 U.S.C §1391(b) because
22 Plaintiff and thousands of potential Class Members reside in this District; Defendants
23 transact business in this District; and Defendants intentionally avails itself of the laws
24 within this District.
25
26
27
28

PARTIES

1
2 67. **Plaintiff Nick McKissick** is the father of A.M., age 16, a minor who
3 used the TikTok mobile application (hereinafter “TikTok”). Plaintiff McKissick is a
4 citizen of the state of California. At all relevant times, Plaintiff has been a resident of
5 San Francisco, California.
6

7
8 68. During the Class Period, A.M. created and used TikTok accounts (while
9 under the age of 13) and viewed content on the TikTok platform.

10 69. A.M. created a TikTok account at approximately 12 years old.

11
12 70. During the Class Period, Defendants collected A.M.’s Personal
13 Information for the purpose of tracking their activity and utilizing targeted
14 advertisements.
15

16 71. Defendants never obtained consent from nor notified A.M.’s parent and
17 legal guardian, Plaintiff Nick McKissick, at any point prior to or during its collection
18 and use of A.M.’s Personal Information.
19

20 72. Defendants were bound by the 2019 Permanent Injunction that
21 prohibited Defendants from collecting Personal Information from children under the
22 age of 13, and therefore this conduct could not have reasonably been discovered
23 earlier through investigation.
24

25 73. **Defendant TikTok Inc.** is a California corporation with its principal
26 place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230.
27
28

1 TikTok Inc. transacts or has transacted business in this District and throughout the
2 United States.

3
4 74. **Defendant TikTok U.S. Data Security Inc.** is a Delaware corporation
5 with its principal place of business shared with TikTok Inc. TikTok U.S. Data
6 Security Inc. transacts or has transacted business in this District and throughout the
7 United States.

8
9 75. **Defendant ByteDance Ltd.** is a Cayman Islands company. It has had
10 offices in the United States and in other countries. ByteDance Ltd. transacts or has
11 transacted business in this District and throughout the United States.

12
13 76. **Defendant ByteDance Inc.** is a Delaware corporation with its principal
14 place of business at 250 Bryant Street, Mountain View, California, 94041.
15 ByteDance Inc. transacts or has transacted business in this District and throughout the
16 United States.

17
18 77. **Defendant TikTok Pte. Ltd.** is a Singapore company with its principal
19 place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore,
20 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and
21 throughout the United States.

22
23
24 78. **Defendant TikTok Ltd.** is a Cayman Islands company with its principal
25 place of business in Singapore or Beijing, China. TikTok Ltd. Transacts or has
26 transacted business in this District and throughout the United States.

27
28 ///

1 **CLASS ALLEGATIONS**

2 79. Plaintiff brings this nationwide class action individually, and on behalf
3
4 of all similarly situated individuals, pursuant to Rule 23(b)(2), 23(b)(3), and 23(c)(4)
5 of the Federal Rules of Civil Procedure.

6 80. The Classes that Plaintiff seeks to represent are defined as follows:

7
8 **Nationwide Class**

9 All United States residents (who were younger than 13 years old when
10 they used TikTok) from whom Defendants collected and/or used
11 Personal Information during the Class Period without notifying their
12 parents and obtaining verifiable parental consent beforehand (the
13 “Class”).

14 **California Subclass**

15 All California residents (who were younger than 13 years old when
16 they used TikTok) from whom Defendants collected and/or used
17 Personal Information during the Class Period without notifying their
18 parents and obtaining verifiable parental consent beforehand (the
19 “California Subclass”).

20 81. Collectively, the Class and California Subclass are referred to as the
21 “Classes” or “Class Members.”

22 82. Excluded from the Classes are the following individuals and/or entities:
23 Defendants and Defendants’ parents, subsidiaries, affiliates, officers and directors,
24 and any entity in which Defendants has a controlling interest; all individuals who
25 make a timely election to be excluded from this proceeding using the correct protocol
26 for opting out; and all judges assigned to hear any aspect of this litigation, as well as
27 their immediate family members.
28

1 83. Plaintiff reserves the right to amend the definitions of the Classes or add
2 a Class or Subclass if further information and discovery indicate that the definitions
3 of the Classes should be narrowed, expanded, or otherwise modified.
4

5 84. Numerosity: The members of the Classes are so numerous that joinder of
6 all members is impracticable, if not completely impossible. The members of the
7 Classes are so numerous that joinder of all of them is impracticable. While the exact
8 number of Class Members is unknown to Plaintiffs at this time and such number is
9 exclusively in the possession of Defendant, upon information and belief, millions of
10 minor individuals are implicated.
11
12

13 85. Common questions of law and fact exist as to all members of the Classes
14 and predominate over any questions affecting solely individual members of the
15 Classes. The questions of law and fact common to the Classes that predominate over
16 questions which may affect individual Class Members, includes the following:
17

- 18 a. Whether TikTok has or had a practice of collecting Personal Information
19 from children who were younger than 13 years old without notifying
20 their parents and obtaining verifiable parental consent beforehand;
- 21 b. Whether TikTok has or had a practice of using Personal Information
22 from children who were younger than 13 years old without notifying
23 their parents and obtaining verifiable parental consent beforehand;
- 24 c. Whether TikTok’s practices violate the Children’s Online Privacy
25 Protection Act of 1998 (“COPPA”) and the Children’s Online Privacy
26 Protection Rule (“COPPA Rule”);
- 27 d. Whether TikTok engaged in unlawful business practices;
- 28 e. Whether TikTok engaged in unfair business practices;

1 f. Whether TikTok has unjustly received and retained monetary benefits
2 from Plaintiff's minor child and Class Members by profiting off the use
3 of their Personal Information; and

4 g. Whether Class Members are entitled to damages and/or restitution, and
5 if so, the method of computing damages and/or restitution.

6 86. Typicality: Plaintiff's claims are typical of those of the other members of
7 the Classes because Plaintiff, like every other Class Member, was exposed to
8 virtually identical conduct and now suffers from the same violations of the law as
9 each other member of the Classes.

10 87. Policies Generally Applicable to the Class: This class action is also
11 appropriate for certification because Defendants acted or refused to act on grounds
12 generally applicable to the Classes, thereby requiring the Court's imposition of
13 uniform relief to ensure compatible standards of conduct toward the Class Members
14 and making final injunctive relief appropriate with respect to the Classes as a whole.
15 Defendants' policies challenged herein apply to and affect Class Members uniformly
16 and Plaintiff's challenges of these policies hinges on Defendants' conduct with
17 respect to the Classes as a whole, not on facts or law applicable only to Plaintiff.

18 88. Adequacy: Plaintiff will fairly and adequately represent and protect the
19 interests of the Class Members in that Plaintiff has no disabling conflicts of interest
20 that would be antagonistic to those of the other Class Members. Plaintiff seeks no
21 relief that is antagonistic or adverse to the Class Members and the infringement of the
22 rights and the damages suffered are typical of other Class Members. Plaintiff has
23 retained counsel experienced in complex class action and data breach litigation, and
24
25
26
27
28

1 Plaintiff intends to prosecute this action vigorously.

2 89. Superiority and Manageability: The class litigation is an appropriate
3 method for fair and efficient adjudication of the claims involved. Class action
4 treatment is superior to all other available methods for the fair and efficient
5 adjudication of the controversy alleged herein; it will permit a large number of Class
6 Members to prosecute their common claims in a single forum simultaneously,
7 efficiently, and without the unnecessary duplication of evidence, effort, and expense
8 that hundreds of individual actions would require. Class action treatment will permit
9 the adjudication of relatively modest claims by certain Class Members, who could
10 not individually afford to litigate a complex claim against large corporations, like
11 Defendants. Further, even for those Class Members who could afford to litigate such
12 a claim, it would still be economically impractical and impose a burden on the courts.

13 90. The nature of this action and the nature of laws available to Plaintiff and
14 Class Members make the use of the class action device a particularly efficient and
15 appropriate procedure to afford relief for the wrongs alleged because Defendants
16 would necessarily gain an unconscionable advantage since Defendants would be able
17 to exploit and overwhelm the limited resources of each individual Class Member with
18 superior financial and legal resources; the costs of individual suits could
19 unreasonably consume the amounts that would be recovered; proof of a common
20 course of conduct to which Plaintiff was exposed is representative of that experienced
21 by the Classes and will establish the right of each Class Member to recover on the
22
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1 cause of action alleged; and individual actions would create a risk of inconsistent
2 results and would be unnecessary and duplicative of this litigation.

3
4 91. The litigation of the claims brought herein is manageable. Defendants’
5 uniform conduct, the consistent provisions of the relevant laws, and the ascertainable
6 identities of Class Members demonstrates that there would be no significant
7
8 manageability problems with prosecuting this lawsuit as a class action.

9 92. Adequate notice can be given to Class Members directly using
10 information maintained in Defendants’ records.

11
12 93. Unless a Class-wide injunction is issued, Defendants may continue to act
13 unlawfully as set forth in this Complaint.

14 94. Further, Defendants have acted on grounds that apply generally to the
15 Classes as a whole, so that class certification, injunctive relief, and corresponding
16 declaratory relief are appropriate on a class- wide basis.

17
18 **CAUSES OF ACTION**

19
20 **COUNT I**
21 **UNJUST ENRICHMENT**
22 **(On behalf of Plaintiff and the Classes v. All Defendants)**

23 95. Plaintiff re-alleges and incorporates by reference all the allegations
24 contained in the foregoing paragraphs as if fully set forth herein.

25 96. By obtaining and reselling Plaintiff’s and Class Members’ PII,
26 Defendants received a monetary benefit. Defendants knew that it could sell the PII
27 for financial gain and has retained that benefit.

1 97. Defendants have unjustly received and retained monetary benefits from
2 Plaintiff's minor child and Class Members by profiting off the use of their Personal
3 Information under unjust circumstances such that inequity has resulted.
4

5 98. Defendants have knowingly obtained benefits from Plaintiff's minor
6 child and Class Members as alleged herein under circumstances such that it would be
7 inequitable and unjust for TikTok to retain them.
8

9 99. Defendants have been knowingly enriched by revenues and profits it
10 received from unjustly and illegally collecting and using the Personal Information of
11 children under the age of 13 to build profiles and target advertisements to those
12 children.
13

14 100. Defendants have failed to obtain legally valid consent from Plaintiff's
15 minor child and Class Members to collect and use their Personal Information.
16

17 101. Defendants will be unjustly enriched if they are permitted to retain the
18 benefits derived from the illegal collection and usage of Plaintiff's minor child and
19 Class Members' Personal Information.
20

21 102. Plaintiff's minor child and Class Members are therefore entitled to relief,
22 including disgorgement of all revenues and profits that TikTok earned as a result of
23 its unlawful and wrongful conduct.
24

25 **COUNT II**
26 **INVASION OF PRIVACY, INTRUSION UPON SECLUSION**
27 **(On Behalf of Plaintiff and the Classes Members v. All Defendants)**

28 103. Plaintiff re-alleges and incorporates by reference all the allegations
contained in the foregoing paragraphs as if fully set forth herein.

1 104. As minor children, Plaintiff’s minor child and Class Members had a
2 legitimate expectation of privacy in their personally identifying information. The PII
3 of Plaintiff’s minor child and Class Members are a private matter. Plaintiff and Class
4 Members were entitled to the protection of this information.
5

6 105. Defendants owed a duty to Plaintiff and Class Members to keep their PII
7 confidential. Defendants had actual knowledge that they were obtaining, collecting,
8 and using the personally identifying information of Plaintiff and Class Members.
9

10 106. Plaintiff and Class Members had an objectively reasonable expectation
11 that their personally identifying information would be protected and would remain
12 private.
13

14 107. Defendant—intentionally and with reckless disregard for Plaintiff’s and
15 Class Members’ privacy—obtained, collected, used, and/or shared Plaintiff’s and
16 Class Members’ personally identifying information, and did so in a manner that
17 would be highly offensive to a reasonable person.
18

19 108. Defendants acted with such intention and/or reckless disregard as to the
20 safety of Plaintiff’s and Class Members’ PII to rise to the level of intentionally
21 engaging in intrusion upon the seclusion of Plaintiff and Class Members.
22

23 109. Plaintiff and Class Members have been damaged by the invasion of their
24 privacy via intrusion upon seclusion in an amount to be determined at trial.
25

26 ///

27 ///
28

1 **COUNT III**
2 **INVASION OF PRIVACY, PUBLIC DISCLOSURE OF PRIVATE FACTS**
3 **(On Behalf of Plaintiff and the Classes Members v. All Defendants)**

4 110. Plaintiff re-alleges and incorporates by reference all the allegations
5 contained in the foregoing paragraphs as if fully set forth herein.

6 111. As minor children, Plaintiff's minor child and Class Members had a
7 legitimate expectation of privacy in their personally identifying information. The PII
8 of Plaintiff's minor child and Class Members are a private matter. Plaintiff and Class
9 Members were entitled to the protection of this information from disclosure to
10 unauthorized third parties.

11 112. Defendants owed a duty to Plaintiff and Class Members to keep their PII
12 confidential.

13 113. Plaintiff and Class Members had an objectively reasonable expectation
14 that their personally identifying information would be protected and would remain
15 private.

16 114. Defendants permitted the public disclosure of Plaintiff's minor child's
17 and Class Members' PII to unauthorized third parties.

18 115. The PII that was collected and disclosed without the Plaintiff's and Class
19 Members' authorization was highly sensitive, private, and confidential. The public
20 disclosure of the type of PII at issue here would be highly offensive to a reasonable
21 person of ordinary sensibilities.

22 116. By permitting the unauthorized collection and disclosure, Defendants
23 acted with reckless disregard for the Plaintiff's and Class Members' privacy, and
24
25
26
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28

1 with knowledge that such disclosure would be highly offensive to a reasonable
2 person. Furthermore, the disclosure of the PII at issue was not newsworthy or of any
3 service to the public interest.
4

5 117. Defendants acted with such intention and/or reckless disregard as to the
6 safety of Plaintiff's and Class Members' PII to rise to the level of intentionally
7 engaging in the public disclosure of private facts of Plaintiff and Class Members.
8

9 118. Plaintiff and Class Members have been damaged by the invasion of their
10 privacy via public disclosure of private facts in an amount to be determined at trial.
11

12 **COUNT IV**

13 **California's Invasion of Privacy Act ("CIPA"), Cal. Pen. Code §§ 630, et seq**
14 **(On Behalf of Plaintiff and the California Subclass Members v. All Defendants)**

15 119. Plaintiff re-alleges and incorporates by reference all the allegations
16 contained in the foregoing paragraphs as if fully set forth herein.
17

18 120. Defendants' acts and practices complained of herein, engaged in for
19 purpose of storing and tracking indefinitely the information of minor children,
20 including, but not limited to: name, age, profile image, password, email, phone
21 number, address, "approximate" location, social media account information, phone
22 and social media contacts, messages sent to and received from other TikTok users,
23 information in the clipboard of a user's device, and payment card numbers, without
24 their consent or the consent of their parents or guardians, violated and continues to
25 violate Cal. Pen. Code § 637.7.
26
27

28 ///

1 121. Cal. Pen. Code § 637.7(a) prohibits, among other things, the use of an
2 electronic tracking device to determine the location or movement of a person. As
3 used in Cal. Pen. Code § 637.7, “electronic tracking device” means “any device
4 attached to a vehicle or other movable thing that reveals its location or movement by
5 the transmission of electronic signals.” Cal. Pen. Code § 637.7(d).
6

7
8 122. Cal. Pen. Code § 637.7(a) also prohibits, among other things, “willfully
9 and without the consent of all parties to the communication, or in any unauthorized
10 manner,” reading, or attempting to read, or learning the contents or meaning of, any
11 message.
12

13 123. In direct violation of this prohibition, and without the consent of
14 Plaintiff or the California Subclass Members, Defendants continued to record, store,
15 and use the location and movement of Plaintiff’s minor child’s and Class Members’
16 electronic devices and provide that information to third parties.
17

18 124. Also in direct violation of this prohibition, and without the consent of
19 Plaintiff or the California Subclass Members, Defendants continued to record, store,
20 and use the messages sent to and received from Plaintiff’s minor child’s and Class
21 Members’ electronic devices and provide that information to third parties.
22

23 125. As a result of Defendants’ violations of Cal. Pen. Code § 637.7, and
24 pursuant to Cal. Pen. Code § 637.2, Plaintiff and Class Members are entitled to the
25 following relief:
26

27
28 126. A declaration that Defendants’ conduct violates CIPA;

1 127. Statutory damages and/or trebled actual damages;

2 128. Injunctive relief in the form of, inter alia, an order enjoining Defendants
3 from collecting, storing, and transmitting data of Class Members to third parties in
4 violation of CIPA;
5

6 129. Injunctive relief in the form of, inter alia, an order requiring Defendants
7 to destroy all data created or otherwise obtained from Class Members; and;
8

9 130. An award of attorneys' fees and costs of litigation as provided by CIPA,
10 the private attorney general doctrine existing at common law and also codified at
11 California Civil Code Section 1021.5, and all other applicable laws.
12

13 **COUNT V**

14 **California's Constitutional Right to Privacy**
15 **(Plaintiff and the California Subclass Members v. All Defendants)**

16 131. Plaintiff re-alleges and incorporates by reference all the allegations
17 contained in the foregoing paragraphs as if fully set forth herein.
18

19 132. Plaintiff and the California Subclass Members have reasonable
20 expectations of privacy in the personal affairs of minor children.
21

22 133. Defendants intentionally intruded on and into Plaintiff's and California
23 Subclass Members' solitude, seclusion, right of privacy, or private affairs by
24 intentionally collecting data from their minor children without the consent of the
25 children or their parents or guardians.
26

27 134. These intrusions are highly offensive to a reasonable person, because
28 they disclosed sensitive and confidential location information, constituting an

1 egregious breach of social norms. This is evidenced by, inter alia, Supreme Cour
2 precedent, legislation enacted by Congress and the California legislature, rules
3 promulgated and enforcement actions undertaken by the FTC, petitions and litigation
4 initiated in the United States and abroad, and Defendants’ own statements.
5

6 135. Plaintiff and the California Subclass Members were harmed by the
7 intrusion into their private affairs as detailed throughout this Complaint.
8

9 136. Defendants’ actions and conduct complained of herein were a substantial
10 factor in causing the harm suffered by Plaintiff and California Subclass Members.
11

12 137. As a result of Defendants’ actions, Plaintiff and California Subclass
13 Members seek damages and punitive damages in an amount to be determined at trial.
14 Plaintiff and California Subclass Members seek punitive damages because
15 Defendants’ actions—which were malicious, oppressive, and willful—were
16 calculated to injure Plaintiff and California Subclass Members and were made in
17 conscious disregard of Plaintiff’s and California Subclass Members’ rights.
18

19 138. Punitive damages are warranted to deter Defendants from engaging in
20 future misconduct.
21

22
23 **COUNT VI**
24 **California’s Unfair Competition Law (“UCL”), California Business &**
25 **Professions Code § 17200, et seq.**
26 **(Plaintiff and the California Subclass Members v. All Defendants)**

27 139. Plaintiff re-alleges and incorporates by reference all the allegations
28 contained in the foregoing paragraphs as if fully set forth herein.

1 140. Plaintiff’s minor child and members of the California Subclass are
2 residents of California and used TikTok in California while under the age of 13.

3
4 141. At all times mentioned herein, Defendants each engaged in “trade” or
5 “commerce” in California in that they each engaged in the advertising, offering for
6 sale, sale, and distribution of property or any other articles, commodities, or things of
7 value in California.
8

9 142. Defendants each engaged in consumer-oriented acts through the
10 offering, promotion, and/or distribution of the TikTok, which significantly impacted
11 the public because TikTok is used nationwide, including in California, and there are
12 millions of users, including Plaintiff’s minor child and members of the California
13 Class.
14

15
16 143. Cal. Bus. & Prof. Code § 17200, et seq. (the “UCL”) broadly prohibits
17 “unfair competition”, which the UCL defines as including “any unlawful, unfair or
18 fraudulent business act or practice and unfair, deceptive, untrue or misleading
19 advertising[.]” California courts have noted that “the differences [between the UCL
20 and FTC Act] are not of a degree to impair comparison” and that unfair acts
21 respectively proscribed in the two statutes “appear practically synonymous.” *People*
22 *ex rel. Mosk v. Nat’l Rsch. Co. of Cal.*, 201 Cal. App. 2d 765, 773, 20 Cal. Rptr. 516,
23 521 (Ct. App. 1962). As a result, California courts deem “decisions of the federal
24 court [construing the FTC Act] are more than ordinarily persuasive.” *Id.*
25
26
27
28

1 144. Defendants violated Cal. Bus. & Prof. Code § 17200, et seq. by
2 engaging in the unfair acts or practices proscribed by Cal. Bus. & Prof. Code §
3 17200, et seq. outlined herein.
4

5 145. The UCL prohibits any “unlawful,” “fraudulent,” or “unfair” business
6 act or practice and any false or misleading advertising. In the course of conducting
7 business, Defendants committed “unlawful” business practices by, among other
8 things, making the representations and omissions of material facts, as set forth more
9 fully herein, and violating Civil Code §§ 1572, 1573, 1709, 1711, 1770(a)(5), (6), (7),
10 (9), and (16), and Business & Professions Code §§ 17200, et seq., 17500, et seq., and
11 the common law.
12
13

14 146. Plaintiff alleges violations of consumer protection, unfair competition,
15 and truth in advertising laws in California, resulting in harm to consumers.
16 Defendants’ acts and omissions also violate and offend the public policy against
17 engaging in false and misleading advertising, unfair competition, and deceptive
18 conduct towards consumers. This conduct constitutes violations of the UCL’s
19 “unfair” prong. There were reasonably available alternatives to further Defendants’
20 legitimate business interests other than the conduct described herein.
21
22
23

24 147. As set forth above, Defendants at all times had actual knowledge of their
25 own noncompliance with COPPA and other applicable privacy-related laws. Further,
26 Defendants at all times had actual knowledge of their collection of the Personal
27 Information of Plaintiffs and California Subclass members and the tracking, profiling,
28

1 and targeting of those children for lucrative behavioral advertising.

2 148. As set forth above, Defendants intentionally designed TikTok to, among
3 other things, attract minor children by making child-directed content available to
4 them so that TikTok could collect the Personal Information for substantial
5 commercial gain.
6

7 149. Defendants have engaged, and continue to engage, in conduct that is
8 likely to deceive members of the public. This conduct includes failing to disclose that
9 Defendants were collecting and disseminating the private information of minors
10 without parental notice or consent.
11

12 150. This information is important to consumers, including Plaintiffs, because
13 disclosure of PII creates a substantial risk of future identity theft, fraud, or other
14 forms of exploitation.
15

16 151. TikTok was aware at all times that a significant portion of its users were
17 under the age of 13 and nonetheless collected the Personal Information of those
18 children for the purpose of serving those children behavioral advertising for
19 substantial commercial gain. After entering into a Permanent Injunction with the
20 United States in 2019 intended to prohibit Defendants from their continued collection
21 or use of the Personal Information of children under the age of 13, Defendants
22 purposefully sought to undermine their compliance through, among other practices,
23 implementation of a woefully inadequate age-gating system, and monitoring policies
24 and procedures designed to allow them to continue knowingly collecting and using
25
26
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28

1 the Personal Information of children.

2 152. Defendants have engaged in unconscionable, deceptive, or unfair acts or
3 practices, which constitute unfair competition.
4

5 153. Defendants systematically collected, used, and/or disclosed Personal
6 Information from children under 13 in violation of COPPA, and therefore the FTC
7 Act, by:
8

- 9 • Failing to provide sufficient notice of the information Defendants
10 collected, or the information that was collected on Defendants' behalf,
11 online from children under 13, how Defendants used such
12 information, their disclosure practices, and all other required content,
13 in violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);
- 14 • Failing to provide direct notice to parents of the information
15 Defendants collected, or the information that was collected on
16 Defendants' behalf, online from children under 13, how Defendants
17 used such information, their disclosure practices, and all other
18 required content, in violation of Section 312.4(b) and (c) of COPPA,
19 16 C.F.R. § 312.4(b)-(c);
- 20 • Failing to obtain verifiable parental consent before any collection or
21 use of Personal Information from children under 13, in violation of
22 Section 312.5 of COPPA, 16 C.F.R. § 312.5; and
- 23 • Failing to establish and maintain reasonable procedures to protect the
24 confidentiality, security, and integrity of Personal Information
25 collected from children under 13, in violation of Section 312.8 of
26 COPPA, 16 C.F.R. § 312.8.

27 154. Violations of COPPA and the accompanying FTC regulations “shall be
28 treated as a violation of a rule defining an unfair ... act or practice prescribed under
15 U.S.C. § 57a(a)(1)(B).” 15 U.S.C. § 6502(c). These rules define unfair acts or
practices in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1), which

1 is the model for the various consumer protection statutes in the several states,
2 including the Cal. Bus. & Prof. Code § 17200, *et seq.*⁶

3
4 155. Accordingly, Defendants engaged in unfair and unlawful trade acts or
5 practices in violation of Cal. Bus. & Prof. Code § 17200, *et seq.*, which is modeled
6 after, proscribes the same conduct as, and gives deference to the definitions of the
7
8 FTC Act.

9 156. Defendants’ conduct is unfair, immoral, unethical, oppressive,
10 unscrupulous and substantially injurious to consumers, and there are no greater
11
12 countervailing benefits to consumers or competition.

13 157. Plaintiff and members of the California Subclass could not have
14 reasonably avoided injury because Defendants each took advantage of the lack of
15
16 knowledge, ability, experience, and/or capacity of consumers—in this case children
17 under 13—to their detriment.

18 158. Consumers like Plaintiffs and the California Subclass did not that they
19
20 were giving their PII to Defendants or that Defendants were failing to safeguard such
21
22 PII.

23 159. Defendants willfully engaged in the unfair and unlawful acts described
24 herein and knew or recklessly disregarded the fact that they violated the Cal. Bus. &
25
26 Prof. Code § 17200, *et seq.*

27 ⁶ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in
28 connection with the collection, use, and/or disclosure of Personal Information from and
about children on the internet.”).

1 160. Plaintiffs and members of the California Subclass were harmed by
2 Defendants’ practices described herein, which were a substantial factor and caused
3 injury in fact and actual damages to Plaintiffs and members of the California
4 Subclass.
5

6 161. As a direct and proximate result of Defendants’ unfair and unlawful acts
7 and practices in violation of the Cal. Bus. & Prof. Code § 17200, *et seq.*, Plaintiff and
8 members of the California Subclass have suffered and will continue to suffer an
9 ascertainable loss of money or property, real or personal, and monetary and non-
10 monetary damages, as described herein, including, inter alia, the loss of the value
11 and/or diminishment in value of their Personal Information and the loss of the ability
12 to control the use of their Personal Information, which allowed Defendants to profit
13 at the expense of Plaintiff and members of the California Subclass. Such an injury is
14 not outweighed by any countervailing benefits to consumers or to competition.
15
16
17

18 162. Because Defendants’ misconduct is ongoing and continuing, prospective
19 injunctive relief is necessary. Absent injunctive relief, Defendants may continue to
20 collect consumers’ PII while failing to adequately safeguard such PII.
21

22 163. As outlined herein, there is tangible value in Plaintiff and members of
23 the California Subclass’s Personal Information. Plaintiffs and members of the
24 California Subclass have lost the opportunity to receive value in exchange for their
25 Personal Information.
26
27
28

1 164. Defendants' monetization of Plaintiff's minor child's and members of
2 the California Subclass's Personal Information demonstrates that there is a market for
3 their Personal Information.
4

5 165. Plaintiffs' and members of the California Subclass's Personal
6 Information is now in the possession of Defendants, who have used and will use it for
7 their financial gain.
8

9 166. Defendants' retention of Plaintiffs' and members of the California
10 Subclass's Personal Information presents a continuing risk to them as well as the
11 general public. Plaintiffs and members of the California Subclass seek relief for the
12 injuries they have suffered as a result of Defendants' unfair and unlawful acts and
13 practices, as provided by Cal. Bus. & Prof. Code § 17200, et seq. and applicable law,
14 including all actual damages and attorneys' fees and costs, treble damages, statutory
15 damages, and restitution, as well as an injunction requiring Defendants to each
16 permanently delete, destroy or otherwise sequester the Personal Information collected
17 without parental consent, requiring Defendants to provide a complete audit and
18 accounting of the uses of the Personal Information by them and any other third
19 parties, and other appropriate injunctive and/or declaratory relief.
20
21
22
23

24 167. Unless restrained and enjoined, Defendants will continue to engage in
25 the above-described conduct. Accordingly, injunctive relief is appropriate.
26

27 168. Plaintiff, on behalf of himself and all others similarly situated, seeks
28 restitution from Defendants of all money obtained from Plaintiff and the other

1 members of the California Subclass collected as a result of unfair competition, an
2 injunction prohibiting Defendants from continuing such practices, corrective
3 advertising, and all other relief this Court deems appropriate, consistent with
4 California Business & Professions Code § 17203.
5

6
7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiffs, individually and on behalf of the other members of
9 the Classes alleged herein, respectfully requests that the Court enter judgment as
10 follows:
11

- 12 A. For an order certifying the Class under Rule 23 of the Federal Rules of
13 Civil Procedure and naming Plaintiffs as the representatives for the
14 Classes and counsel for Plaintiffs as Class Counsel;
- 15 B. For an order declaring the Defendants’ conduct violates the statues and
16 causes of action referenced herein;
- 17 C. For an order finding in favor of Plaintiffs and Class Members on all
18 counts asserted herein;
- 19 D. Ordering Defendants to pay for lifetime credit monitoring and dark web
20 scanning services for Plaintiffs and the Classes;
- 21 E. For compensatory, statutory, and punitive damages in amounts to be
22 determined by the Court and/or jury;
- 23 F. For prejudgment interest on all amounts awarded;
- 24 G. For an order of restitution and all other forms of equitable monetary
25 relief requiring the disgorgement of the revenues wrongfully retained as
26 a result of the Defendants’ conduct;
- 27 H. For injunctive relief as pleaded or as the Court may deem proper; and
- 28 I. For an order awarding Plaintiffs and Class Members their reasonable
attorneys’ fees and expenses and costs of suit, and any other expense,
including expert witness fees; and

J. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all claims in this Complaint and of all issues in this action so triable as of right.

DATED: November 15, 2024

Respectfully submitted by:

By: /s/Kiley Grombacher
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Attorney for Plaintiffs

**U.S. District Court
Western District of Missouri (Kansas City)
CIVIL DOCKET FOR CASE #: 4:24-cv-00742-FJG**

Middleton v. TikTok Inc. et al
Assigned to: District Judge Fernando J. Gaitan, Jr
Demand: \$5,000,000
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 11/15/2024
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Christina Middleton

Christina Middleton, as guardian and next of kin on behalf of A.B., individually and on behalf of all others similarly situated

represented by **Thomas P. Cartmell**
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ATTORNEY TO BE NOTICED

V.

Defendant

TikTok Inc.

Defendant

TikTok U.S. Data Security Inc.

Defendant

Bytedance Ltd.

Defendant

Bytedance Inc.

Defendant

TikTok PTE. Ltd.

Defendant

TikTok Ltd.

Date Filed	#	Docket Text
11/15/2024	1	COMPLAINT , <i>CLASS ACTION COMPLAINT, JURY TRIAL DEMANDED</i> against All Defendants filed by Thomas P. Cartmell on behalf of CHRISTINA MIDDLETON. Filing fee \$405, receipt number AMOWDC-9301087. Service due by 2/13/2025 unless otherwise directed by the court. (Attachments: # 1 Civil Cover Sheet of Middleton, Christina) (Cartmell, Thomas) (Entered: 11/15/2024)
11/18/2024	2	NOTICE OF INCLUSION FOR MEDIATION AND ASSESSMENT PROGRAM (MAP). REVIEW NOTICE AND MAP GENERAL ORDER CAREFULLY FOR IMPORTANT CHANGES, DEADLINES AND REQUIREMENTS. Notice of MAP assignment to outside neutral category I. (Attachments: # 1 MAP General Order)(Woods, Gloria) (Entered: 11/18/2024)
11/27/2024	3	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to Bytedance Inc. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) (Main Document 3 flattened & replaced on 11/27/2024) (Grube, Cheyenne). (Entered: 11/27/2024)
11/27/2024	4	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to Bytedance Ltd. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) Modified on 12/2/2024 main document 4 flattened and replaced.(Kern, Kendra) (Entered: 11/27/2024)
11/27/2024	5	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to TikTok Inc. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) Modified on 12/2/2024 main document 5 flattened and replaced.(Kern, Kendra) (Entered: 11/27/2024)
11/27/2024	6	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to TikTok Ltd. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) Modified on 12/2/2024 main document 6 flattened and replaced.(Kern, Kendra) (Entered: 11/27/2024)
11/27/2024	7	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to TikTok PTE. Ltd. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) Modified on 12/2/2024 main document 7 flattened and replaced. (Kern, Kendra) (Entered: 11/27/2024)
11/27/2024	8	RETURN OF WAIVER OF SERVICE filed by Christina Middleton. Waiver sent to TikTok U.S. Data Security Inc. on 11/20/2024, answer due 1/20/2025. (Barton, Eric) Modified on 12/2/2024 main document 8 flattened and replaced.(Kern, Kendra) (Entered: 11/27/2024)

PACER Service Center
Transaction Receipt

12/03/2024 19:33:11			
PACER Login:	Grombacher59	Client Code:	
Description:	Docket Report	Search Criteria:	4:24-cv-00742-FJG
Billable Pages:	2	Cost:	0.20

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

<p>CHRISTINA MIDDLETON as guardian and next of kin on behalf of A.B., individually and on behalf of all others similarly situated,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>BYTEDANCE INC.; BYTEDANCE LTD.; TIKTOK LTD.; TIKTOK INC.; TIKTOK PTE. LTD.; AND TIKTOK U.S. DATA SECURITY, INC.,</p> <p style="text-align: center;"><i>Defendants</i></p>	<p>Case No. 4:24-cv-742</p> <p><u>CLASS ACTION COMPLAINT</u></p> <p><u>JURY TRIAL DEMANDED.</u></p>
--	--

Plaintiff Christina Middleton, a guardian and next of kin on behalf of A.B., a minor, individually and on behalf of all others similarly situated (“Plaintiff”) brings this Class Action Complaint against Defendants Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc. (“Defendants”) and alleges, upon personal knowledge as to Plaintiff’s own actions, upon counsels’ investigation, and upon information and belief as to all other matters, as follows:

INTRODUCTION

1. Defendants are the owners and/or operators of TikTok, one of the world's most widely used social media platforms, which, for reasons explained in part below, is also one of the most popular social media platforms used by children under the age of 13.

2. For many years, Defendants have knowingly permitted children under the age of 13 to create TikTok accounts and to use them without their parents' knowledge or consent. Doing so has, in turn, allowed Defendants to collect extensive data from those children and to use such data for Defendants' economic gain, all without parental consent. Such conduct has violated numerous legal obligations to Plaintiff, others similarly situated, and the public at large.

3. Plaintiff brings this class action against Defendants for damages and injunctive relief arising from these invasions of privacy and from Defendants' unjust enrichment arising from their failure disclose that TikTok collects and sells personally identifiable information ("PII") of millions of minor children, without the consent of the minors or their parents. Such PII that has been improperly collected from children and sold includes, but it not limited to: name, age, profile image, password, email, phone number, address, "approximate" location, social media account information, phone and social media contacts, messages sent to and received

from other TikTok users, information in the clipboard of a user's device, and payment card numbers.

STATEMENT OF FACTS

A. TikTok Must Give Parental Notice and Get Parental Consent Before Collecting or Using Children's Personal Information.

4. TikTok collects and uses these young children's Personal Information without providing direct notice to their parents or gaining their parents' verifiable consent, in violation of the Children's Online Privacy Protection Act of 1998 ("COPPA") and Children's Online Privacy Protection Rule ("Rule" or "COPPA Rule"), a federal statute and regulations that protect children's privacy and safety online. TikTok continues to violate COPPA and the COPPA Rule.

5. TikTok's actions also violate a 2019 Court order arising from a lawsuit in which the United States alleged that TikTok Inc.'s and TikTok Ltd.'s predecessor companies similarly violated COPPA and the COPPA Rule by allowing children to create and access accounts without their parents' knowledge or consent, collecting data from those children, and failing to comply with parents' requests to delete their children's accounts and information.

6. In August 2024, the Department of Justice filed a new lawsuit against TikTok for violating COPPA and illegally collecting and using young children's Personal Information. *See United States v. Bytedance, Ltd., et al.* (Case No. 2:24-cv-06535-ODW-RAO) (C.D. Ca.) (J. Wright).

7. The COPPA Rule sets requirements for any “operator of a Web site or online service directed to children, or any operator that has actual knowledge that it is collecting or maintaining Personal Information from a child [under the age of 13].” Section 312.3 of COPPA Rule, 16 C.F.R. §§ 312.3.

8. The COPPA Rule requirements apply to TikTok. TikTok is directed to children, and TikTok has actual knowledge that it is collecting Personal Information from children.

9. The COPPA Rule has two requirements that are pertinent to this case: (1) parental notice and (2) parental consent.

10. First, pursuant to the COPPA Rule, TikTok must provide direct notice to parents, notifying them of “what information it collects from children, how it uses such information and its disclosure practices for such information.” 16 C.F.R. §§ 312.3(a); 312.4.

11. Second, pursuant to the COPPA Rule, TikTok must “[o]btain verifiable parental consent prior to any collection, use, and/or disclosure of Personal Information from children.” 16 C.F.R. §§ 312.3(b); 312.5.

12. The COPPA Rule defines “Personal Information,” as “[I]ndividually identifiable information about an individual collected online, including:

- A first and last name;
- A home or other physical address including street name and name of a city or town;

- Online contact information as defined in this section;
- A screen or user name where it functions in the same manner as online contact information, as defined in this section;
- A telephone number;
- A Social Security number;
- A persistent identifier that can be used to recognize a user over time and across different Web sites or online services. Such persistent identifier includes, but is not limited to, a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier;
- A photograph, video, or audio file where such file contains a child's image or voice;
- Geolocation information sufficient to identify street name and name of a city or town; or
- Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.”

Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

13. Plaintiff uses the same definition of “Personal Information” from Section 312.2 of the COPPA Rule for this Complaint.

14. 33. The COPPA Rule defines “Child” as “an individual under the age of 13.” Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

B. TikTok has Persistently Violated COPPA and Collected Personal Information of Minors Without Parental Notice or Consent.

15. TikTok’s predecessor Musical.ly launched in 2014. Musical.ly was a social media platform where users could create and share short lip-sync videos.

16. By 2016, New York Times tech reporter John Herrman wrote an article about the prevalence of young children on Musical.ly, explaining that “[w]hat is striking about the app, though, is how many of its users appear to be even younger than [13].”¹

17. Mr. Herrman wrote:

The app does not collect or show the age of its users, but some of its top-ranked users, whose posts routinely collect millions of likes, called hearts, appear from their videos and profile photos to be in grade-school. Until recently, the app had a feature that suggested users to follow based on their location. In New York, that feature revealed a list composed largely not just of teenagers, but of children.²

18. The CEO of a social media advertising agency told the New York Times that with Muscial.ly users, “you’re talking about first, second, third grade.”³

19. As Musical.ly was gaining popularity among elementary school kids in the United States, Beijing-based ByteDance Ltd. created TikTok in 2017. 38. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1 billion. On August 2, 2018, TikTok merged with Muisical.ly, consolidating the accounts and data into one application.

¹ Josh Herrman, Who’s Too Young for an App? Musical.ly Tests the Limits, New York Times, Sept. 16, 2016, <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

² *Id.*

³ *Id.*

20. In February 2019, the United States Department of Justice filed a complaint against TikTok’s predecessors, Musical.ly and Musical.ly, Inc., alleging violations of the COPPA Rule and Section 5 of the FTC Act, 15 U.S.C. § 45.

21. The Department of Justice alleged that TikTok’s Musical.ly predecessors had collected and used Personal Information from children younger than 13 in violation of COPPA, including by (1) failing to directly notify parents of the information it collects online from children under 13 and how it uses such information and (2) failing to obtain verifiable parental consent before any collection or use of Personal Information from children under 13. *United States v. Musical.ly, et al.*, No. 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

22. In March 2019, the Honorable Otis D. Wright II entered a Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief against TikTok’s predecessors. *Id.* at Dkt. No. 10 (2019 Permanent Injunction).

23. As part of the 2019 Permanent Injunction, TikTok’s predecessors were enjoined from violating the COPPA Rule, including by (1) “failing to make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives direct notice of Defendants’ practices with regard to the collection, use, or disclosure of Personal Information from children” and (2) “failing to obtain verifiable parental consent before any collection, use, or disclosure of Personal Information from children.” 2019 Permanent Injunction at 8.

24. In 2019, Musical.ly was renamed TikTok Ltd., and Musical.ly Inc. was renamed TikTok Inc. This renaming did not change the companies' obligations under the 2019 Permanent Injunction.

C. Even After the Permanent Injunction, TikTok Has Continued to Collect and Use Children's PII Without Parental Notice or Consent.

25. Despite the 2019 Permanent Injunction, millions of American minor children, particularly those under the age of 13, continue to join TikTok. And, TikTok continues to collect and use their Personal Information.

26. When users create a TikTok account, TikTok uses an "age gate" and requires that the user provide their birthday – the day, month, and year.

27. Since at least March 2019, if a Child enters a birthday that indicates that they are 13 years old or over, then they are provided with a regular TikTok account.

28. Since at least March 2019, if a Child enters a birthday that indicates that they are younger than 13 years old, then they are provided with a "TikTok For Younger Users" or "Kids Mode" account. TikTok does not notify parents or obtain parental consent for Kids Mode accounts.

29. Children with Kids Mode accounts can view videos but cannot post videos.

30. TikTok's "age gate" is insufficient. Other than asking for their birthday, TikTok makes no other attempt during the sign-in process to verify the user's age.

31. TikTok and its employees have long known that children misrepresent their ages to pass through TikTok's age gate, and that despite other measures purportedly designed to remove children from the platform, children are ubiquitous.

32. TikTok's internal company data and documents classified 18 million of its 49 million daily users in the United States as being 14 years or younger.⁴

33. A former TikTok employee said that TikTok employees had pointed out videos from children who appeared to be younger than 13 that were allowed to remain online for weeks.⁵

34. Defendants use human content moderators to review flagged accounts that potentially belong to children. In January 2020, for example, a TikTok moderator recognized that Defendants maintain accounts of children despite the "fact that we know the user is U13," *i.e.*, under the age of 13, so long as the child's profile does not admit that fact explicitly.

35. Another employee admitted that TikTok moderators were required to ignore any "external information" indicating that a user under review is a child.

36. As another example, in a July 2020 chat, one of Defendants' employees circulated the profiles of numerous underage users he had identified "literally

⁴ Raymond Zhong & Sheera Frenkel, A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety Questions, *New York Times*, Aug. 14, 2020, <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

⁵ *Id.*

through one minute of scanning,” noting “[t]his is incredibly concerning and needs to be addressed immediately.”

37. TikTok utilizes internal algorithms to predict user’s ages based on their online behavior. However, TikTok refuses to use its age-prediction algorithm to identify children under the age of 13 and stop them from using regular TikTok accounts.

38. Furthermore, until at least May 2022, TikTok allowed consumers to avoid the age gate when creating a TikTok account by allowing consumers to use login credentials from certain third-party online services, including Instagram and Google. Children were permitted to create TikTok accounts without entering their birthday if they used login credentials from Google. However, Google allowed children under the age of 13 to create Google accounts with parental consent to use Google.

39. Regardless of whether a Child uses a regular TikTok account or a Kids Mode account, TikTok violates the COPPA Rule by collecting and using their Personal Information without parental notice and consent.

40. TikTok’s insufficient age verification policies resulted in millions of Children gaining access to regular TikTok accounts and to the adult content and features of a regular TikTok account.

41. For Children with regular TikTok accounts, TikTok collects Personal Information about them, including first and last name, age, email address, phone number, persistent identifiers for the device(s) used to access TikTok, social media account information, and profile image(s), as well as photographs, videos, and audio files containing the user's image and voice and the metadata associated with such media (such as when, where, and by whom the content was created), usage information, device information, location data, image and audio information, metadata, and data from cookies and similar technologies that track users across different websites and platforms.

42. For Children with Kids Mode accounts, TikTok still collects Personal Information about them, including several types of persistent identifiers, including IP address and unique device identifiers. TikTok also collects app activity data, device information, mobile carrier information, and app information from Children using Kids Mode accounts—which it combines with persistent identifiers and uses to amass profiles on children.

43. In August 2024, the Department of Justice filed a new complaint alleging that TikTok violated COPPA and the COPPA Rule, including by (1) knowingly creating accounts for children and collecting data from those children without first notifying their parents and obtaining verifiable parental consent; (2)

failing to honor parents' requests to delete their children's accounts and information; and (3) failing to delete the accounts and information of users it knows are children.

D. TikTok Generates Revenue from Its Unlawful Conduct.

44. TikTok is a short-form video social media platform.

45. In January 2024, TikTok reported that it had approximately 170 million monthly active users in the United States.

46. TikTok earns a substantial amount of its revenue from advertising.

47. TikTok reported that it earned \$16 billion in revenue in the United States in 2023.

48. TikTok uses the Personal Information collected from children (under the age of 13) to target them with advertising.

49. TikTok targets users with specific advertisements by collecting persistent identifiers about the users and combining the identifiers with other information about the users.

50. In other words, TikTok targets specific advertisements to children (under the age of 13) by violating COPPA. Thus, a substantial portion of the revenue that TikTok earns from advertisements that are served on children (under the age of 13) is a direct and proximate result of TikTok's violation of COPPA.

51. TikTok's algorithm is trained on data collected from users via the TikTok platform and from third-party sources. Such data include videos viewed,

“liked,” or shared, accounts followed, comments, content created, video captions, sounds, and hashtags, as well as device and account settings such as language preference, country setting, and device type.

52. TikTok combines this collected data with children’s persistent identifiers. The collected data is thus Personal Information. Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

53. TikTok also provides targeting options to advertisers that are based on this collected Personal Information.

54. For example, for behavioral targeting, TikTok targets users based on their interactions with organic and paid content, including the types of videos the user viewed.

55. For interest targeting, TikTok’s algorithm analyzes users’ long-term platform activities.

E. Defendants Operate Under a Common Enterprise.

56. Defendants are a series of interconnected companies that operate the TikTok social media platform. Defendant ByteDance Ltd. is the parent and owner of Defendants ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns Defendants TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok Inc., which owns Defendant TikTok U.S. Data Security Inc.

57. Upon information and belief, a group of ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Penyuan, and Zhu Wenjia, direct and control TikTok's core features and development. Since 2019, ByteDance Ltd. and TikTok Inc. have promoted TikTok in the United States, spending hundreds of millions of dollars on advertising, employing U.S.-based staff and executives, and developing and distributing TikTok to run on Apple and Android devices.

58. ByteDance Inc. and TikTok Inc. have responsibilities for developing, providing, and supporting TikTok in the United States.

59. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the Apple App Store and Google Play Store.

60. TikTok Ltd. identifies itself as the developer of TikTok in the Apple App Store, and TikTok Pte. Ltd. identifies itself as the developer of TikTok in the Google Play Store. The tiktok.com domain is registered to TikTok Ltd.

61. Beginning in 2023, TikTok Inc. transferred Personal Information of children to TikTok U.S. Data Security Inc., which has maintained that data without notice to those children's parents or parental consent.

62. Defendants share officers and directors. For example, TikTok Inc.'s chief executive officers between 2020 and the present (Kevin Mayer, V Pappas, and Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd., and

ByteDance Ltd.'s chief executive officers (Zhang Yiming and Liang Rubo) have simultaneously served as directors of TikTok Ltd. TikTok Inc.'s Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data security support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.'s officers and directors have also overlapped with each other, and with officers and directors of TikTok Inc. Defendants intertwine their finances; for example, ByteDance Ltd. provides compensation and benefits to TikTok Inc.'s CEO, and TikTok Inc. employees participate in ByteDance Ltd.'s stock option plan.

63. Defendants have one centralized bank account for ByteDance Ltd.'s more than a dozen products, including TikTok. Defendants operate on a "shared services" model in which ByteDance Ltd. provides legal, safety, and privacy resources, including personnel. ByteDance's largest shareholder, Zhang Yiming, signed the 2019 consent order with the United States on behalf of Musical.ly, TikTok Ltd.'s predecessor company.

64. Defendants have operated as a common enterprise while engaging in the unlawful acts and practices alleged below.

JURISDICTION & VENUE

65. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. §1332(d)(2), because this is a class action wherein the amount in controversy exceeds the sum or value of

\$5,000,000.00, exclusive of interest and costs, there are more than 100 members in the proposed class, and at least one member of the class is a citizen of a state different from each Defendants.

66. Defendants are each subject to personal jurisdiction in this district because they have substantial aggregate contacts throughout the United States and the state of Missouri. Defendants have engaged, and continue to engage, in conduct that has a direct, substantial, reasonably foreseeable, and intended effect of causing injury to persons throughout the United States, and the state of Missouri, and this District, and it purposely availed itself of the laws of the United States and the State of Missouri.

67. Defendants are each subject to personal jurisdiction in this District because they purposely avail themselves of the privilege of conducting activities in the United States and the State of Missouri and direct business activities toward consumers throughout the United States and the State of Missouri. Furthermore, Defendants engaged and continue to engage in conduct that has a foreseeable, substantial effect throughout the United States and the State of Missouri, connected with its unlawful acts.

68. Venue is proper in this District under 28 U.S.C §1391(b) because Plaintiff and thousands of potential Class Members reside in this District;

Defendants transact business in this District; and Defendants intentionally avails itself of the laws within this District.

PARTIES

69. **Plaintiff Christina Middleton** is the mother of A.B., a 13-year-old minor who uses TikTok. Plaintiff is a citizen of the state of Missouri. At all relevant times, Plaintiff has been a resident of Lee's Summit, Missouri, and she brings this action on behalf of her minor child, A.B.

70. Starting in 2019, when she was seven or eight, A.B. created her first TikTok account, and since 2019 she has used more than one TikTok account (while under the age of 13) and has viewed content on the TikTok platform.

71. A.B. created TikTok accounts starting at approximately eight years of age, and has created multiple accounts without parental notice or consent from 2019 to the present.

72. During the time period of 2019 to the present, Defendants have collected A.B.'s Personal Information for the purpose of tracking A.B.'s activity and utilizing targeted advertisements.

73. Defendants never obtained consent from nor notified A.B.'s parent and legal guardian, Christina Middleton, at any point prior to or during its collection and use of A.B.'s Personal Information.

74. Defendants were bound by the 2019 Permanent Injunction that prohibited Defendants from collecting Personal Information from children under the age of 13, and therefore this conduct could not have reasonably been discovered earlier through investigation.

75. **Defendant TikTok Inc.** is a California corporation with its principal place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230. TikTok Inc. transacts or has transacted business in this District and throughout the United States.

76. **Defendant TikTok U.S. Data Security Inc.** is a Delaware corporation with its principal place of business shared with TikTok Inc. TikTok U.S. Data Security Inc. transacts or has transacted business in this District and throughout the United States.

77. **Defendant ByteDance Ltd.** is a Cayman Islands company. It has had offices in the United States and in other countries. ByteDance Ltd. transacts or has transacted business in this District and throughout the United States.

78. **Defendant ByteDance Inc.** is a Delaware corporation with its principal place of business at 250 Bryant Street, Mountain View, California, 94041. ByteDance Inc. transacts or has transacted business in this District and throughout the United States.

79. **Defendant TikTok Pte. Ltd.** is a Singapore company with its principal place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore, 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and throughout the United States.

80. **Defendant TikTok Ltd.** is a Cayman Islands company with its principal place of business in Singapore or Beijing, China. TikTok Ltd. Transacts or has transacted business in this District and throughout the United States.

CLASS ALLEGATIONS

81. Plaintiff brings this nationwide class action individually, and on behalf of all similarly situated individuals, pursuant to Rule 23(b)(2), 23(b)(3), and 23(c)(4) of the Federal Rules of Civil Procedure.

82. The Classes that Plaintiff seek to represent are defined as follows:

Nationwide Class

All United States residents (who were younger than 13 years old when they started using TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying a parent and obtaining verifiable parental consent beforehand (the “Class”).

Missouri Subclass

All Missouri residents (who were younger than 13 years old when they started using TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying a parent and obtaining verifiable parental consent beforehand (the “Missouri Subclass”).

83. Collectively, the Class and Missouri Subclass are referred to as the “Classes” or “Class Members.”

84. Excluded from the Classes are the following individuals and/or entities: Defendants and Defendants' parents, subsidiaries, affiliates, officers and directors, and any entity in which Defendants has a controlling interest; all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

85. Plaintiff reserves the right to amend the definitions of the Classes or add a Class or Subclass if further information and discovery indicate that the definitions of the Classes should be narrowed, expanded, or otherwise modified.

86. Numerosity: The members of the Classes are so numerous that joinder of all members is impracticable, if not completely impossible. The members of the Classes are so numerous that joinder of all of them is impracticable. While the exact number of Class Members is unknown to Plaintiff at this time and such number is exclusively in the possession of Defendant, upon information and belief, millions of minor individuals are implicated.

87. Common questions of law and fact exist as to all members of the Classes and predominate over any questions affecting solely individual members of the Classes. The questions of law and fact common to the Classes that predominate over questions which may affect individual Class Members, includes the following:

- a. Whether TikTok has or had a practice of collecting Personal Information from children who were younger than 13 years old

without notifying their parents and obtaining verifiable parental consent beforehand;

- b. Whether TikTok has or had a practice of using Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- c. Whether TikTok's practices violate the Children's Online Privacy Protection Act of 1998 ("COPPA") and the Children's Online Privacy Protection Rule ("COPPA Rule");
- d. Whether TikTok engaged in unlawful business practices;
- e. Whether TikTok engaged in unfair business practices;
- f. Whether TikTok has unjustly received and retained monetary benefits from Plaintiff's minor child and Class Members by profiting off the use of their Personal Information; and
- g. Whether Class Members are entitled to damages and/or restitution, and if so, the method of computing damages and/or restitution.

88. Typicality: Plaintiff's claims are typical of those of the other members of the Classes because Plaintiff's minor child, like every other Class Member, was exposed to virtually identical conduct and now suffers from the same violations of the law as each other member of the Classes.

89. Policies Generally Applicable to the Class: This class action is also appropriate for certification because Defendants acted or refused to act on grounds generally applicable to the Classes, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the Class Members and making final injunctive relief appropriate with respect to the Classes as a whole.

Defendants' policies challenged herein apply to and affect Class Members uniformly and Plaintiff's challenges of these policies hinges on Defendants' conduct with respect to the Classes as a whole, not on facts or law applicable only to Plaintiff.

90. Adequacy: Plaintiff will fairly and adequately represent and protect the interests of the Class Members in that Plaintiff has no disabling conflicts of interest that would be antagonistic to those of the other Class Members. Plaintiff seeks no relief that is antagonistic or adverse to the Class Members and the infringement of the rights and the damages suffered are typical of other Class Members. Plaintiff has retained counsel experienced in complex class action and data breach litigation, and Plaintiff intends to prosecute this action vigorously.

91. Superiority and Manageability: The class litigation is an appropriate method for fair and efficient adjudication of the claims involved. Class action treatment is superior to all other available methods for the fair and efficient adjudication of the controversy alleged herein; it will permit a large number of Class Members to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence, effort, and expense that hundreds of individual actions would require. Class action treatment will permit the adjudication of relatively modest claims by certain Class Members, who could not individually afford to litigate a complex claim against large corporations, like

Defendants. Further, even for those Class Members who could afford to litigate such a claim, it would still be economically impractical and impose a burden on the courts.

92. The nature of this action and the nature of laws available to Plaintiff and Class Members make the use of the class action device a particularly efficient and appropriate procedure to afford relief for the wrongs alleged because Defendants would necessarily gain an unconscionable advantage since Defendants would be able to exploit and overwhelm the limited resources of each individual Class Member with superior financial and legal resources; the costs of individual suits could unreasonably consume the amounts that would be recovered; proof of a common course of conduct to which Plaintiff was exposed is representative of that experienced by the Classes and will establish the right of each Class Member to recover on the cause of action alleged; and individual actions would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation.

93. The litigation of the claims brought herein is manageable. Defendants' uniform conduct, the consistent provisions of the relevant laws, and the ascertainable identities of Class Members demonstrates that there would be no significant manageability problems with prosecuting this lawsuit as a class action.

94. Adequate notice can be given to Class Members directly using information maintained in Defendants' records.

95. Unless a Class-wide injunction is issued, Defendants may continue to act unlawfully as set forth in this Complaint.

96. Further, Defendants have acted on grounds that apply generally to the Classes as a whole, so that class certification, injunctive relief, and corresponding declaratory relief are appropriate on a class- wide basis.

CAUSES OF ACTION

COUNT 1: UNJUST ENRICHMENT *(On behalf of Plaintiff and the Classes)*

97. Plaintiff re-alleges and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

98. By obtaining and reselling A.B. and Class Members' PII, Defendants received a monetary benefit. Defendants knew that it could sell the PII for financial gain and has retained that benefit.

99. Defendants have unjustly received and retained monetary benefits from A.B. and Class Members—minor children—by profiting off the use of their Personal Information under unjust circumstances such that inequity has resulted.

100. Defendants have knowingly obtained benefits from A.B. and Class Members as alleged herein under circumstances such that it would be inequitable and unjust for TikTok to retain them.

101. Defendants have been knowingly enriched by revenues and profits it received from unjustly and illegally collecting and using the Personal Information

of children under the age of 13 to build profiles and target advertisements to those children.

102. Defendants have failed to obtain legally valid consent from A.B. and Class Members or their parents and guardians to collect and use these minor children's Personal Information.

103. Defendants will be unjustly enriched if they are permitted to retain the benefits derived from the illegal collection and usage of A.B. and Class Members' Personal Information.

104. Plaintiff and Class Members are therefore entitled to relief, including disgorgement of all revenues and profits that TikTok earned as a result of its unlawful and wrongful conduct.

COUNT 2: INVASION OF PRIVACY
(On behalf of Plaintiff and the Classes)

105. Plaintiff re-alleges and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

106. As minor children, A.B. and Class Members had a legitimate expectation of privacy in their Personal Information. A.B. and Class Members were entitled to the protection of this information from disclosure to unauthorized third parties.

107. Defendants intentionally and unreasonably intruded upon the seclusion of minor children, A.B. and Class Members, without the consent of A.B. and Class members, who were minors, or their parents or guardians.

108. As set forth above, Defendants collected and sold the Personal Information millions of minor children, without the consent of the minors or their parents, including, but not limited to: name, age, profile image, password, email, phone number, address, “approximate” location, social media account information, phone and social media contacts, messages sent to and received from other TikTok users, information in the clipboard of a user’s device, and payment card number

109. Defendants intruded on private activities and information of minor children.

110. Defendants’ intrusion was highly offensive to a reasonable person.

111. Defendants owed a duty to Plaintiff and Class Members to keep their Personal Information confidential.

112. Defendants permitted the public disclosure of A.B. and Class Members’ Personal Information to unauthorized third parties.

113. The Personal Information that was collected and disclosed without the Plaintiff’s and Class Members’ authorization was highly sensitive, private, and confidential. The public disclosure of the type of Personal Information at issue here would be highly offensive to a reasonable person of ordinary sensibilities.

114. By permitting the unauthorized collection and disclosure, Defendants acted with reckless disregard for A.B. and Class Members' privacy, and with knowledge that such disclosure would be highly offensive to a reasonable person. Furthermore, the disclosure of the Personal Information at issue was not newsworthy or of any service to the public interest.

115. Defendants acted with such reckless disregard as to the safety of A.B. and Class Members' Personal Information to rise to the level of intentionally allowing the intrusion upon the seclusion, private affairs, or concerns of A.B. and Class Members.

116. Plaintiff and Class Members have been damaged by the invasion of their privacy in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other members of the Classes alleged herein, respectfully requests that the Court enter judgment as follows:

- A. For an order certifying the Class under Rule 23 of the Federal Rules of Civil Procedure and naming Plaintiff as the representative for the Classes and counsel for Plaintiff as Class Counsel;
- B. For an order declaring the Defendants' conduct violates the causes of action referenced herein;
- C. For an order finding in favor of Plaintiff and Class Members on all counts asserted herein;

- D. For an order requiring Defendants to pay for lifetime credit monitoring and dark web scanning services for Plaintiff and the Classes;
- E. For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury;
- F. For prejudgment interest on all amounts awarded;
- G. For an order of restitution and all other forms of equitable monetary relief requiring the disgorgement of the revenues wrongfully retained as a result of the Defendants' conduct;
- H. For injunctive relief as pleaded or as the Court may deem proper; and
- I. For an order awarding Plaintiff and Class Members their reasonable attorneys' fees and expenses and costs of suit, and any other expense, including expert witness fees; and
- J. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of all claims in this Complaint and of all issues in this action so triable as of right.

Dated: November 15, 2024

Respectfully Submitted,

/s/ Thomas P. Cartmell

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ACCO,(RAOX),CONSOLTR,DISCOVERY,LEADTR,MANADR,RELATED-G

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:24-cv-06784-ODW-RAO**

A.A. et al v. Bytedance Inc. et al
Assigned to: Judge Otis D. Wright, II
Referred to: Magistrate Judge Rozella A. Oliver
Related Case: [2:19-cv-01439-ODW-RAO](#)
Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/09/2024
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

A. A.
*a minor, by and through their guardian ad
litem, MARCELO MUTO*

represented by **Caspar S Jivalagian**
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Plaintiff

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a minor, by and through their guardian ad litem HEATHER BRESSETTE

represented by **Caspar S Jivalagian**
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ATTORNEY TO BE NOTICED

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Patrick R Carey
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ATTORNEY TO BE NOTICED

Plaintiff

A. C.
a minor, by and through their guardian ad litem DARRYL MAULTSBY

represented by **Caspar S Jivalagian**
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ATTORNEY TO BE NOTICED

David S Golub
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V.

Consol Plaintiff

Jody Villanueva
2:24-cv-07922-ODW-RAO
on behalf of
J.C.

represented by **Eric A. Kafka**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Consol Plaintiff

Lamartine Pierre
*2:24-cv-07922-ODW-RAOx
on behalf of
C.P.*

represented by **Eric A. Kafka**
(See above for address)
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Jenna Waldman
(See above for address)
*LEAD ATTORNEY
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Karina G. Puttieva
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Paul L Hoffman
(See above for address)
*LEAD ATTORNEY
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Consol Plaintiff

Angela Faucett
*2:24-cv-07922-ODW-RAOx
on behalf of
K.F.*

represented by **Eric A. Kafka**
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Jenna Waldman
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Paul L Hoffman

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Bytedance Inc.

represented by **Daniel M. Petrocelli**
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ATTORNEY TO BE NOTICED

Defendant

Bytedance Ltd.

represented by **Daniel M. Petrocelli**
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ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TikTok Ltd

represented by **Daniel M. Petrocelli**
(See above for address)
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TikTok Inc.

represented by **Daniel M. Petrocelli**
(See above for address)
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TikTok Pte. Ltd.

represented by **Daniel M. Petrocelli**
(See above for address)
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TikTok U.S. Data Security Inc.

represented by **Daniel M. Petrocelli**
(See above for address)
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2024	1	COMPLAINT Receipt No: ACACDC-38001007 - Fee: \$405, filed by plaintiff A.A., a minor, by and through their guardian ad litem, MARCELO MUTO. (Attorney Patrick R Carey added to party A.A., a minor, by and through their guardian ad litem, MARCELO MUTO(pty:pla))(Carey, Patrick) (Entered: 08/09/2024)
08/09/2024	2	CIVIL COVER SHEET filed by Plaintiff A.A., a minor, by and through their guardian ad litem, MARCELO MUTO. (Carey, Patrick) (Entered: 08/09/2024)
08/09/2024	3	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), 1 filed by plaintiff A.A., a minor, by and through their guardian ad litem, MARCELO MUTO. (Carey, Patrick) (Entered: 08/09/2024)
08/09/2024	4	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), 1 filed by plaintiff A.A., a minor, by and through their guardian ad litem, MARCELO MUTO. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Carey, Patrick) (Entered: 08/09/2024)
08/12/2024	5	NOTICE OF ASSIGNMENT to District Judge Dean D. Pregerson and Magistrate Judge A. Joel Richlin. (ghap) (Entered: 08/12/2024)
08/12/2024	6	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (ghap) (Entered: 08/12/2024)
08/12/2024	7	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (ghap) (Entered: 08/12/2024)
08/12/2024	8	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant Bytedance Inc. (ghap) (Entered: 08/12/2024)
08/12/2024	9	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendants Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Attachments: # 1 Summons for TikToc Inc., # 2 Summons for TikToc Ltd, # 3 Summons for TikToc Ltd-2, # 4 Summons for TikToc U.S. Data Securty Inc.) (ghap) (Entered: 08/12/2024)
08/12/2024	10	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney David S Golub on behalf on Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cad.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (ghap) (Entered: 08/12/2024)
08/12/2024	11	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Steven Bloch on behalf on Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cad.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (ghap) (Entered: 08/12/2024)

08/12/2024	12	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Ian W Sclar on behalf on Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (ghap) (Entered: 08/12/2024)
08/12/2024	13	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Jennifer Sclar on behalf on Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (ghap) (Entered: 08/12/2024)
08/12/2024	14	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney John Seredynski on behalf on Plaintiff. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (ghap) (Entered: 08/12/2024)
08/12/2024	15	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Complaint (Attorney Civil Case Opening), 1 . The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (ghap) (Entered: 08/12/2024)
08/12/2024	16	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Complaint (Attorney Civil Case Opening), 1 . The following error(s) was found: It appears a guardian ad litem is named in this case but no Petition seeking such appointment has been filed. A Petition for the Appointment of a Guardian Ad Litem must be filed when the appointment of a guardian ad litem is required by Fed. R. Civ. P. 17(c)(2). See Local Rule 17-1. Counsel must file a Petition for the Appointment of a Guardian Ad Litem immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (ghap) (Entered: 08/12/2024)
08/14/2024	17	ORDER RETURNING CASE FOR REASSIGNMENT by Judge Dean D. Pregerson. ORDER case returned to the Clerk for random reassignment pursuant to General Order 23-05. Case randomly reassigned from Judge Dean D. Pregerson to Judge Stephen V. Wilson for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24-cv-06784 SVW(AJRx). (rn) (Entered: 08/14/2024)

08/15/2024	18	Notice of Appearance or Withdrawal of Counsel: for attorney Daniel M. Petrocelli counsel for Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Adding Daniel M. Petrocelli as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. for the reason indicated in the G-123 Notice. Filed by defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc.. (Attorney Daniel M. Petrocelli added to party Bytedance Inc. (pty:dft), Attorney Daniel M. Petrocelli added to party Bytedance Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Inc.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Ltd(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Pte. Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok U.S. Data Security Inc.(pty:dft))(Petrocelli, Daniel) (Entered: 08/15/2024)
08/15/2024	19	NOTICE of Related Case(s) filed by defendant Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Related Case(s): 2:24-cv-06535 ODW (RAOx) (Petrocelli, Daniel) (Entered: 08/15/2024)
08/15/2024	20	Notice of Appearance or Withdrawal of Counsel: for attorney Stephen McIntyre counsel for Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Adding Stephen McIntyre as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. for the reason indicated in the G-123 Notice. Filed by Defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc.. (Attorney Stephen McIntyre added to party Bytedance Inc. (pty:dft), Attorney Stephen McIntyre added to party Bytedance Ltd.(pty:dft), Attorney Stephen McIntyre added to party TikTok Inc.(pty:dft), Attorney Stephen McIntyre added to party TikTok Ltd(pty:dft), Attorney Stephen McIntyre added to party TikTok Pte. Ltd. (pty:dft), Attorney Stephen McIntyre added to party TikTok U.S. Data Security Inc. (pty:dft))(McIntyre, Stephen) (Entered: 08/15/2024)
08/15/2024	21	NOTICE of Interested Parties filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc., identifying ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., and TikTok LLC. (McIntyre, Stephen) (Entered: 08/15/2024)
08/20/2024	22	WAIVER OF SERVICE Returned Executed filed by plaintiff A. A.. upon Bytedance Inc. waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024; Bytedance Ltd. waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024; TikTok Inc. waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024; TikTok Ltd waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024; TikTok Pte. Ltd. waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024; TikTok U.S. Data Security Inc. waiver sent by Plaintiff on 8/15/2024, answer due 10/15/2024. Waiver of Service signed by Daniel Petrocelli. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit)(Carey, Patrick) (Entered: 08/20/2024)
08/22/2024	23	NEW CASE ORDER upon filing of the complaint by Judge Stephen V. Wilson. (pc) (Entered: 08/22/2024)
08/22/2024	24	MINUTES IN CHAMBERS ORDER re DEFICIENCY IN ATTORNEY'S BUSINESS OR CONTACT INFORMATION by Judge Stephen V. Wilson. The contact information for attorneys David S Golub, Steven Bloch, Ian W Sloss, Jennifer Sclar, John Sredynski is deficient in that no email address is listed on the Court's docket. If you are counsel of record in a case currently pending in this district and you need to update your business or contact information, you must file and serve Form G-06 ("Notice of Change of Attorney Business or Contact Information") in each of your pending cases. Doing so will satisfy your notice obligation under Local Rule 83-2.4. In addition, if you are a registered

		CM/ECF User, you must log in to your CM/ECF account and update your information directly in the CM/ECF System. See Local Rule 5-4.8.1. (aco) (Entered: 08/22/2024)
08/23/2024	25	Notice of Appearance or Withdrawal of Counsel: for attorney Caspar S Jivalagian counsel for Plaintiffs A. A., A. B.. Adding Caspar Jivalagian as counsel of record for A.A., a minor, by and through their guardian ad litem, MARCELO MUTO; A.B., a minor, by and through their guardian ad litem HEATHER BRESSETTE; and A.C., a minor, by and through their guardian ad litem DARRYL MAULTSBY, individually and on behalf of all others similarly situated, for the reason indicated in the G-123 Notice. Filed by Attorney Caspar Jivalagian. (Attorney Caspar S Jivalagian added to party A. A.(pty:pla), Attorney Caspar S Jivalagian added to party A. B.(pty:pla))(Jivalagian, Caspar) (Entered: 08/23/2024)
08/29/2024	26	APPLICATION of Non-Resident Attorney Jennifer Sclar to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500.00 Previously Paid on 8/27/2024, Receipt No. ACACDC-38103890) filed by Attorney A. A., A. B.. (Attachments: # 1 Proposed Order Proposed Order) (Jivalagian, Caspar) (Entered: 08/29/2024)
09/03/2024	27	ORDER by Judge Stephen V. Wilson: granting 26 Non-Resident Attorney Jennifer Sclar APPLICATION to Appear Pro Hac Vice on behalf of plaintiffs A. A.,A. B.,A. C., designating Caspar Jivalagian as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (ak) (Entered: 09/03/2024)
09/05/2024	28	APPLICATION of Non-Resident Attorney David Golub to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38159947) filed by Attorney A. A., A. B.. (Attachments: # 1 Proposed Order) (Jivalagian, Caspar) (Entered: 09/05/2024)
09/06/2024	29	ORDER by Judge Stephen V. Wilson: granting 28 Non-Resident Attorney David Golub APPLICATION to Appear Pro Hac Vice on behalf of laintiffs A. A., A. B., A. C. et al, designating Caspar Jivalagian as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 09/06/2024)
09/11/2024	30	APPLICATION of Non-Resident Attorney Ian W. Sloss to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38191827) filed by Attorney A. A., A. B.. (Attachments: # 1 Proposed Order) (Jivalagian, Caspar) (Entered: 09/11/2024)
09/11/2024	31	ORDER RE TRANSFER PURSUANT to this Court's General Order in the Matter of Assignment of Cases and Duties to the District Judges. Related Case- filed. Related Case No: 2:19-cv-01439 ODW(RAOx). Case transferred from Magistrate Judge A. Joel Richlin and Judge Stephen V. Wilson to Judge Otis D. Wright, II and Magistrate Judge Rozella A. Oliver for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24-cv-06784 ODW(RAOx). Signed by Judge Otis D. Wright, II (rn) (Entered: 09/11/2024)
09/12/2024	32	MINUTE ORDER IN CHAMBERS by Judge Otis D Wright, II: This action has been assigned to the calendar of Judge Otis D. Wright II. EFFECTIVE IMMEDIATELY- No mandatory chambers copies required, EXCEPT FOR Motions for summary judgment and any other evidence-heavy motions. The Court's Electronic Document Submission System (EDSS) allows people without lawyers who have pending cases in the United States District Court for the Central District of California to submit documents electronically to the Clerk's Office The parties may consent to proceed before a Magistrate Judge appearing on the voluntary consent list. PLEASE refer to Local Rule 79-5 for the submission of CIVIL ONLY SEALED DOCUMENTS. CRIMINAL SEALED DOCUMENTS will remain the same. Please refer to Court's Website and Judge's procedures for information as applicable. (lc) (Entered: 09/12/2024)

09/20/2024	33	ORDER by Judge Otis D. Wright, II: granting 30 Non-Resident Attorney Ian W. Sloss APPLICATION to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B., designating Caspar Jivalagian as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 09/20/2024)
09/20/2024	34	NOTICE of Related Case(s) filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd, TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Related Case(s): 2:24-cv-06535, 2:24-cv-07922 (Petrocelli, Daniel) (Entered: 09/20/2024)
09/23/2024	35	(NOT TO BE FILED AND REJECTED PER 10/2/2024 NOTICE DISCREPANCY AND ORDER THEREON DOCKET NO. 37). APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38264032) filed by Defendant Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order) (McIntyre, Stephen) Modified on 10/2/2024 (lc). (Entered: 09/23/2024)
09/25/2024	36	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500 Fee Paid, Rece 35 . The following error(s) was/were found: Local Rule 83-2.1.3.3(d) Attached Certificate of Good Standing not issued within 30 days prior to filing of the application. (ak) (Entered: 09/25/2024)
10/02/2024	37	NOTICE OF DISCREPANCY AND ORDER: by Judge Otis D. Wright, II, ORDERING APPLICATION of Non-Resident submitted by Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. received on 9/23/24 35 is not to be filed but instead rejected. Denial based on: Comply with notice of discrepancy issued on docket no. 36. Counsel shall refile a corrected application. (lc) (Entered: 10/02/2024)
10/03/2024	38	Corrected APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500.00 Previously Paid on 9/23/2024, Receipt No. ACACDC-38264032) filed by defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order) (McIntyre, Stephen) (Entered: 10/03/2024)
10/04/2024	39	ORDER by Judge Otis D. Wright, II: granting 38 Non-Resident Attorney Stephen D. Brody APPLICATION to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., designating Stephen McIntyre as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 10/04/2024)
10/11/2024	40	STIPULATION Extending Time to Answer the complaint as to All Defendants, re Complaint (Attorney Civil Case Opening), 1 filed by Defendants TikTok U.S. Data Security Inc., TikTok Ltd, Bytedance Ltd., Bytedance Inc., TikTok Inc., TikTok Pte. Ltd.. (Petrocelli, Daniel) (Entered: 10/11/2024)
10/22/2024	41	STIPULATION to Consolidate Cases as to 2:24-cv-06784 ODW (RAOx) and 2:24-cv-07922 FLA (AJRx) filed by plaintiff A. A.. (Attachments: # 1 Proposed Order)(Carey, Patrick) (Entered: 10/22/2024)
11/12/2024	42	STIPULATION for Extension of Time to File Answer to 12/13/2024 re Complaint (Attorney Civil Case Opening), 1 filed by Defendants Bytedance Inc., Bytedance Ltd.,

		TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order Granting Joint Stipulation to Extend Time to Respond to Complaint) (Petrocelli, Daniel) (Entered: 11/12/2024)
11/13/2024	43	APPLICATION of Non-Resident Attorney Steven L. Bloch to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38574984) filed by Attorney A. A., A. B.. (Attachments: # 1 Proposed Order) (Jivalagian, Caspar) (Entered: 11/13/2024)
11/14/2024	44	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II: On October 22, 2024, the parties filed a Stipulation to consolidate related case No. 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al., with case No. 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al 41 . There is also a third related case that the parties did not include in their Stipulation. Accordingly, the Court hereby ORDERS the parties to SHOW CAUSE, in writing only, by no later than November 21, 2024, why case No. 2:24-cv-06535-ODW (RAOx), United States of America v. Bytedance Ltd. et al. should not also be consolidated with the related cases. In light of the order to show cause, the Court The failure to timely respond will be construed as agreement to consolidate these actions.hereby EXTENDS Defendants deadline to answer or otherwise respond to the complaint to December 5, 2024 . (lc) Modified on 11/14/2024 (lc). (Entered: 11/14/2024)
11/16/2024	45	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Steven L. Bloch to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38574984) 43 . The following error(s) was/were found: Local Rule 83-2.1.3.3(d) Attached Certificate of Good Standing not issued within 30 days prior to filing of the application. (ak) (Entered: 11/16/2024)
11/18/2024	46	ORDER by Judge Otis D. Wright, II: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: APPLICATION of Non-Resident Attorney Steven L. Bloch to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38574984) 43 , for the following reasons: Review discrepancy, docket no. 45. Refile correctly with the missing documents. Local Rule 83-2.1.3.3(d) Attached Certificate of Good Standing not issued within 30 days prior to filing of the application. (lc) (Entered: 11/18/2024)
11/20/2024	47	RESPONSE filed by Plaintiff A. A.to Minutes of In Chambers Order/Directive - no proceeding held,,,, Set/Reset Deadlines/Hearings,,, 44 (Carey, Patrick) (Entered: 11/20/2024)
11/20/2024	48	RESPONSE filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. <i>re</i> 37 Order to Show Cause (Petrocelli, Daniel) (Entered: 11/20/2024)
11/21/2024	49	APPLICATION of Non-Resident Attorney Steven L. Bloch to Appear Pro Hac Vice on behalf of Plaintiffs A. A., A. B. (Pro Hac Vice Fee - \$500.00 Previously Paid on 11/13/2024, Receipt No. ACACDC-38574984) filed by Attorney A. A., A. B.. (Attachments: # 1 Proposed Order) (Jivalagian, Caspar) (Entered: 11/21/2024)
11/21/2024	50	NOTICE OF MOTION AND MOTION for Appointment of Counsel filed by plaintiff A. A.. Motion set for hearing on 1/6/2025 at 01:30 PM before Judge Otis D. Wright II. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Memorandum of Points and Authorities, # 4 Proposed Order) (Carey, Patrick) (Entered: 11/21/2024)
11/21/2024	51	ORDER by Judge Otis D. Wright, II: granting 49 Non-Resident Attorney Steven Bloch APPLICATION to Appear Pro Hac Vice on behalf of plaintiffs AA, AB, AC, designating

		Caspar Jivalagian as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (ak) (Entered: 11/21/2024)
11/25/2024	52	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II: On October 22, 2024, the parties stipulated to consolidate related case No. 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al., with case No. 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al. (ECF No. 41.) On November 14, 2024, the Court ordered the parties to show cause why case No. 2:24-cv-06535-ODW (RAOx), United States of America v. Bytedance Ltd. et al. should not also be consolidated with the related cases. (ECF No. 44.) The parties responded. (ECF Nos. 4748.) Having reviewed the parties responses, the Court hereby DISCHARGES the Order to Show Cause. Further, upon a showing of good cause, the Court GRANTS the parties Stipulation, (ECF No. 41), and hereby ORDERS the following: 1. Case No. 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al. shall be CONSOLIDATED with case No. 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al. 2. Case No. 2:24-cv-06784-ODW (RAOx) shall be the LEAD CASE and all documents relating to the consolidated matters should be filed only in that case. 3. Plaintiffs shall file a Consolidated Class Action Complaint, which shall be the operative complaint in the consolidated action by no later than December 16, 2024. 4. Defendants shall answer or otherwise respond to the Consolidated Class Action Complaint by no later than thirty-five (35) days from the date Plaintiffs file the Consolidated Class Action Complaint. (lc) (Entered: 11/25/2024)

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Description:	Docket Report	Search Criteria:	2:24-cv-06784-ODW-RAO End date: 12/3/2024
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Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.A., a minor, by and through their guardian ad litem, MARCELO MUTO; A.B., a minor, by and through their guardian ad litem HEATHER BRESSETTE; and A.C., a minor, by and through their guardian ad litem DARRYL MAULTSBY, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BYTEDANCE INC; BYTEDANCE LTD;
TIKTOK LTD; TIKTOK INC; TIKTOK PTE.
LTD; and TIKTOK U.S. DATA SECURITY INC.,
Defendants.

Case No.

CLASS ACTION

COMPLAINT

DEMAND FOR JURY TRIAL

1 Minor Plaintiffs A.A., A.B., and A.C. (collectively, “Minor Plaintiffs” or “Plaintiffs”), by and
2 through their respective guardians ad litem and their undersigned counsel, hereby allege the following
3 against Defendants, on behalf of themselves and all others similarly situated, based on personal
4 knowledge, information and belief, the investigation of counsel, and public sources.

5 **NATURE OF THE ACTION**

6 1. This action arises out of Defendants’ invasion of privacy and unfair business practices
7 directed toward millions of children in the United States under the age of 13 in violation of the law and
8 societal norms. Specifically, from March 1, 2019 through the present (the “Class Period”), Defendants
9 have knowingly permitted and encouraged children under the age of 13 to create user accounts on the
10 TikTok app for the purpose of collecting intimate, deeply intrusive data points about them and their on
11 line behavior without notice and parental consent. Defendants use this unlawfully collected personal
12 information for the purpose of providing personally curated content that will keep children engaged with
13 TikTok, so that Defendants can serve them copious amounts of behavioral advertising and/or share their
14 information with third parties. Defendants engaged in this unlawful behavior for one reason – profit.
15 Indeed, children are so integral to Defendants’ profitability, Defendants were unwilling or unable to
16 cease their unlawful business practices in the face of a Permanent Injunction and a Civil Penalty that
17 they entered into with the United States Government on March 27, 2019, which prohibited Defendants
18 from their continued collection and use of the personal information of children without verifiable
19 parental consent.

20 2. Defendants Bytedance LTD, Bytedance, Inc.; TikTok LTD, TikTok Inc., TikTok PTE
21 LTD, and TikTok U.S. Data Security Inc. (collectively, “TikTok”) operate one of the world’s largest
22 social media platforms that reaches millions of Americans under the age of 13.

23 3. TikTok’s user base is disproportionately made up of children. From the outset,
24 Defendants considered U.S. teens a “golden audience.”¹

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28 ¹ Paul Mozur, Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else, N.Y. TIMES
(August 9, 2016).

1 4. Defendants know that TikTok is an attractive social media destination for children.
2 Nonetheless, Defendants have a history of knowingly allowing children under 13 to create and use
3 TikTok accounts without their parents' knowledge or consent, have collected extensive data from those
4 children, and have failed to comply with parents' requests to delete their children's accounts and
5 personal information.

6 5. On February 27, 2019 the United States filed a Complaint against Musical.ly and
7 Musical.ly, Inc. alleging that defendants' were unlawfully collecting and using the personal information
8 of children in the operation of their free on line video-sharing app. *United States of America v.*
9 *Musical.ly et. al.*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

10 6. One month later, on March 27, 2019, Musical.ly and Musical.ly, Inc., (respectively
11 renamed TikTok Ltd. and TikTok Inc.in April 2019), entered into a Stipulated Order for Civil Penalties,
12 Permanent Injunction, and Other Relief in the Central District of California. *United States v. Musical.ly,*
13 *et.al*, No. 2:19-cv-01439-ODW-RAO (C.D. Cal. March 27, 2019) (Dkt. No. 10). The order imposed a
14 then record \$5.7 million civil penalty for violations of the COPPA Rule, 16 C.F.R. pt. 312, and Section
15 5 of the FTC Act, 15 U.S.C. § 45; required Defendants to destroy personal information of users under
16 the age of 13; remove accounts of users whose age could not be identified; enjoined Defendants from
17 violating the COPPA Rule; and required Defendants to retain certain records related to compliance with
18 the COPPA Rule and the 2019 Permanent Injunction.

19 7. Musical.ly's quick resolution of the Complaint as well as its name change might have
20 indicated an intent to reform its business practices with respect to the manner in which it handled the
21 personal information of children. Unfortunately, that has not been the case.

22 8. When the United States brought its Complaint against Musical.ly in 2019, it alleged that
23 the app had 65 million registered accounts in the United States. As of 2024, there are more than 170
24 million TikTok users in the United States. Clearly, TikTok continues to grow.

1 9. More specifically, it continues to grow its child audience. In July 2020, TikTok estimated
2 that one-third of its 49 million daily users is 14 or younger.²

3 10. Though TikTok purports to require users creating accounts to report their birthdates, it
4 has consistently and knowingly allowed children to bypass or evade the “age gate” and has continued to
5 impermissibly collect, use, and share data from children who self-identify as being below the age of 13.

6 11. As a result of its continued violations of COPPA and its failure to abide by the terms of
7 the March 27, 2019 Permanent Injunction, on August 2, 2024 the Department of Justice filed a
8 Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief (the “DOJ Complaint”)
9 against TikTok, complaining of TikTok’s continued wrongful collection and misuse of minors’ Personal
10 Information without parental consent in violation of COPPA and its obligations under the 2019
11 Permanent Injunction.

12 12. The DOJ Complaint alleges that throughout the Class Period, Defendants have: (1)
13 knowingly created accounts for children and collected data from those children without first notifying
14 their parents and obtaining verifiable parental consent; (2) failed to honor parents’ requests to delete
15 their children’s accounts and information; and (3) failed to delete the accounts and information of users
16 they know are children. Moreover, the DOJ alleges that its ability to assess the precise magnitude of
17 Defendants’ violations has been stymied by Defendants’ failure to keep records demonstrating its
18 COPPA compliance, as required by the terms of the 2019 Permanent Injunction.

19 13. The Children’s Online Privacy Protection Act (“COPPA”), 15 U.S.C. § 501, *et seq.*,
20 protects children under 13 years old from having their personal information (“Personal Information”)
21 collected by operators of websites or online services directed to children, or operators with actual
22 knowledge that they are collecting Personal Information online from children under 13, unless their
23 parent has first given verifiable consent. Each time Defendants have collected a child’s personal
24 information without parental notice or verifiable consent or have failed to delete that information at the
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28 ² Raymond Zhong & Sheera Frenkel, A Third of TikTok’s U.S. Users May Be 14 of Under, Raising
Safety Questions, N.Y. TIMES (August 14, 2020),

1 request of the child’s parents or upon learning it was collected from a child whose parents were not
2 notified or did not provide verifiable consent, Defendants violated COPPA.

3 14. COPPA violations “shall be treated as a violation of a rule defining an unfair ... act or
4 practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (the “FTC Act”),
5 15 U.S.C. § 57a(a)(1)(B).” In other words, a violation of COPPA constitutes an unfair trade practice
6 under Section 5 of the FTC Act. 15 U.S.C. § 45(a).

7 15. A majority of states, including California, Connecticut, and Florida have enacted laws
8 prohibiting unfair and/or unlawful business practices that are modeled after the FTC Act. These “Little
9 FTC Acts” take interpretive guidance from the FTC Act. Defendants, by their unlawful collection and
10 use of the Personal Information of children under the age of 13 without parental notice or consent have
11 violated these Little FTC Acts.

12 16. Additionally, the conduct of TikTok constitutes unwarranted invasions of privacy in
13 violation of the substantial protections California and Connecticut provide to their citizens. These states
14 recognize the common law right to be free from intrusion upon seclusion, as formulated by § 652B of
15 the Restatement (Second) of Torts, which prohibits intentional intrusion upon the solitude or seclusion
16 of another or his or her private affairs or concerns. In addition, the California Constitution provides
17 California citizens and residents an enumerated right to privacy.

18 17. Defendants’ conduct a) violates the “Little FTC Acts” of California, Connecticut and
19 Florida; (b) the common law right to be free from intrusion upon seclusion in California, and
20 Connecticut; (c); has resulted in Defendants’ unjust enrichment at the expense of minor children in
21 California, Connecticut, and Florida; and (d) violates the right to privacy enumerated in the California
22 Constitution.

23 18. Accordingly, Plaintiffs, through their parents and guardians, bring this action for the
24 relief asserted herein, on behalf of themselves and the Classes of similarly-situated minors whose
25 privacy rights have, like Plaintiffs, been violated by Defendants, for damages, restitution, unjust
26 enrichment, and appropriate injunctive and/or equitable relief to address Defendants’ unlawful practices.

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JURISDICTION AND VENUE

19. This Court has general personal jurisdiction over Defendants TikTok, Inc., TikTok Data Security, Inc., and Bytedance, Inc. because their principal places of business are in California. Additionally, all Defendants are subject to specific personal jurisdiction in this State because a substantial part of the events and conduct giving rise to Plaintiffs’ claims occurred in this State.

20. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C §1332(d), because the amount in controversy for the Classes exceeds \$5,000,000 exclusive of interest and costs, there are more than 100 potential class members, defined below, and minimal diversity exists because the majority of potential class members are citizens of a state different than Defendants.

21. This Court also has jurisdiction pursuant to 28 U.S.C §1332(d), because the amount in controversy exceeds \$75,000 and is between citizens of different states.

22. Venue is proper in this District pursuant to 28 U.S.C. §1391(b), because a substantial portion of the conduct described in this Complaint was carried out in this District. Furthermore, Defendants TikTok, Inc., and TikTok Data Security, Inc. are headquartered in this District and subject to personal jurisdiction in this District.

PARTIES

I. Plaintiffs

23. Plaintiff A.A. is a natural person and is a resident and citizen of the State of California. A.A. was under the age of 13 during the Class Period. A.A.’s parent and legal guardian is Marcelo Muto, who is also a resident and citizen of the State of California. During the Class Period Plaintiff A.A. had a TikTok account, and regularly viewed content on the platform.

24. Plaintiff A.B. is a natural person and is a resident and citizen of the State of Connecticut. A.B. was under the age of 13 during the Class Period. A.B.’s parent and legal guardian is Heather Bressette, who is also a resident and citizen of the State of Connecticut. During the Class Period, Plaintiff A.B. had a TikTok account and regularly viewed content on the platform

25. Plaintiff A.C. is a natural person and is a resident and citizen of the State of Florida. A.C. was under the age of 13 during the Class Period. A.C.’s parent and legal guardian is Darryl Maultsby, who is also a resident and citizen of the State of Florida. During the Class Period, Plaintiff A.C. had a

1 TikTok account and regularly viewed content on the platform.

2 **II. Defendants**

3 26. Defendant TikTok Inc. is a California corporation with its principal place of business at
4 5800 Bristol Parkway, Suite 100, Culver City, California 90230. TikTok Inc. transacts or has transacted
5 business in this District and throughout the United States.

6 27. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation with its principal
7 place of business shared with TikTok Inc. TikTok U.S. Data Security Inc. transacts or has transacted
8 business in this District and throughout the United States.

9 28. Defendant ByteDance Ltd. is a Cayman Islands company. It has had offices in the United
10 States and in other countries. ByteDance Ltd. transacts or has transacted business in this District and
11 throughout the United States.

12 29. Defendant ByteDance Inc. is a Delaware corporation with its principal place of business
13 at 250 Bryant Street, Mountain View, California, 94041. ByteDance Inc. transacts or has transacted
14 business in this District and throughout the United States.

15 30. Defendant TikTok Pte. Ltd. is a Singapore company with its principal place of business
16 at 8 Marina View Level 43 Asia Square Tower 1, Singapore 018960. TikTok Pte. Ltd. transacts or has
17 transacted business in this District and throughout the United States.

18 31. Defendant TikTok Ltd. is a Cayman Islands company with its principal place of business
19 in Singapore or Beijing, China. TikTok Ltd. transacts or has transacted business in this District and
20 throughout the United States.

21 **SUBSTANTIVE ALLEGATIONS**

22 **FACTUAL BACKGROUND**

23 **I. TikTok Collects and Exploits the Personal Information of Children**

24 **A. The TikTok Platform.**

25 32. TikTok operates a video-based social media platform that consumers may access via the
26 Internet or through a downloadable software application or “app.” In November 2017, ByteDance Ltd.
27 purchased Musical.ly and, in 2018 it merged it into TikTok.

28

1 33. The TikTok platform allows users to create, upload, and share shortform videos. The
2 TikTok app is free to download. It generates revenue for Defendants through advertising and
3 eCommerce, including through the TikTok for Business platform, as well as in-app purchases of TikTok
4 “coin” through the TikTok Shop.

5 34. TikTok features a “For You” feed in which an algorithm subject to Defendants’ control
6 selects videos for each user based on its determination of their interests, pushes those videos to the user,
7 and plays them.

8 35. TikTok’s algorithms are trained on data collected from users via the TikTok platform and
9 from third-party sources. Such data include videos viewed, “liked,” or shared, accounts followed,
10 comments, content created, video captions, sounds, and hashtags, as well as device and account settings
11 such as language preference, country setting, and device type.

12 36. TikTok was, at all times throughout the Class Period, aware that minor children accessed
13 and engaged with its platform and actively sought to increase viewing and engagement by children
14 through content directed toward those children, while publicly representing that such minors were not
15 permitted to access TikTok’s adult version and were protected by TikTok Kid’s version.

16 **B. Defendants knowingly created accounts for children and collected children’s data**
17 **without parental notice or consent.**

18 37. Since at least March 2019, Defendants have required that users input a birthdate when
19 creating a TikTok account. This is also known as an age-gate.

20 38. Children who self-identify as under the age of 13 in the United States are offered what
21 Defendants refer to as TikTok for Younger Users or “Kids Mode” (hereinafter “Kids Mode”).

22 39. In Kids Mode, a user can view videos, but cannot upload videos, post information
23 publicly, or message other users.

24 40. Parents are neither notified nor asked to consent to the creation of an account in Kids
25 Mode.

26 41. If a user indicates that he or she is over the age of 13, that user is permitted to create an
27 regular account on TikTok.

28

1 42. Although age-gates are not fool-proof, in response to the DOJ’s 2019 action TikTok
2 implemented a particularly flimsy age-gate that was designed to permit children to continue creating
3 regular TikTok accounts. For instance, the age-gate TikTok implemented allowed children to make
4 multiple attempts at creating an account. Until at least late 2020, a child who input an age below 13
5 could restart the account creation process to put in a different age. Thus, even though Defendants had
6 actual knowledge of a child-user’s age based on the prior attempt to create an account, Defendants
7 permitted children to restart the account process and create regular accounts.

8 43. Another way children could avoid Defendants’ woefully deficient age-gate was to use
9 login credentials from third-party online services such as Instagram and Google. Defendants internally
10 identified these TikTok accounts as “age unknown.” This practice persisted until at least May 2022 –
11 more than three years after TikTok entered into a Permanent Injunction designed to prevent its collection
12 and use of the Personal Information of children.

13 44. These policies and practices led to the creation of millions of accounts for which
14 Defendants did not know the age of the user.

15 45. TikTok’s porous age-gate permitted it to continue collecting the Personal Information of
16 children without parental consent, including first and last name, age, email address, phone number,
17 persistent identifiers for the device(s) used to access TikTok, social media account information, and a
18 profile image, as well as photographs, videos, and audio files containing the user’s image and voice and
19 the metadata associated with such media (such as when, where, and by whom the content was created).

20 46. Over time Defendants collected additional information from these child-users, including
21 usage information, device information, location data, image and audio information, metadata, and data
22 from cookies and similar technologies that track user across different websites and platforms.

23 47. Defendants’ practice of allowing children to sign up for a TikTok account using third-
24 party credentials allowed children to create a TikTok account, gaining access to adult content and
25 features of the general TikTok platform without providing age information. Without parental notice or
26 consent, Defendants then collected and maintained vast amounts of personal information from the
27 children who created and used these TikTok accounts.

28

1 48. Defendants did not start requiring all users to go through a TikTok age gate until at least
2 2022, closing what employees internally described in early 2021 as an age gate “loophole.”

3 **C. Defendants collected personal information from “Kids Mode” accounts.**

4 49. In Kids Mode, Defendants collect and maintain a username, password, and birthday (day,
5 month, and year). They have also collected several types of persistent identifiers from Kids Mode users
6 without notifying parents or obtaining their consent, including IP address and unique device identifiers.

7 50. The COPPA Rule permits operators to collect a persistent identifier from children under
8 certain circumstances without first obtaining verifiable parental consent, but only if no other personal
9 information is collected and the identifier is used for the sole purpose of providing support for the online
10 service’s internal operations. See 16 C.F.R. § 312.4(c)(7). Defendants’ collection and use of persistent
11 identifiers from Kids Mode users did not comply with this provision and went well beyond what was
12 necessary to operate the TikTok platform. During the Class Period, Defendants additionally collected
13 dozens of other types of information concerning child users with Kids Mode accounts—including app
14 activity data, device information, mobile carrier information, and app information—which they combine
15 with persistent identifiers and used to amass profiles on children.

16 51. Defendants shared information they collected from children in Kids Mode, including
17 persistent identifiers, with third parties without parental consent.

18 52. For example, Defendants shared this information with Facebook and AppsFlyer, a
19 marketing analytics firm, in part to encourage existing Kids Mode users whose use had declined or
20 ceased to use Kids Mode more frequently. Defendants called this process “retargeting less active users.”
21 This practice used children’s personal information for reasons beyond support for the internal operations
22 of Kids Mode and thus was not permitted by the COPPA Rule.

23 53. Separately, users in Kids Mode can send feedback to TikTok using an in-app “Report a
24 Problem” function. When doing so, Defendants require the child to enter the child’s email address.

25 54. Between February 2019 and July 2022, for example, Defendants collected over 300,000
26 problem reports from users in Kids Mode that included children’s email addresses.

27 55. Defendants did not delete these children’s email addresses after processing the reports,
28 and thus retained these email addresses longer than reasonably necessary to fulfill the purpose for which

1 the information was collected, in violation of the Rule. See 16 C.F.R. § 312.10. Defendants did not
2 notify parents of this ongoing practice.

3 **D. Defendants ignored parent requests to delete child users' data.**

4 56. Defendants have allowed millions of children to create TikTok accounts outside of Kids
5 Mode.

6 57. Many children create and maintain accounts without their parents' knowledge.
7 Frequently, however, a parent becomes aware that their child has an account and seeks to have the
8 account and its associated data deleted.

9 58. Despite the fact that regulation and the 2019 Permanent Injunction require Defendants to
10 delete personal information collected from children at their parents' request, in many instances
11 Defendants have obstructed parents' ability to make such requests and have failed to comply with these
12 requests.

13 59. First, Defendants failed to create a simple process for parents to submit a deletion request.
14 For example, the word "delete" does not appear in many of Defendants' online parental guidance
15 materials, such as TikTok's "Guardian's Guide," the "Privacy and Security on TikTok" page, TikTok's
16 "New User Guide," and other materials on tiktok.com such as the "Parental Controls Guide" and "The
17 Parent's Guide to TikTok."

18 60. Second, TikTok required parents to navigate a byzantine process to request deletion of
19 their child's account and information. For example, as recently as 2023, a parent visiting tiktok.com to
20 request deletion of their child's TikTok account and information had to scroll through multiple webpages
21 to find and click on a series of links and menu options that gave no clear indication they apply to such a
22 request. Parents then had to explain in a text box that they are a parent who wanted their child's account
23 and data to be deleted.

24 61. At times, Defendants also directed parents to send their requests to delete their children's
25 accounts and personal information to an email address, then simply failed to respond in a timely manner
26 to these requests, or simply failed to respond to them at all.

27 62. Even if a parent succeeded in submitting a request to delete their child's account and
28 information, Defendants often did not honor that request- instead deferring to self-serving policies

1 intended to prevent deletion of information. In response to each request, Defendants’ staff would review
2 the account for “objective indicators” that the account holder was under 13, or “underage,” based on the
3 user’s handle, biography or “bio.” Under Defendants’ policy, an account would be identified as an
4 underage account and deleted only if the reviewed elements contained an explicit admission that the
5 user was under 13—for example, “I am in first grade” or “I am 9 years old”— to determine whether a
6 child was younger than 13.

7 63. If these policies were not triggered by Defendants’ self-serving review, they would often
8 require parents to re-submit the same information, or additional forms under penalty of perjury. If this
9 secondary form was not completed, Defendants would not delete the minor’s data.

10 64. Defendants were aware this was occurring. For example, in a 2018 exchange, a high-
11 level employee of Defendants explicitly acknowledged that Defendants had “actual knowledge” of
12 children on TikTok upon receiving the first parental request, and yet did not delete children’s accounts
13 upon receiving the request. In the exchange, the former CEO of TikTok Inc. communicated about
14 underage users on TikTok with the executive responsible for child safety issues in the United States.
15 The employee in charge of child safety issues questioned why parents had to fill out a second form after
16 they already provided the necessary information, noting: “Why we reply with this template everytime
17 [sic] when we already have all the info that’s needed? [I]n this case, we already have the username, the
18 name of the reporter, and the age, yet we still reply with the template.” He added that if the person
19 reporting the account “doesn’t reply then we have actual knowledge of underage user and took no
20 action!”

21 65. Despite this awareness that they were failing to respect parents’ deletion requests,
22 Defendants continued using this flawed process through 2023.

23 66. In addition to using what they knew to be a flawed process to address parents’ deletion
24 requests, Defendants in many cases did not respond to parents’ requests at all. As of late December
25 2020, Defendants had a backlog of thousands of emails dating back months requesting that TikTok
26 delete individual children’s accounts

27 67. Defendants’ inadequate policies and inaction led to numerous children continuing to
28 maintain TikTok accounts even though their parents had asked Defendants to delete those accounts. In

1 a sample conducted by the Department of Justice of approximately 1,700 children’s TikTok accounts
2 about which Defendants received complaints and deletion requests between March 21, 2019, and
3 December 14, 2020, approximately 500 (30%) remained active as of November 1, 2021. Several
4 hundred of these accounts are likely still active and represent only a small fraction of the thousands of
5 deletion requests Defendants received and failed to act on.

6 68. Compounding these problems, even when Defendants did delete a child’s account and
7 personal information at their parent’s request, at least until recently, Defendants did nothing to prevent
8 the same child from re-creating their account with the same device, persistent identifiers, and email
9 address or phone number as before. This means that a child whose account has been removed could
10 simply create a new account.

11 **E. Defendants did not delete children’s accounts identified by their own systems.**

12 69. Defendants purport to use technology, user reports, and human moderation to identify
13 children’s TikTok accounts so that those accounts and the information collected from them can be
14 deleted. But Defendants know their processes and policies are deficient, and they fail to delete accounts
15 and information that even their own employees and systems identify as belonging to children.

16 70. Since approximately 2020, Defendants have used “keyword matching” purportedly to
17 identify children’s accounts for deletion. Defendants’ keyword matching process searches users’ profiles
18 for terms deemed likely to correspond to child accounts—for example, “4th grade” and “9 years old”—
19 and submits accounts that include those terms for review and potential removal. Defendants’ keyword
20 matching practices have proven woefully deficient.

21 71. Defendants’ human content moderators review accounts flagged as potentially belonging
22 to children by the keyword matching process or by other methods. Similar to Defendants’ restrictive
23 approach to parental deletion requests, the content moderators who review accounts may delete them as
24 belonging to children only if rigid criteria are satisfied.

25 72. Earlier versions of the policy were even more restrictive. For example, to mark and
26 delete an account as underage, the policy between the spring of 2020 and early 2021 required an explicit
27 admission of age, regardless of what videos the account had posted.

28

1 73. Additionally, Defendants' content moderators are not told why an account was flagged
2 as possibly underage. If the policy's rigid criteria are not met, content moderators have no discretion
3 to designate an account as underage; they must allow any such account to remain on the platform even
4 if they know the account holder is in fact a child.

5 74. Defendants have also failed to allow content moderators sufficient time to conduct even
6 the limited review they permit. TikTok often has tens of millions of monthly active users in the United
7 States. Meanwhile, TikTok Inc. 's content moderation team included fewer than two dozen full-time
8 human moderators responsible for identifying and removing material that violated all of its content-
9 related policies, including identifying and deleting accounts of unauthorized users under age 13. At
10 some points, TikTok's human moderators spend an average of less than 10 seconds on each review.

11 75. The deficiency of Defendants' policies is shown by the fact that regular TikTok accounts
12 belonging to children can be easily found by searching for the same basic terms and variations used by
13 Defendants' keyword matching algorithm. Some of these accounts have existed for long periods—able
14 to garner hundreds of followers and hundreds or even thousands of “likes,” a sign of approval by other
15 TikTok users.

16 76. By adhering to these deficient policies, Defendants actively avoid deleting the accounts
17 of users they know to be children. Instead, Defendants continue collecting these children's Personal
18 Information, showing them videos not intended for children, serving them ads and generating revenue
19 from such ads, and allowing adults to directly communicate with them through TikTok.

20 **F. TikTok had actual knowledge that it was collecting, storing and using the personal**
21 **information of children under the age of 13.**

22 77. Many accounts that belong to children come to Defendants' attention when one user
23 reports another user's video as violating one of Defendants' policies. Those videos are then added to
24 “video queues” and reviewed by human content moderators who review the videos to determine whether
25 they comply with Defendants' policies. If those content moderators encounter a video that depicts a
26 child under 13, they can apply labels to designate suspected child users, such as “Content Depicting
27 Under the Age of Admission” or “Suspected Underaged User.” These moderators can remove a specific
28 video from TikTok, but they lack authority to delete or remove the account even if it is clearly the

1 account of a child. Instead, by applying the labels, they refer the video to the separate content moderation
2 team that assesses whether accounts belong to underage users (the “underage queue”).

3 78. During the Class Period, however, the process did not work. Accordingly, when
4 Defendants’ moderators tagged specific videos as depicting a child under 13, the associated accounts
5 were not actually referred to the team authorized to delete the associated account. Instead, those accounts
6 remained live, and Defendants continued to collect and retain those children’s personal information and
7 to show them videos and messages from adult TikTok users. Due to Defendants’ recordkeeping
8 deficiencies, detailed below, they cannot identify the number of accounts affected by this issue. The
9 limited records Defendants do have, however, make clear that millions of accounts were involved.

10 79. Defendants conduct quality assurance reviews of the content moderation processes
11 described above. The quality assurance reviews require content moderators to re-review a subset of
12 previously reviewed accounts or videos. This process aims to identify instances in which TikTok content
13 moderators incorrectly applied company policies to those accounts or videos.

14 80. Until at least September 2022, however, when Defendants’ quality assurance analysts
15 identified a specific account that a moderator incorrectly failed to flag for deletion as belonging to a
16 child, Defendants did not then go back and delete the account. Instead, the account remained live.
17 Accordingly, Defendants failed to delete numerous children’s accounts that their own quality assurance
18 team specifically identified as belonging to children.

19 81. Even where accounts satisfied Defendants’ rigid criteria, were identified as belonging to
20 children, and were marked for deletion, Defendants failed to delete many of the accounts.

21 82. Internal communications reveal that Defendants’ employees were aware of this issue. In
22 a September 2021 online chat, for example, employees discussed the fact that accounts were being
23 marked as banned for being underage but were not being deleted and suggested this had been occurring
24 since mid-July 2020. One employee noted that she was seeing this “a lot” and “I run across usually like
25 3-4 accounts [like that] a day,” while another noted “[t]hat shouldn’t be happening at all or we can get
26 in trouble ... because of COPPA.” TikTok knew that many of its account holders were under 13 years
27 of age.

1 83. Although Defendants were unquestionably aware of the problem and were under a Court
2 Order to keep records of their COPPA compliance, they failed to do so.

3 84. In addition to Defendants’ unlawful collection and use of the Personal Information of
4 children under 13, Defendants retain children’s Personal Information long after they identify an account
5 as belonging to a child and determine they should delete information related to the account. For example,
6 Defendants retain app activity log data related to children for 18 months.

7 85. Defendants have retained children’s Personal Information in numerous database
8 locations long after purportedly deleting their accounts. Defendants have not documented what
9 information collected from users is saved in what locations or why, and they have been unable to explain
10 how or why the information was in those locations, or why it was not deleted and failed to delete
11 information children posted to TikTok that was later incorporated into other users’ videos, even when
12 Defendants possessed identifiers linking the information to an account that they deleted because it
13 belonged to a child.

14 86. Similarly, Defendants retained profile photographs of users that Defendants knew to be
15 children. For example, TikTok allows users to include in their videos another user’s comment, which is
16 displayed alongside the commenter’s photograph and username. When Defendants did “delete” the
17 account of a child, that child’s comments remained in other users’ posts, along with their photograph
18 and username. These images had unique identifiers that tied each child’s photograph, username, and
19 comment to an account that Defendants knew had been deleted because it belonged to a child.

20 87. Defendants’ internal analyses show that millions of TikTok’s U.S. users are children
21 under the age of 13. For example, the number of U.S. TikTok users that Defendants classified as age 14
22 or younger in 2020 was millions higher than the U.S. Census Bureau’s estimate of the total number of
23 13- and 14-year olds in the United States, suggesting that many of those users were children younger
24 than 13.

25 88. Defendants and their employees have long known that children misrepresent their ages
26 to pass through TikTok’s age gate. For example, in 2020, a TikTok moderator recognized that
27 Defendants maintain accounts of children despite the “fact that we know the user is U13,” i.e., under
28 age 13, so long as the child’s profile does not admit that fact explicitly. Another employee admitted that

1 TikTok moderators were required to ignore any “external information” indicating that a user under
2 review is a child.

3 89. In another example, in a July 2020 chat, one of Defendants’ employees circulated the
4 profiles of numerous underage users he had identified “literally through one minute of scanning,” noting
5 “[t]his is incredibly concerning and needs to be addressed immediately.”

6 90. Defendants have other methods available to them to identify and remove children’s
7 accounts from the TikTok platform -- but purposely do not use them. For example, TikTok has its own
8 age-determining technology— “grade level.” The grade level algorithm is based on users’ online
9 behavior and other metrics for purposes such as advertising. Unlike TikTok’s age gate, this method is
10 based on observable behaviors and not solely users’ self-reported age. However, despite their knowledge
11 of the violations of law alleged herein, Defendants have not used it to attempt to identify children on the
12 platform for the purpose of removing accounts that violate COPPA.

13 91. In fact, Defendants have programmed grade level to avoid gaining knowledge that users
14 were under 13. In 2020, Defendants’ lowest age group band was for ages under 15, meaning that it
15 would not identify users as under 13 specifically. Defendants later revised this age cutoff so that the
16 lowest age segment was under 16.

17 92. TikTok had actual knowledge that children under 13 were using TikTok yet did not obtain
18 verifiable parental consent before collecting the Personal Information of those children in violation of
19 COPPA, the FTC Act, and the consumer protection laws of many states. These acts also constituted an
20 intrusion upon the seclusion of children under 13 as well as a violation of their reasonable expectation of
21 privacy.

22 **G. TikTok made false claims to the FTC about its COPPA compliance.**

23 93. One June 12, 2020 TikTok Inc. stated to the FTC that “[o]n May 11, 2019...[it] took
24 offline all US accounts that did not go through [its recently imposed] age gate. These accounts...were
25 not accessible to the Company. TikTok did not use or disclose the information for any purpose.”
26 TikTok Inc. also stated that it “completed on May 24, 2020” the deletion of children’s data as required
27 by the 2019 Permanent Injunction. V Pappas, as “GM of TikTok,” certified on TikTok Inc.’s behalf
28 under penalty of perjury that the prior statement was true and correct.

1 94. According to the August 2, 2024 DOJ Complaint, after follow-up inquiry by the FTC,
2 TikTok Inc. acknowledged that its June 12, 2020 claims had been false. In fact, TikTok Inc. retained
3 and used data that it previously represented it “did not use,” and was “not accessible” to it, and was
4 “delet[ed].” That data included Personal Information and other data of child, teen, and adult users,
5 including IP addresses, device IDs, device models and advertising IDs.

6 **II. Defendants Knowingly Collected and Exploited the Personal Information of Children**
7 **Without Parental Consent in Violation of COPPA, State Unfair Trade Practices Statutes,**
8 **and Common Law and Constitutional Prohibitions Against the Invasion of Privacy.**

9 **A. The Children’s Online Privacy Protection Act of 1998.**

10 95. Congress passed COPPA, codified at 15 U.S.C. § 6501, *et seq.*, in 1998 in response to
11 concerns that children’s online activities were being tracked by operators of websites and online
12 services. COPPA is intended to “maintain the security of personally identifiable information of children
13 collected online” and to “protect children’s privacy by limiting the collection of personal information
14 from children without parental consent.”³ The standards in COPPA have given rise to, and correlate
15 with, accepted norms throughout society for defining the expectations of privacy for minor children.

16 96. COPPA applies to any operator of a commercial website or online service directed to
17 children under 13 years of age that collects, uses, and/or discloses Personal Information from children.
18 The FTC considers parties with actual knowledge that they are collecting Personal Information from
19 users of a child-directed site or service as “operators” under COPPA.

20 97. COPPA “prohibits unfair ... acts or practices in connection with the collection, use,
21 and/or disclosure of personal information from and about children on the Internet.” 16 C.F.R. § 312.1.

22 98. COPPA provides, in pertinent part, that:

23 It is unlawful for an operator of a website or online service directed to children, or
24 any operator that has actual knowledge that it is collecting personal information

25
26
27
28 ³ 144 CONG. REC. S12787.

1 from a child, to collect personal information from a child in a manner that violates
2 the regulations prescribed [by the Federal Trade Commission]. 15 U.S.C. § 6502(a).

3 99. COPPA thus prohibits, *inter alia*, the collection of persistent identifiers for behavioral
4 advertising absent notice and verifiable parental consent. 16 C.F.R. §§ 312.5(c)(7), 312.2.

5 100. COPPA specifically requires an “operator” covered by COPPA to give notice to parents
6 and obtain their verifiable consent before collecting children’s Personal Information online. 16 C.F.R.
7 §§ 312.4 and 312.5. This includes but is not limited to:

- 8 a. Posting a privacy policy on its website or online service providing clear,
9 understandable, and complete notice of its information practices, including what
10 information the website operator collects from children online, how it uses such
11 information, its disclosure practices for such information, and other specific
12 disclosures set forth by COPPA;
- 13 b. Providing clear, understandable, and complete notice of its information practices,
14 including specific disclosures directly to parents; and
- 15 c. Obtaining verifiable parental consent prior to collecting, using, and/or disclosing
16 Personal Information from children.

17 101. The FTC has interpreted “operators of website or online services directed to children”
18 and “operators with actual knowledge that they are collecting personal information online from children
19 under 13” “subject to strict liability for COPPA violations.”⁴

20 102. Websites or online services that collect Personal Information from users of other child-
21 directed websites or online services are deemed as “child-directed” if the website or online service “has
22 actual knowledge that it is collecting personal information directly from users of another Web site or
23 online service directed to children.” 16 C.F.R. § 312.2.

24
25
26 ⁴ Statement of Joseph J. Simons & Christine S. Wilson, *Regarding FTC and People of the State of New*
27 *York v. Google LLC and YouTube, LLC*, FEDERAL TRADE COMMISSION, [https://www.ftc.gov/](https://www.ftc.gov/system/files/documents/public_statements/1542922/simons_wilson_google_youtube_statement.pdf)
28 [system/files/documents/public_statements/1542922/simons_wilson_google_youtube_statement.pdf](https://www.ftc.gov/system/files/documents/public_statements/1542922/simons_wilson_google_youtube_statement.pdf)
(accessed Oct. 21, 2019).

1 103. In order to determine whether a website or online service is “directed to children” the
2 FTC will:

3 [C]onsider [the website’s or online service’s] subject matter, visual content, use of
4 animated characters or child-oriented activities and incentives, music or other audio
5 content, age of models, presence of child celebrities or celebrities who appeal to
6 children, language or other characteristics of the Web site or online service, as well
7 as whether advertising promoting or appearing on the Web site or online service is
8 directed to children.

9 16 CFR § 312.2

10 104. In 2013, COPPA was enhanced (the “2013 COPPA Enhancement”) to provide further
11 protection for children against online tracking and to “giv[e] parents greater control over the online
12 collection of their children’s personal information.” The 2013 enhancement widened the definition of
13 children’s “Personal Information” to include “persistent identifiers” such as cookies that track a child’s
14 activity online, geolocation information, photos, videos, and audio recordings.

15 105. The 2013 COPPA Enhancement was the culmination of two years of rulemaking by the
16 FTC and reflected society’s growing recognition of the surreptitious surveillance tactics used by
17 advertising companies to track children online and advertise to them while using the internet.

18 106. By expressly including persistent identifiers and geolocation data in COPPA’s definition
19 of Personal Information, the FTC intended to deter advertising companies and internet operators such
20 as TikTok from exploiting young children via tracking, profiling, and advertising online.

21 107. Pursuant to Section 1303(c) of COPPA, 15 U.S.C. § 6502(c), and Section 18(d)(3) of the
22 FTC Act, 15 U.S.C. § 57a(d)(3), a violation of COPPA constitutes an unfair ... act or practice in or
23 affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

24 108. While COPPA does not itself provide a private right of action for individuals to seek
25 redress for harms arising from COPPA violations, and contains a limited preemption clause barring the
26 imposition of liability by states and local governments “inconsistent” with COPPA (15 U.S.C. §
27 6502(d)), the United States Court of Appeals for the Ninth Circuit has held that “COPPA’s preemption
28 clause does not bar state-law causes of action that are parallel to, or proscribe the same conduct forbidden
by, COPPA.” *Jones v. Google LLC*, 73 F.4th 636 (9th Cir. 2023).

1 109. Therefore, individuals harmed by conduct which violates COPPA such as the conduct
2 described herein may seek redress for harms via state law causes of action.

3 **B. Defendants’ tracking, profiling, targeting and exploitation of children without**
4 **parental consent constitutes unfair and unlawful conduct.**

5 110. State legislatures across the country have enacted consumer protection statutes
6 proscribing the same unfair and unlawful business conduct proscribed by the FTC Act and rules
7 promulgated thereunder. These “Little FTC Acts” were often enacted for the specific purpose of
8 supplementing the FTC’s mission of protecting consumers from unfair and/or unlawful acts or practices
9 by providing state citizens with a private right of action to seek redress for harm arising out of acts those
10 acts which are also prohibited by the FTC Act, which lacks a private right of action.

11 111. Thus, the conduct which the FTC determined violated COPPA jointly carried out by
12 Defendants as described above, not only constitutes “unfair” and therefore unlawful acts that violate
13 COPPA and the FTC Act, but also constitutes “unfair” and therefore unlawful acts pursuant to the Little
14 FTC Acts.

15 112. Specifically, the acts carried out by Defendants described above constitute “unfair” acts
16 under the Little FTC Acts pursuant to which Plaintiffs bring claims because they caused substantial injury
17 to Plaintiffs and those similarly situated by intrusively and invasively collecting and using their Personal
18 Information without notice or parental consent in violation of COPPA, the FTC Act, and societal norms.
19 These injuries could not be reasonably avoided by the vulnerable children under 13 years of age that
20 TikTok targeted. Nor were the injuries to Plaintiffs and similarly situated children in the United States
21 caused by TikTok Defendants outweighed by countervailing benefits to consumers.

22 **C. Defendants’ tracking, profiling, targeting and exploitation of children without**
23 **parental consent violated Plaintiffs’ and Class members’ reasonable expectations of**
24 **privacy and is highly offensive.**

25 113. TikTok’s conduct in violating the privacy rights and reasonable expectations of privacy
26 of Plaintiffs and Class members by implementing a flawed-by-design age-gating system is particularly
27 egregious because TikTok agreed to cease this behavior in the 2019 Permanent Injunction. Defendants’
28 actions have violated norms and laws designed to protect children – a group that society has long
recognized is vulnerable to exploitation and manipulation.

1 114. Parents’ interest in the care, custody, and control of their children is one of the most
2 fundamental liberty interests recognized by society. It has long been recognized that parents should
3 maintain control over who interacts with their children and how.

4 115. Because children are more susceptible to exploitation than adults, society has recognized
5 the importance of providing added legal protections for children, often in the form of parental consent
6 requirements.

7 116. In fact, as discussed above, the FTC’s enhancements of COPPA in 2013 reflect a specific
8 concern with mobile app tracking and tracking internet users via persistent identifiers, and reflect the
9 offensiveness with which society regards this behavior.

10 117. Children develop the ability to use smartphones and tablets by the age of two.⁵ Almost
11 every family with a child younger than eight in America has a smartphone (95%) and/or tablet (78%) in
12 the household.⁶

13 118. Often, children are given their own devices, with one 2015 study finding that by age four,
14 75% of children had their own tablet, smartphone, or iPod.⁷

15 119. Nearly all parents in the United States (94%) say their children under 13 use online apps,
16 with top apps used being video streaming (64%), video gaming (58%) and show/movie streaming
17 (58%).⁸

21 ⁵ Elyse Wanshel, *10 Reason Why You Shouldn’t Give a Child a Smartphone or Tablet*, LITTLE THINGS,
22 <https://www.littlethings.com/reasons-not-to-give-children-technology> (accessed Oct. 21, 2019).

23 ⁶ Victoria Rideout, *The Common Sense Census: Media Use By Kids Age Zero To Eight*, COMMON SENSE
24 MEDIA (2017) at 3, [https://www.commonsensemedia.org/research/the-common-sense-census-media-
25 use-by-kids-agezero-to-eight-2017](https://www.commonsensemedia.org/research/the-common-sense-census-media-use-by-kids-agezero-to-eight-2017) (accessed Oct. 21, 2019).

26 ⁷ *The Dangers of YouTube for Kids*, THE ATLANTIC (Nov. 2018), [https://www.theatlantic.com/
27 magazine/archive/2018/11/raised-by-youtube/570838/](https://www.theatlantic.com/magazine/archive/2018/11/raised-by-youtube/570838/) (accessed Oct. 22, 2019) (“[A] team of
28 pediatricians at Einstein Medical Center, in Philadelphia, found that YouTube was popular among
device-using children under the age of 2. Oh, and 97 percent of the kids in the study had used a mobile
device. By age 4, 75 percent of the children in the study had their own tablet, smartphone, or iPod. And
that was in 2015.”).

⁸ <https://www.pixalate.com/blog/childrens-online-privacy-harris-poll-recap>.

1 120. Four in five parents (80%) whose children under 13 use online apps say they worry about
2 their children’s privacy when using those apps,⁹ with the top concern (69%) being data tracking.¹⁰

3 121. Nearly 3 in 4 parents whose children under 13 use online apps (73%) say they are
4 concerned about their children’s location being tracked by those apps; those residing in urban or rural
5 areas are more likely than those residing in suburban areas to share this sentiment (88% and 87% vs.
6 73%).¹¹

7 122. More than three-quarters (77%) of parents are concerned about protecting their family’s
8 digital privacy.¹²

9 123. 73% of parents are concerned about personal data being collected by third parties, without
10 their consent.¹³

11 124. And parents also recognize the importance of protecting their children’s identity (90%),
12 location (88%), health data (87%), age (85%), school records (85%), and browsing history (84%).¹⁴

13 125. Additionally, a survey conducted by the Center for Digital Democracy (“CDD”) and
14 Common Sense Media of more than 2,000 adults found overwhelming support for the basic principles of
15 privacy embedded in the California Constitution, state common law, as well as federal law.¹⁵ The parents
16 who were polled responded as follows when asked whether they agreed or disagreed with the following
17 statements:
18
19

20
21 _____
⁹ *Id.*

22 ¹⁰ <https://www.cdpinstitute.org/news/childrens-privacy-data-tracking-is-a-big-concern-for-parents-and-trust-levels-in-companies-are-low/>.

23 ¹¹ <https://www.pixalate.com/blog/childrens-online-privacy-harris-poll-recap>.

24 ¹² <https://trustedfuture.org/childrens-digital-privacy-and-safety>.

25 ¹³ *Id.*

26 ¹⁴ *Id.*

27 ¹⁵ Center for Digital Democracy, *Survey on Children and Online Privacy, Summary of Methods and*
28 *Findings*, <https://www.democraticmedia.org/sites/default/files/COPPA%20Executive%20Summary%20and%20Findings.pdf> (accessed Oct. 21, 2019).

- 1 a. “It is okay for advertisers to track and keep a record of a child’s behavior online if they
2 give the child free content.”
- 3 • 5 percent strongly agree
 - 4 • 3 percent somewhat agree
 - 5 • 15 percent somewhat disagree
 - 6 • **75 percent strongly disagree**
 - 7 • 3 percent do not know or refused to answer
- 8 b. “As long as advertisers don’t know a child’s name and address, it is okay for them to
9 collect and use information about the child’s activity online.”
- 10 • 3 percent strongly agree
 - 11 • 17 percent somewhat agree
 - 12 • 10 percent somewhat disagree
 - 13 • **69 percent strongly disagree**
 - 14 • 1 percent do not know or refused to answer
- 15 c. “It is okay for advertisers to collect information about a child’s location from that child’s
16 mobile phone.”
- 17 • 6 percent strongly agree
 - 18 • 3 percent somewhat agree
 - 19 • 7 percent somewhat disagree
 - 20 • **84 percent strongly disagree**
 - 21 • less than 1 percent do not know or refused to answer
- 22 d. “Before advertisers put tracking software on a child’s computer, advertisers should
23 receive the parent’s permission.”
- 24 • **89 percent strongly agree**
 - 25 • 5 percent somewhat agree
 - 26 • 2 percent somewhat disagree
 - 27 • 4 percent strongly disagree
 - 28 • less than 1 percent do not know or refused to answer

1 e. “There is a federal law that says that online sites and companies need to ask parents’
2 permission before they collect Personal Information from children under age 13. Do you
3 think the law is a good idea or a bad idea?”

- 4 • **93 percent said it was a good idea**
- 5 • 6 percent said it was a bad idea
- 6 • 1 percent did not know or refused to answer.

7 126. The proliferation of internet-connected device usage by children under 13, coupled with
8 the concerns expressed by parents, and Defendants’ past acknowledgment of its failure to adequately
9 protect children and its Court Ordered promise to remediate its practices, renders Defendants’ conduct
10 highly offensive and an egregious breach of social norms.

11 127. TikTok’s unfair and unlawful collection of Personal Information substantially affects the
12 amount of time minor children, including children under the age of 13, spend on TikTok.

13 128. By failing to (i) obtain parental consent, (ii) disclose to parents the nature and purpose of
14 their data collection practices (and use of that data), and (iii) take other steps to preclude the capture of
15 children’s Personal Information, and by manipulating and exploiting the habits of minors for their
16 economic gain, Defendants have breached the privacy rights and reasonable expectations of privacy of
17 Plaintiffs’ minor children and the millions of minors in the Classes who have used TikTok’s platform,
18 in contravention of privacy norms that are reflected in consumer surveys, centuries of common law,
19 state and federal statutes, legislative commentaries, industry standards and guidelines, and scholarly
20 literature.

21 **D. Targeting Children in Violation of COPPA and the 2019 Permanent Injunction
22 Commercial Activity into Highly Offensive, Egregious Conduct.**

23 129. Defendants’ abject and intentional failure to abide by the terms of the 2019 Permanent
24 Injunction to ensure its compliance with COPPA has resulted in the continued collection and exploitation
25 of the Personal Information of children for profit and represents a stark departure from long-standing
26 societal and legal traditions that are designed to protect minors from exposure to harmful and addictive
27 activities and/or products. For decades, the United States has recognized the inherent vulnerability of
28 children and has instituted robust regulatory frameworks to shield them from the harms associated with
addictive substances and behaviors, such as tobacco, firearms, alcohol, and gambling.

1 130. These protections include age restrictions on the use of addictive or dangerous products
2 such as tobacco, firearms, alcohol, and gambling *and* restrictions on advertising directed towards young
3 children concerning the same. This dual pronged approach of restricting access/use and advertising is
4 rooted in societal consensus that children, by virtue of their developmental stage, require heightened
5 safeguards to ensure their health, well-being, and future potential.¹⁶

6 131. Commercial actors who have ignored these societal values and regulations have been
7 punished severely, reflecting society’s view that commercially exploiting children by exposing them to
8 harmful and/or dangerous activities and products is unacceptable. For example, the 1998 Master
9 Settlement Agreement between the attorneys general of 46 states and the American tobacco industry
10 condemned the cigarette companies’ targeting of their harmful and addictive products to minors and
11 resulted in a payment of over \$206 billion over 25 years, and barred tobacco companies from using
12 cartoon characters (such as Joe Camel), sponsoring youth-oriented events, and placing ads near schools.

13 132. More recently, in 2022, Juul agreed to pay over \$700 million (\$438.5 million to settle
14 investigations by 34 states and U.S. territories, and \$300 to private plaintiffs) to settle litigation
15 concerning its marketing and sales practices which were alleged to improperly target minors.
16 Investigations had found that Juul’s advertising appealed to young people, using influencers and social
17 media to promote its products. The settlement included stringent restrictions on Juul’s marketing, sales,
18 and distribution practices to prevent future targeting of youth.

19 133. The egregiousness of Defendants’ conduct in knowingly and intentionally instituting an
20 age-gating system that was designed to be by-passed by children under the age of 13, implementing
21 policies and procedures that made it extremely difficult for parents to delete their children’s personal
22 information from TikTok, failing to use readily available tools to monitor the presence of underage users,
23

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25 ¹⁶ See, e.g. *Family Smoking Prevention and Tobacco Control Act*, 21 U.S.C. §§ 387a-387u (restricting
26 manufacture, marketing, and distribution of tobacco products to protect the public health generally and
27 to reduce tobacco use by minors); *Stop Tobacco Access to Kids Enforcement (STAKE) Act*, Cal. Bus. &
28 Prof. Code § 22958 (West 2023) (restricting sale of tobacco products in California to people 21 years of
age or older); *National Minimum Drinking Age Act of 1984*, 23 U.S.C. § 158 (1984) (establishing
minimum age requirement of 21 years old to drink alcohol).

1 and failing to document its COPPA compliance as it was *required* to do by the terms of the 2019
2 Permanent Injunction is manifest.

3 134. Defendants took affirmative steps to avoid the specific obligations they undertook to
4 protect children as part of the resolution of a previous government complaint. Their deliberate and
5 unlawful actions have caused substantial harm to plaintiffs for which they deserve compensation and
6 injunctive relief that will require Defendants to (finally) comply with their obligations under COPPA.

7 **III. Plaintiffs and The Members of The Classes have Suffered Economic Loss and Injury as a**
8 **Result of Defendants’ Unfair and Deceptive Conduct.**

9 135. Courts have recognized that internet users have a property interest in their Personal
10 Information and that Personal Information is, thus, an asset with economic value.¹⁷ Through their unfair
11 and deceptive conduct, Defendants misappropriated the Personal Information of Plaintiffs and the
12 members of the Classes, destroyed the principal aspect of the Personal Information that provided its value
13 to Plaintiffs and the members of the Classes, and diminished the value of the Personal Information.

14 136. As a result of Defendants’ unfair and deceptive conduct, Plaintiffs and the members
15 of the Classes have, thus, suffered economic loss and injury in one or more of the following respects:

- 16 a. Defendants unlawfully took possession of and commercially exploited the
17 Personal Information of Plaintiffs and the members of the Classes without their
18 permission and without compensation; and
- 19 b. Defendants’ unlawful collection and exploitation of the Personal Information of
20 Plaintiffs and the members of the Classes have destroyed the private quality of the
21 Personal Information and have deprived Plaintiffs and the members of the Classes
22 of the ability to determine whether or not to keep their Personal Information
23 private and when or if to sell their Personal Information -- valuable aspects of
24 their rights of ownership that were of paramount importance to Plaintiffs and the

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27 ¹⁷ See *CTC Real Estate Servs. v. Lepe*, 140 Cal. App. 4th 856, 860, 44 Cal.Rptr.3d 823 (2006) (“A
28 person's identifying information is a valuable asset.”); *accord Facebook Tracking*, 956 F.3d 589, 600
(9th Cir. 2020) (citing *Lepe* and holding that the plaintiffs had suffered economic injury after Facebook
allegedly took their personal information in a similar process to that alleged here).

1 members of the Classes in this case – and, thus, diminished the value of the
2 Personal Information.

3 **A. Personal information is an asset that has economic value.**

4 137. The information TikTok collects and uses had and continues to have massive economic
5 value. This value is well understood in the e-commerce industry, and Personal Information is now viewed
6 as a form of currency.

7 138. Research on the market for Personal Information dates back well before the Class Period,¹⁸
8 and demonstrates a growing consensus that consumers’ sensitive and valuable Personal Information
9 would become the new frontier of financial exploit.

10 139. Professor Paul M. Schwartz noted in the Harvard Law Review:

11 Personal information is an important currency in the new millennium. The
12 monetary value of personal data is large and still growing, and corporate America
13 is moving quickly to profit from the trend. Companies view this information as a
14 corporate asset and have invested heavily in software that facilitates the collection
of consumer information.¹⁹

15 140. Likewise, in *The Wall Street Journal*, former fellow at the Open Society Institute (and
16 current principal technologist at the ACLU) Christopher Soghoian noted:

17 The dirty secret of the Web is that the “free” content and services that consumers
18 enjoy come with a hidden price: their own private data. Many of the major online
19 advertising companies are not interested in the data that we knowingly and
willingly share. Instead, these parasitic firms covertly track our web-browsing
20 activities, search behavior and geolocation information. Once collected, this
mountain of data is analyzed to build digital dossiers on millions of consumers, in
21 some cases identifying us by name, gender, age as well as the medical conditions
and political issues we have researched online.

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27 ¹⁸ “Markets and Privacy” by Kenneth C Laudon, Communications of the ACM, 1996.
https://canvas.harvard.edu/files/4164376/download?download_frd=1.

28 ¹⁹ Paul M. Schwartz, Property, *Privacy and Personal Data*, 117 HARV. L. REV. 2055, 2056–57 (2004).

1 141. Although we now regularly trade our most private information for access to social-
2 networking sites and free content, the terms of this exchange were never clearly communicated to
3 consumers.²⁰

4 142. As the thirst has grown for Personal Information,²¹ it has become apparent that the world’s
5 most valuable resource is no longer oil, but instead consumers’ data in the form of their Personal
6 Information.²²

7 143. The cash value of the Personal Information unlawfully collected by TikTok during the
8 Class Period can be quantified. For example, in a study authored by Tim Morey, researchers studied the
9 value that 180 internet users placed on keeping personal data secure.²³ Contact information of the sort
10 that TikTok requires was valued by the study participants at approximately \$4.20 per year. Demographic
11 information was valued at approximately \$3.00 per year. However, web browsing histories were valued
12 at a much higher rate: \$52.00 per year. The chart below summarizes the findings:

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18 ²⁰ Julia Angwin, *How Much Should People Worry About the Loss of Online Privacy?*, THE WALL
STREET JOURNAL (Nov. 15, 2011).

19 ²¹ *Exploring the Economic of Personal Data: A Survey of Methodologies for Measuring Monetary Value*,
20 OECD Digital Economy Paper No. 220 at 7 (Apr. 2, 2013), [http://dx.doi.org/10.1787/5k486qtxldmq-](http://dx.doi.org/10.1787/5k486qtxldmq-en)
21 [en](https://www.oecd.org/sti/inno/newsourcesofgrowthknowledge-basedcapital.htm); *Supporting Investment in Knowledge Capital, Growth and Innovation*, OECD, at 319 (Oct. 13,
22 2013), <https://www.oecd.org/sti/inno/newsourcesofgrowthknowledge-basedcapital.htm>; Pauline
23 Glickman and Nicolas Glady, *What’s the Value of Your Data?* TechCrunch (Oct. 13, 2015)
24 <https://techcrunch.com/2015/10/13/whats-the-value-of-your-data/>; Paul Lewis and Paul Hilder, *Former*
Cambridge Analytica exec says she wants lies to stop, The Guardian (March 23, 2018)
[https://www.theguardian.com/uk-news/2018/mar/23/former-cambridge-analytica-executive-brittany-](https://www.theguardian.com/uk-news/2018/mar/23/former-cambridge-analytica-executive-brittany-kaiser-wants-to-stop-lies)
[kaiser-wants-to-stop-lies](https://www.theguardian.com/uk-news/2018/mar/23/former-cambridge-analytica-executive-brittany-kaiser-wants-to-stop-lies); Shoshanna Zuboff, *The Age of Surveillance Capitalism* 166 (2019).

25 ²² *The world’s most valuable resource is no longer oil, but data*, The Economist (May 6, 2017),
26 [https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-](https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data)
[longer-oil-but-data](https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data).

27 ²³ Tim Morey, *What’s Your Personal Data Worth?* DESIGN MIND (Jan. 18, 2011),
28 [https://web.archive.org/web/20131206000037/http://designmind.frogdesign.com/blog/what039s-your-](https://web.archive.org/web/20131206000037/http://designmind.frogdesign.com/blog/what039s-your-personal-data-worth.html)
[personal-data-worth.html](https://web.archive.org/web/20131206000037/http://designmind.frogdesign.com/blog/what039s-your-personal-data-worth.html).



144. Similarly, the study *Your Browsing Behavior for a Big Mac: Economics of Personal Information Online* by Juan Pablo Carrascal and colleagues employed a detailed methodology to understand how users value their Personal Information in exchange for internet-based services.²⁴ Participants installed a browser plugin that logged their web browsing activities, including the URLs visited and the time of access.²⁵ The plugin also categorized the websites into eight predefined categories: Email, Entertainment, Finance, News, Search, Shopping, Social, and Health and asked participants questions designed to gather information about their perceptions of privacy, their knowledge of how their Personal Information might be monetized, and their valuation of specific pieces of PI as they visited certain websites.²⁶ To calculate the value users placed on their Personal Information, Carrascal and colleagues employed a reverse second-price auction mechanism in which participants bid on the minimum amount of money they would accept to sell specific pieces of their Personal Information in exchange for internet-based services they were using.²⁷

²⁴ Juan Pablo Carrascal et al., *Your Browsing Behavior for a Big Mac: Economics of Personal Information Online*, arXiv preprint arXiv:1112.6098 (2011), <https://arxiv.org/abs/1112.6098>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

1 145. The results of Carrascal’s study were the following Personal Information valuations:

- 2 a. Offline information (age address, economic stats): €25
- 3 b. Browsing History: €7
- 4 c. Interactions on social networks: €12
- 5 d. Search History: €2
- 6 e. Shopping Activity: €5

7 146. What these studies, and others²⁸ show is that individuals place an economic value on their
8 Personal Information and are willing to engage in economic transactions in which grant access to their
9 Personal Information in exchange for internet-based services. Defendants’ unauthorized collection of
10 Plaintiffs and Class members Personal Information deprived them of this opportunity.

11 147. On the open market, Personal Information is often mined, compiled, and resold by
12 data brokers. Further, there is a market for consumers to monetize Personal Information and the
13 behavioral preferences that Defendants have usurped. Published analyses and studies have placed a value
14 in excess of \$200 on an individual’s Personal Information.²⁹

15 148. A child’s Personal Information has equivalent (or potentially greater) value than that of
16 an adult. It is well-established that children are more susceptible to being influenced by advertisements
17 and often cannot tell the difference between content and advertisements in child-directed videos. And
18 Defendants may be able to utilize children’s Personal Information to show them behavior-targeted
19 advertising for the duration of their lives.

20 149. Personal Information also has a value based on consumers’ privacy interests. In a recent
21 study by the Pew Research Center, 93% of Americans said it was “important” for them to be “in control
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24 ²⁸ Jacopo Staiano et al., *Money Walks: A Human-Centric Study on the Economics of Personal Mobile*
25 *Data*, arXiv preprint arXiv:1407.0566 (2014), <https://arxiv.org/abs/1407.0566> (finding that location
26 information is the most valued type of personal data, with a median value of approximately €25, and
27 that participants showed significant sensitivity towards monetizing their personal information
28 collected via mobile phones).

²⁹ *Can you Put a Price on Your Personal Data*, June 28, 2019, NYTimes, <https://www.nytimes.com/2019/06/28/technology/data-price-big-tech.html>.

1 of who can get information” about them. Seventy-four percent said it was “very important.”³⁰ Eighty-
2 seven percent of Americans said it was “important” for them not to have someone watch or listen to them
3 without their permission.³¹ Sixty-seven percent said it was “very important.”³² And 90% of Americans
4 said it was “important” that they be able to “control[] what information is collected about [them].”³³
5 Sixty-five percent said it was very important.³⁴

6 150. Likewise, in a 2011 Harris Poll study, 76% of Americans agreed that “online companies,
7 such as Google or Facebook, control too much of our personal information and know too much about our
8 browsing habits.”³⁵

9 151. During the Class Period, a number of platforms have appeared that allow consumers to
10 directly monetize their own data and prevent tech companies from targeting them absent their express
11 consent:

- 12 a. Brave’s web browser, for example, will pay users to watch online targeted ads,
13 while blocking out everything else.³⁶

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18 ³⁰ <https://www.pewresearch.org/internet/2015/05/20/americans-attitudes-about-privacy-security-and-surveillance/#:~:text=93%25%20of%20adults%20say%20that,it%20is%20%E2%80%9Csomewhat%20important.%E2%80%9D>

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20 ³¹ *Id.*

21 ³² *Id.*

22 ³³ *Id.*

23 ³⁴ *Id.*

24 ³⁵ <https://www.prnewswire.com/news-releases/majorities-think-some-online-companies-are-too-powerful-121986453.html>.

25 ³⁶ Get Paid to Watch Ads in the Brave Web Browser, at: <https://lifelhacker.com/get-paid-to-watch-ads-in-the-brave-web-browser-1834332279/#:~:text=Brave%2C%20a%20chromium-based%20web%20browser%20that%20boasts%20an,a%20more%20thoughtful%20way%20than%20we%E2%80%99re%20accustomed%20to> (Lifehacker, April 26, 2019) (“The model is entirely opt-in, meaning that ads will be disable by default. The ads you view will be converted into Brave’s cryptocurrency, Basic Attention Tokens (BAT), paid out to your Brave wallet monthly”).

- 1 b. Loginhood states that it “lets individuals earn rewards for their data and provides
2 website owners with privacy tools for site visitors to control their data sharing,”
3 via a “consent manager” that blocks ads and tracking on browsers as a plugin.³⁷
4 c Andrew Yang’s “Data Dividend Project” aims to help consumers, “[t]ake control
5 of your personal data. If companies are profiting from it, you should get paid for
6 it.”³⁸
7 d. Killi is a new data exchange platform that allows consumers to own and earn from
8 their data.³⁹
9 e. Similarly, BIGtoken “is a platform to own and earn from your data. You can use
10 the BIGtoken application to manage your digital data and identity and earn
11 rewards when your data is purchased.”⁴⁰
12 f. The Nielsen Company, famous for tracking the behavior of television viewers’
13 habits, has extended its reach to computers and mobile devices through the Nielsen
14 Computer and Mobile Panel. By installing the application on a consumer’s
15 computer, phone, tablet, e-reader, or other mobile device, Nielsen tracks the user’s
16 activity, enters that user into sweepstakes with monetary benefits, and allows the
17 user to earn points worth up to \$50 per month.⁴¹
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21 ³⁷ <https://loginhood.io/>. See also, <https://loginhood.io/product/chrome-extension> (“[s]tart earning
22 rewards for sharing data – and block others that have been spying on you. Win-win.”).

23 ³⁸ How Does It Work, at: <https://www.datadividendproject.com/> (“Get Your Data Dividend... We’ll
24 send you \$\$\$ as we negotiate with companies to compensate you for using your personal data.”).

25 ³⁹ <https://killi.io/earn/>.

26 ⁴⁰ https://bigtoken.com/faq#general_0 (“Third-party applications and sites access BIGtoken to learn
27 more about their consumers and earn revenue from data sales made through their platforms. Our BIG
28 promise: all data acquisition is secure and transparent, with consumers made fully aware of how their
data is used and who has access to it.”).

⁴¹ Kevin Mercandante, Ten Apps for Selling Your Data for Cash, Best Wallet Hacks (June 10, 2020),
<https://wallethacks.com/apps-for-selling-your-data/>.

1 152. Technology companies recognize the monetary value of users’ Personal Information,
2 insofar as they encourage users to install applications explicitly for the purpose of selling that information
3 to technology companies in exchange for monetary benefits.⁴²

4 153. The California Consumer Protection Act (“CCPA”) recognizes that consumers’ personal
5 data is a property right. Not only does the CCPA prohibit covered businesses from discriminating against
6 consumers that opt-out of data collection, the CCPA also expressly provides that: “[a] business may offer
7 financial incentives, including payments to consumers as compensation, for the collection of personal
8 information, the sale of personal information, or the deletion of personal information.” Cal. Civ. Code §
9 1798.125(b)(1). The CCPA provides that, “[a] business shall not use financial incentive practices that are
10 unjust, unreasonable, coercive, or usurious in nature.” Cal. Civ. Code § 1798.125(b)(4).

11 **B. Defendants have taken possession of and commercially exploited the personal**
12 **information of plaintiffs and class members without permission and without**
13 **compensation.**

14 154. Defendants have unlawfully taken possession of and commercially exploited the Personal
15 Information of Plaintiffs and Class members without their permission and without compensating them
16 for the use of their assets.

17 155. Defendants’ illegal and improper collection, use and retention of children’s Personal
18 Information also has given them a significant “first mover” advantage that cannot be undone. TikTok
19 operates one of the most popular apps in the world, and as a result of its unlawful conduct, TikToks’s
20 algorithms now incorporate ill-gotten data from millions of children’s account. The deep insights gleaned
21 from these viewing sessions will enable TikTok to use the Personal Information of children for potentially
22 the duration of their lives, and will solidify TikToks’s dominance in the market for child-related content.

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25 ³⁸ Kari Paul, *Google launches app that will pay users for their data*, The Guardian (June 11, 2019),
26 [https://www.theguardian.com/technology/2019/jun/11/facebook-user-data-app-privacy-](https://www.theguardian.com/technology/2019/jun/11/facebook-user-data-app-privacy) study; Saheli
27 Roy Choudhury and Ryan Browne, *Facebook pays teens to install an app that could collect all kinds of*
28 *data*, CNBC (Jan. 30, 2019), [https://www.cnbc.com/2019/01/29/facebook-paying-users-to-install-app-](https://www.cnbc.com/2019/01/29/facebook-paying-users-to-install-app-to-collect-data-techcrunch.html)
[to-collect-data-techcrunch.html](https://www.cnbc.com/2019/01/29/facebook-paying-users-to-install-app-to-collect-data-techcrunch.html); Jay Peters, *Facebook will now pay you for your voice recordings*, The
Verge (Feb. 20, 2020), [https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-](https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-speech-recognition-viewpoints-pronunciations-app)
[speech-recognition-viewpoints-pronunciations-app](https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-speech-recognition-viewpoints-pronunciations-app).

1 156. Defendants’ exploitation of Plaintiffs’ and Class members’ Personal Information, without
2 compensation, has caused Plaintiffs and the members of the Classes to suffer economic loss and injury.

3 157. Defendants’ exploitation of Plaintiffs’ Class members’ Personal Information, without
4 compensation, has caused Plaintiffs Class members to suffer ascertainable losses.

5 **C. The unlawful collection and exploitation of Plaintiffs’ and Class members’ Personal**
6 **Information has deprived them of the value of protecting that information from**
7 **being sold and exploited in the digital information marketplace, and has diminished**
8 **its value, causing economic loss and injury.**

9 158. Defendants’ unlawful collection and commercial exploitation of the Personal Information
10 of Plaintiffs and Class members has deprived Plaintiffs and Class members of the right and privilege of
11 ownership that was most important to them – the right to maintain the privacy of their Personal
12 Information and NOT to sell it. Defendants’ conduct has thus destroyed the fundamental quality of the
13 asset and diminished its value to Plaintiffs and the Class members. And, for those Plaintiffs and Class
14 members who would choose to sell their Personal Information in what is a well-established and readily
15 available marketplace, Defendants’ conduct has diminished the amount a knowledgeable buyer would be
16 willing to pay for the Information.

17 159. Once a child’s Personal Information has been collected and exploited by Defendants, it is
18 no longer possible for the child or the child’s parents to maintain the confidentiality of the data – the
19 aspect of the data that provides the major component of its value to the children and their parents and
20 that, correspondingly, determines the price a seller would be willing to accept – and that a buyer would
21 need to offer – for the data. Researchers have explored the economic implications and market dynamics
22 under such circumstances and have determined that Defendants’ conduct thus diminishes the value of the
23 child’s Personal Information since a knowledgeable buyer of the data would understand that the data has
24 been deprived of its primary value to the user and would decrease the amount it would be willing to pay
25 – and the amount the user would be willing to accept – for the data.⁴³

26 ⁴³ “Too Much Data: Prices and Inefficiencies in Data Markets,” by Daron Acemoglu (MIT), Ali
27 Makhdoumi (Duke University), Azarakhsh Malekian (University of Toronto), and Asu Ozdaglar (MIT),
28

1 160. The value of the Personal Information of Plaintiffs’ and the members of the Classes has
2 also been diminished by Defendants’ wrongful conduct because, as a consequence of gathering the
3 Personal Information of a massive number of child TikTok users, TikTok has been able to develop large
4 subsets of TikTok users with correlated interests – *i.e.*, users who share interests in similar (or opposite)
5 areas and who can be expected to respond similarly to behavioral advertising or to targeted programming.
6 ⁴⁴ Researchers have also studied the market dynamics in such a scenario for additional members of such
7 subsets whose preferences correlate with other users in a given subset. ⁴⁵ Because TikTok already
8 possesses tracking information from other members of the subset sufficient to identify user preferences,
9 TikTok has less need for the Personal Information of additional subset members and the value of their
10 Personal Information is, thus, decreased.⁴⁶

11 161. In both of the above scenarios, the desire/willingness of the user to protect his or her data
12 from exposure is diminished, and the amount of compensation required to cause the user to expose (*i.e.*,
13 sell) the data – and the amount of a buyer would need to offer -- is diminished. And, because the user’s
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17 American Economic Journal: Microeconomics, 14(4), 218–256, 2022, <https://www.aeaweb.org/articles?id=10.1257/mic.20200200>, accessed 7/14/24.

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19 ⁴⁴ See, e.g., <https://www.indexexchange.com/2023/12/12/google-privacy-sandbox-get-started/>
20 (accessed 7/14/24), <https://developers.google.com/privacy-sandbox/overview/relevance-and-measurement-faqs> (accessed 7/14/24), and <https://developers.google.com/privacy-sandbox/relevance/protected-audience> (accessed 7/14/24).

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22 ⁴⁵ See, e.g., <https://www.indexexchange.com/2023/12/12/google-privacy-sandbox-get-started/>
23 (accessed 7/14/24), <https://developers.google.com/privacy-sandbox/overview/relevance-and-measurement-faqs> (accessed 7/14/24), and <https://developers.google.com/privacy-sandbox/relevance/protected-audience> (accessed 7/14/24).

24
25 ⁴⁶ “Too Much Data: Prices and Inefficiencies in Data Markets,” by Daron Acemoglu (MIT), Ali
26 Makhdoumi (Duke University), Azarakhsh Malekian (University of Toronto), and Asu Ozdaglar (MIT),
27 American Economic Journal: Microeconomics, 14(4), 218–256, 2022, <https://www.aeaweb.org/articles?id=10.1257/mic.20200200>, accessed 7/14/24. See, also, “Privacy and personal data collection with
28 information externalities,” by Jay Pil Choi, Doh-Shin Jeon and Byung-Cheol Kim, *Journal of Public Economics*, 173, 113–124, 2019.

1 data is now available to either TikTok or a competitor at a reduced price, the value of the correlated data
2 of all of the other members of the subset is, likewise, diminished.

3 162. For children (or their parents) for whom the sole value of the Personal Information derives
4 from maintaining user privacy, the economic value of the Personal Information has been completely
5 destroyed by Defendants' collection and use of it.

6 163. Defendants' unlawful exploitation of the Personal Information of Plaintiffs and Class
7 members has, thus, diminished the value of their Personal Information, causing Plaintiffs and Class
8 members to suffer economic loss and injury for which Plaintiffs and Class members can never be made
9 whole.

10 164. Defendants' unlawful exploitation of the Personal Information of Plaintiffs and the
11 members of the Classes has, thus, diminished the value of their Personal Information, causing Plaintiffs
12 and the members of the Classes to suffer ascertainable economic loss.

13 **IV. Equitable Relief is Necessary to Protect the Rights of Plaintiffs and the Members of the**
14 **Classes and to Prevent Defendants from Profiting from their Wrongful Conduct.**

15 165. Throughout the Class Period TikTok collected, used and stored COPPA-protected
16 Personal Information from Plaintiffs and Class members without obtaining the verified parental consent
17 required by COPPA for such collection and use.

18 166. TikTok's refusal to abide by the terms of the 2019 Permanent Injunction, as
19 demonstrated by the DOJ's August 2, 2024 Complaint, means that TikTok continues to profit off its
20 unlawful business practices at the expense of the safety and privacy of children. Among other things
21 detailed in the DOJ Complaint, TikTok has failed to implement adequate age gates, to identify and
22 remove underage users of non-Kids Mode accounts, to delete data, even upon parental request, has
23 taken steps to make deletion requests onerous, and has continued to collect data from purportedly
24 deleted accounts.

25 167. Because of TikTok's continued unlawful conduct in collecting and storing the Personal
26 Information of children under the age of 13, Plaintiffs and Class members are not only vulnerable to
27 TikTok's fresh violations, but their previously collected data remains vulnerable to misuse by
28 Defendants. These continuing harms have no adequate remedy at law.

1 168. A.A., A.B., A.C. and Class members are likely to use TikTok in the future and seek
2 protection from Defendants continuing violations of COPPA protections.

3 169. Furthermore, the 2019 Permanent Injunction does not require TikTok to forfeit the
4 profits it realized from its wrongful exploitation of Plaintiffs' and Class members Personal Information,
5 thus allowing TikTok to retain the enormous profits it obtained through its illegal use of Plaintiffs' and
6 Class members' Personal Information. No remedy at law available to Plaintiffs and Class members
7 reaches these profits or is available to prevent TikTok from retaining such profits. The law requires
8 imposition of equitable orders of non-restitutionary disgorgement to prevent TikTok from profiting
9 from their misconduct even without any showing of corresponding economic harm suffered by
10 Plaintiffs and Class members from Defendants' receipt of such profits.

11 170. Money damages will not protect Plaintiffs and the Class members from the non-
12 economic harms discussed herein posed by misuse of their Personal Information collected in violation
13 of COPPA or TikTok's impermissible profit from its misconduct, and Plaintiffs and Class members,
14 thus, have no adequate remedy at law. To the extent that money damages, if available, would
15 constitute an adequate remedy at law barring recovery, Plaintiffs and Class members assert their claims
16 for the equitable relief set forth herein as an alternative remedy pending a final determination of the
17 availability of a remedy at law.

18 171. For these reasons, Plaintiffs and Class members seek entry of a permanent injunction (a)
19 requiring TikTok to destroy all Personal Information of Plaintiffs and Class members in its possession
20 that was collected in violation of COPPA; (b) requiring TikTok to notify each Plaintiff and Class
21 member that his or her Personal Information was collected and has been destroyed; (c) restraining
22 TikTok from directly or indirectly using or benefitting from the Personal Information of Plaintiffs and
23 Class members that it wrongly collected, including precluding the use of any profile of any Plaintiff or
24 Class member developed in whole or in part based on such information in serving targeted or
25 behavioral advertising; and (d) requiring TikTok's relinquishment of all ill-gotten gains.

ALLEGATIONS RELATING TO PLAINTIFFS

A. Plaintiff A.A.

172. During the Class Period, Plaintiff A.A. had a TikTok account, which A.A. transferred from a Musical.ly account.

173. When A.A. interacted with TikTok (formerly Musical.ly), Defendants collected the Personal Information of A.A. for the purpose of tracking, profiling, and targeting A.A. with curated content and advertisements.

174. Defendants did not provide notification or obtain verifiable consent from A.A.'s parent and guardian, Marcelo Muto, prior to collecting A.A.'s Personal Information.

175. Neither A.A. nor their parent and guardian could have reasonably discovered this conduct earlier through investigation as Defendants purported to be abiding by a Permanent Injunction designed to prohibit this conduct throughout the Class Period.

176. A.A. is likely to use TikTok in the future and seeks protection from Defendants continuing violations of COPPA protections.

D. Plaintiff A.B.

177. During the Class Period, Plaintiff A.B. had a TikTok account.

178. When A.B. interacted with TikTok, Defendants collected the Personal Information of A.B. for the purpose of tracking, profiling, and targeting A.B. with curated content and advertisements.

179. Defendants did not provide notification or obtain verifiable consent from A.B.'s parent and guardian, Heather Bressette, prior to collecting A.B.'s Personal Information.

180. Neither A.B. nor their parent and guardian could have reasonably discovered this conduct earlier through investigation as Defendants purported to be abiding by a Permanent Injunction designed to prohibit this conduct throughout the Class Period.

181. A.B. is likely to use TikTok in the future and seeks protection from Defendants continuing violations of COPPA protections.

E. Plaintiff A.C.

182. During the Class Period, Plaintiff A.C. had a TikTok account.

1 183. When A.C. interacted with TikTok, Defendants collected the Personal Information of
2 A.C. for the purpose of tracking, profiling, and targeting A.C. with curated content and advertisements.

3 184. Defendants did not provide notification or obtain verifiable consent from A.C.'s parent
4 and guardian, Darryl Maultsby, prior to collecting A.C.'s Personal Information.

5 185. Neither A.C. nor their parent and guardian could have reasonably discovered this
6 conduct earlier through investigation as Defendants purported to be abiding by a Permanent Injunction
7 designed to prohibit this conduct throughout the Class Period.

8 186. A.C. is likely to use TikTok in the future and seeks protection from Defendants
9 continuing violations of COPPA protections.

10 **TOLLING, ESTOPPEL AND RELATION BACK**

11 **I. Discovery Rule Tolling**

12 187. Plaintiffs and the Classes had no way of knowing about Defendants' conduct with respect
13 to the collection and impermissible and unauthorized use of, and profit from, the Personal Information
14 of Plaintiffs and the members of the Classes.

15 188. Neither Plaintiffs nor any other members of the Classes, through the exercise of
16 reasonable diligence, could have discovered the conduct alleged herein as Defendants purported to be
17 abiding by the terms of a Permanent Injunction that prohibited the subject conduct. Further, Plaintiffs
18 and the members of the Classes did not discover and did not know of facts that would have caused a
19 reasonable person to suspect, that Defendants were engaged in the conduct alleged herein.

20 189. For these reasons, all applicable statutes of limitation have been tolled by operation of
21 the discovery rule with respect to claims asserted by Plaintiffs and the Classes.

22 **II. Fraudulent Concealment Tolling**

23 190. By failing to provide notice of the collection and use of the Personal Information and
24 obtain verifiable consent, in violation of COPPA and societal norms and conventions, Defendants
25 concealed their conduct and the existence of the claims asserted herein from Plaintiffs and the members
26 of the Classes.

27 191. Upon information and belief, Defendants intended by their acts to conceal the facts and
28 claims from Plaintiffs and members of the Classes. Plaintiffs and the members of the Classes were

1 unaware of the facts alleged herein without any fault or lack of diligence on their part and could not
2 have reasonably discovered Defendants' conduct. For this reason, any statute of limitations that
3 otherwise may apply to the claims of Plaintiffs or members of the Classes should be tolled.

4 **III. Estoppel**

5 192. Despite their duties and obligations under COPPA and the 2019 Permanent Injunction,
6 Defendants failed to provide notice of the collection and use of the Personal Information and obtain
7 verifiable consent in breach and violation thereof.

8 193. Defendants therefore are estopped from relying on any statutes of limitations in defense
9 of this action.

10 **CLASS ACTION ALLEGATIONS**

11 194. Plaintiffs bring this action as a class action pursuant to Federal Rules of Civil Procedure
12 23(a), 23(b)(2), and 23(b)(3).

13 **I. The California Class**

14 195. Plaintiff A.A., through their parent and guardian Marcelo Muto, seeks class certification
15 of a claim for violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et*
16 *seq.*, a claim for violation of the State of California Constitution Right to Privacy, for the common law
17 claim of intrusion upon seclusion, as well as a claim for unjust enrichment on behalf of a California
18 class defined as follows:

19 All persons residing in the State of California who were 13 or younger when they
20 used TikTok, and from whom Defendants collected, caused to be collected, used,
21 or disclosed Personal Information without first obtaining verified parental consent
during the Class Period.

22 **II. The Connecticut Class**

23 196. Plaintiff L.F, through their parent and guardian Heather Bressette, seeks class
24 certification for the violation of Connecticut Unfair Trade Practices Act, CONN. GEN. STAT. § 42-
25 110b(a), *et seq.*, common law claim of intrusion upon seclusion, as well as a claim for unjust enrichment
on behalf of a Connecticut class defined as follows:

26 All persons residing in the State of Connecticut who were 13 or younger when they
27 used TikTok, and from whom Defendants collected, caused to be collected, used,
28 or disclosed Personal Information without first obtaining verified parental consent
during the Class Period.

1 **III. The Florida Class**

2 197. Plaintiff A.C., through their parent and guardian Darryl Maultsby, seeks class
3 certification for the violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. Ann. §
4 501.201 *et seq.*, and unjust enrichment on behalf of a Florida class defined as follows:

5 All persons residing in the State of Florida who were 13 or younger when they used
6 TikTok, and from whom Defendants collected, caused to be collected, used, or
7 disclosed Personal Information without first obtaining verified parental consent
8 during the Class Period.

9 198. Plaintiffs reserve the right to modify or refine the Class definitions based upon discovery
10 of new information and in order to accommodate any of the Court’s manageability concerns.

11 199. Excluded from the Classes are: (a) any Judge or Magistrate Judge presiding over this
12 action and members of their staff, as well as members of their families; (b) Defendants and Defendants’
13 predecessors, parents, successors, heirs, assigns, subsidiaries, and any entity in which any Defendant or
14 its parents have a controlling interest, as well as Defendants’ current or former employees, agents,
15 officers, and directors; (c) persons who properly execute and file a timely request for exclusion from the
16 Classes; (d) persons whose claims in this matter have been finally adjudicated on the merits or otherwise
17 released; (e) counsel for Plaintiffs and Defendants; and (f) the legal representatives, successors, and
18 assigns of any such excluded persons.

19 200. **Ascertainability.** The proposed Classes are readily ascertainable because they are
20 defined using objective criteria so as to allow class members to determine if they are part of a Class.
21 Further, the Classes can be identified through records maintained by Defendants.

22 201. **Numerosity (Rule 23(a)(1)).** The Classes are so numerous that joinder of individual
23 members herein is impracticable. The exact number of members of the Classes, as herein identified and
24 described, is not known, but all public estimates confirm that TikTok has collected information on
25 millions of children.

26 202. **Commonality (Rule 23(a)(2)).** Common questions of fact and law exist for each cause
27 of action and predominate over questions affecting only individual Class members, including the
28 following:

- a. Whether Defendants collected the Personal Information of children;

- 1 b. Whether Defendants had knowledge they were collecting the Personal
- 2 Information of children;
- 3 c. Whether Defendants obtained parental consent to collect the Personal
- 4 Information of children;
- 5 d. Whether the collection of Personal Information of children is highly offensive to
- 6 a reasonable person;
- 7 e. Whether the collection of Personal Information of children without parental
- 8 consent is sufficiently serious and unwarranted as to constitute an egregious
- 9 breach of social norms;
- 10 f. Whether Defendants' conduct constituted an invasion of privacy based on
- 11 common law protection against intrusion upon seclusion under the laws of
- 12 California and Connecticut.
- 13 g. Whether Defendants' conduct constituted a violation of the California
- 14 Constitution right to privacy;
- 15 h. Whether Defendants' conduct was unfair;
- 16 i. Whether Defendants' conduct was unlawful;
- 17 j. Whether Defendants' conduct violated the consumer protection acts of
- 18 California, Connecticut and Florida;
- 19 k. Whether Plaintiffs and the Classes are entitled to monetary damages and the
- 20 measure of those damages;
- 21 l. Whether the California Class is entitled to restitution and disgorgement;
- 22 m. Whether Defendants were unjustly enriched by their conduct under the laws of
- 23 California, Connecticut, and Florida;
- 24 n. Whether Defendants fraudulently concealed their conduct; and
- 25 o. Whether Plaintiffs and the Classes are entitled to injunctive or other equitable
- 26 relief.

27 203. **Typicality (Rule 23(a)(3)).** Plaintiffs' claims are typical of the claims of the other
28 members of the proposed Classes. Plaintiffs and members of the Classes (as applicable) suffered an

1 invasion of privacy and injuries as a result of Defendants' wrongful conduct that is uniform across the
2 Classes.

3 204. **Adequacy (Rule 23(a)(4)).** Plaintiffs have and will continue to fairly and adequately
4 represent and protect the interests of the Classes. Plaintiffs have retained counsel competent and
5 experienced in complex litigation and class actions. Plaintiffs have no interest that is antagonistic to
6 those of the Classes, and Defendants have no defenses unique to Plaintiffs. Plaintiffs and their counsel
7 are committed to vigorously prosecuting this action on behalf of the members of the Classes, and they
8 have the resources to do so. Neither Plaintiffs nor Plaintiffs' counsel have any interest adverse to those
9 of the other members of the Classes.

10 205. **Substantial Benefits.** This class action is appropriate for certification because class
11 proceedings are superior to other available methods for the fair and efficient adjudication of this
12 controversy and joinder of all members of the Classes is impracticable. The prosecution of separate
13 actions by individual members of the Classes would impose heavy burdens upon the Courts and
14 Defendants, would create a risk of inconsistent or varying adjudications of the questions of law and fact
15 common to members of the Classes, and would be dispositive of the interests of the other members not
16 parties to the individual adjudications or would substantially impair or impede their ability to protect
17 their interests. This proposed class action presents fewer management difficulties than individual
18 litigation, and provides the benefits of single adjudication, economies of scale, and comprehensive
19 supervision by a single court. Class treatment will create economies of time, effort, and expense and
20 promote uniform decision-making.

21 206. Class certification, therefore, is appropriate under Fed. R. Civ. P. 23(b)(3) because the
22 above common questions of law or fact predominate over any questions affecting individual members
23 of the Classes, and a class action is superior to other available methods for the fair and efficient
24 adjudication of this controversy.

25 207. Class certification is also appropriate under Fed. R. Civ. P. 23(b)(2) because Defendants
26 have acted or refused to act on grounds generally applicable to the Classes, so that final injunctive relief
27 or corresponding declaratory relief, if any, that may be awarded by the Court is appropriate as to the
28 Classes as a whole.

1 208. Plaintiffs reserve the right to revise the foregoing class allegations and definitions based
2 on facts learned and legal developments following additional investigation, discovery, or otherwise.

3
4 **CLAIMS FOR RELIEF**

5 **I. CALIFORNIA CLAIMS**

6 **Claim 1**

7 **CALIFORNIA CONSTITUTIONAL RIGHT TO PRIVACY, Cal. Const. Art. 1, § 1.**
8 **(Against All Defendants on behalf of Plaintiff A.A. and the California Class)**

9 209. Plaintiff A.A., and members of the California Class re-allege the foregoing allegations as
10 if fully set forth herein.

11 210. A.A. and members of the California Class’s private affairs include their behavior on their
12 mobile devices and computers, as well as any other behavior that may be monitored by the surreptitious
13 tracking employed or otherwise enabled by Defendants.

14 211. The parents and guardians of A.A. and members of the California Class have reasonable
15 expectations of privacy in their children’s mobile devices and their online behavior and activities,
16 generally.

17 212. A.A. and members of the California Class’s private affairs, concerns, and seclusion
18 includes their interest in their Personal Information as defined by COPPA, which includes data points
19 concerning their location and online activity while using internet-connected devices.

20 213. Defendants intentionally intruded upon the private affairs, concerns, and seclusion of A.A.
21 and California Class members by improperly accessing A.A. and California Class members’ Personal
22 Information and using it for improper purposes, including by targeting them with behavioral advertising
23 that would be highly offensive to a reasonable person, constituting an egregious breach of social norms
24 and/or enabling the targeting of A.A. and California Class members with such advertisements, as detailed
25 herein.

26 214. Defendants’ intrusions upon the private affairs, concerns, and seclusion of A.A. and
27 California Class members were substantial, and would be highly offensive to a reasonable person,
28 constituting an egregious breach of social norms, as is evidenced by consumer surveys, and academic
studies detailing the harms of tracking children online, centuries of common law, state and federal statutes

1 and regulations including COPPA and FTC regulations, legislative commentaries, enforcement actions
2 undertaken by the FTC, industry standards and guidelines, scholarly literature on consumers' reasonable
3 expectations, the fines imposed on TikTok by the FTC, as well as the reforms required by the 2019
4 Permanent Injunction entered into by TikTok, which it has now been accused of violating.

5 215. As minor children, A.A. and members of the California Class lacked the ability to form
6 expectations about reasonable privacy or to consent to Defendants' actions.

7 216. Neither A.A., members of the California Class, nor their parents and/or guardians
8 consented to Defendants' intrusions upon their private affairs, concerns, and seclusions.

9 217. A.A. and members of the California Class suffered actual and concrete injury as a result
10 of Defendants' intrusions upon Plaintiffs' private affairs, concerns, and seclusion.

11 218. A.A. and members of the California Class seek appropriate relief for that injury, including
12 but not limited to damages that will reasonably compensate them for the harm to their privacy interests,
13 risk of future invasions of privacy, and the mental and emotional distress caused by Defendants' invasions
14 of privacy, as well as disgorgement of profits made by Defendants as a result of their intrusions upon
15 A.A. and members of the California Class's private affairs, concerns, and seclusion.

16 **Claim 2**

17 **CALIFORNIA INTRUSION UPON SECLUSION**
18 **(Against All Defendants on behalf of Plaintiff A.A. and the California Class)**

19 219. Plaintiff A.A. and members of the California Class re-allege the foregoing allegations as
20 if fully set forth herein.

21 220. A.A. and members of the California Class's private affairs, concerns, and seclusion
22 includes their interest in their Personal Information as defined by COPPA, which includes data points
23 concerning their location and online activity while using internet-connected devices.

24 221. Defendants intentionally intruded upon the private affairs, concerns, and seclusion of A.A.
25 and California Class members by improperly accessing A.A. and California Class members' Personal
26 Information and using it for improper purposes, including by targeting them with behavioral advertising
27 that would be highly offensive to a reasonable person, constituting an egregious breach of social norms
28

1 and/or enabling the targeting of A.A. and California Class members with such advertisements, as detailed
2 herein.

3 222. Defendants' intrusions upon the private affairs, concerns, and seclusion of A.A. and
4 California Class members were substantial, and would be highly offensive to a reasonable person,
5 constituting an egregious breach of social norms, as is evidenced by countless consumer surveys, and
6 academic studies detailing the harms of tracking children online, centuries of common law, state and
7 federal statutes and regulations including COPPA and FTC regulations, legislative commentaries,
8 enforcement actions undertaken by the FTC, industry standards and guidelines, scholarly literature on
9 consumers' reasonable expectations, the fines imposed on TikTok by the FTC, as well as the reforms
10 required by the 2019 Permanent Injunction entered into by TikTok, which it has now been accused of
11 violating.

12 223. As minor children, A.A. and members of the California Class lacked the ability to form
13 expectations about reasonable privacy or to consent to Defendants' actions.

14 224. Neither A.A., members of the California Class, nor their parents and/or guardians
15 consented to Defendants' intrusions upon their private affairs, concerns, and seclusions.

16 225. A.A. and members of the California Class suffered actual and concrete injury as a result
17 of Defendants' intrusions upon A.A. and California Class members' private affairs, concerns, and
18 seclusion.

19 226. A.A. and members of the California Class seek appropriate relief for that injury, including
20 but not limited to damages that will reasonably compensate them for the harm to their privacy interests,
21 risk of future invasions of privacy, and the mental and emotional distress caused by Defendants' invasions
22 of privacy, as well as disgorgement of profits made by Defendants as a result of their intrusions upon
23 B.M and members of the California Class's private affairs, concerns, and seclusion.

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Claim 3

**CALIFORNIA UNFAIR COMPETITION LAW (UCL),
Cal. Bus. & Prof. Code § 17200, et seq.
(Against All Defendants on behalf of Plaintiff A.A. and the California Class)**

227. Plaintiff A.A. and members of the California Class incorporate the foregoing allegations as if fully set forth herein.

228. A.A. and members of the California Class are or were residents of California and/or engaged with the TikTok in California.

229. At all times mentioned herein, Defendants each engaged in “trade” or “commerce” in California in that they each engaged in the advertising, offering for sale, sale, and distribution of property or any other articles, commodities, or things of value in California.

230. Defendants each engaged in consumer-oriented acts through the offering, promotion, and/or distribution of the TikTok, which significantly impacted the public because TikTok is used nationwide, including in California, and there are millions of users, including A.A. and members of the California Class.

231. Cal. Bus. & Prof. Code § 17200, et seq. (the “UCL”) broadly prohibits “unfair competition”, which the UCL defines as including “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising[.]”

232. California courts have noted that “the differences [between the UCL and FTC Act] are not of a degree to impair comparison” and that unfair acts respectively proscribed in the two statutes “appear practically synonymous.” *People ex rel. Mosk v. Nat'l Rsch. Co. of Cal.*, 201 Cal. App. 2d 765, 773, 20 Cal. Rptr. 516, 521 (Ct. App. 1962). As a result, California courts deem “decisions of the federal court [construing the FTC Act] are more than ordinarily persuasive.” *Id.*

233. Defendants violated Cal. Bus. & Prof. Code § 17200, et seq. by engaging in the unfair acts or practices proscribed by Cal. Bus. & Prof. Code § 17200, et seq. outlined herein.

234. Defendants at all relevant times knowingly violated legal duties and public policy by unfairly and unlawfully collecting the Personal Information of minor children and tracking, profiling, and targeting those children with behavioral advertising for Defendants’ commercial financial gain.

1 235. As outlined herein, Defendants at all times had actual knowledge of their own non-
2 compliance with COPPA and other applicable privacy-related laws. Further, Defendants at all times had
3 actual knowledge of their own collection of the Personal Information from A.A. and California Class
4 members and the tracking, profiling, and targeting of those children for lucrative behavioral advertising.

5 236. As outlined herein, Defendants intentionally designed TikTok to, among other things,
6 attract minor children by making child-directed content available to them so that TikTok could collect
7 the Personal Information of those children for substantial commercial gain.

8 237. TikTok was aware at all times that a significant portion of its users were under the age of
9 13 and nonetheless collected the Personal Information of those children for the purpose of serving those
10 children behavioral advertising for substantial commercial gain. After entering into a Permanent
11 Injunction with the United States in 2019 intended to prohibit Defendants from their continued collection
12 or use of the Personal Information of children under the age of 13, Defendants purposefully sought to
13 undermine their compliance through, among other practices, implementation of a woefully inadequate
14 age-gating system, and monitoring policies and procedures designed to allow them to continue knowingly
15 collecting and using the Personal Information of children.

16 238. Defendants are considered by the FTC to be “operators” as defined under COPPA and
17 FTC regulations.

18 239. In particular, Defendants systematically collected, used, and/or disclosed Personal
19 Information from minor children in violation of COPPA, and therefore the FTC Act, to serve them
20 targeted, behavioral advertising by inter alia:

- 21 a. Failing to provide sufficient notice of the information Defendants collected, or the
22 information that was collected on Defendants’ behalf, online from children under
23 13, how Defendants used such information, their disclosure practices, and all other
24 required content, in violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);
25 b. Failing to provide direct notice to parents of the information Defendants collected,
26 or the information that was collected on Defendants’ behalf, online from children
27 under 13, how Defendants used such information, their disclosure practices, and
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1 all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16
2 C.F.R. § 312.4(b)-(c);

3 c. Failing to obtain verifiable parental consent before any collection or use of
4 Personal Information from children under 13, in violation of Section 312.5 of
5 COPPA, 16 C.F.R. § 312.5; and

6 d. Failing to establish and maintain reasonable procedures to protect the
7 confidentiality, security, and integrity of Personal Information collected from
8 children under 13, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

9 240. Violations of COPPA and the accompanying FTC regulations “shall be treated as a
10 violation of a rule defining an unfair ... act or practice prescribed under 15 U.S.C. § 57a(a)(1)(B).” 15
11 U.S.C. § 6502(c). These rules define unfair acts or practices in or affecting commerce within the meaning
12 of 15 U.S.C. § 45(a)(1), which is the model for the various consumer protection statutes in the several
13 states, including the Cal. Bus. & Prof. Code § 17200, *et seq.*⁴⁷

14 241. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in
15 violation of Cal. Bus. & Prof. Code § 17200, *et seq.*, which is modeled after, proscribes the same conduct
16 as, and gives deference to the definitions of the FTC Act.

17 242. Defendants’ conduct is unfair, immoral, unethical, oppressive, unscrupulous and
18 substantially injurious to consumers, and there are no greater countervailing benefits to consumers or
19 competition. Further, A.A. and members of the California Class could not have reasonably avoided
20 injury because Defendants each took advantage of the lack of knowledge, ability, experience, and/or
21 capacity of consumers—in this case children under 13—to their detriment.

22 243. Defendants willfully engaged in the unfair and unlawful acts described herein and knew
23 or recklessly disregarded the fact that they violated Cal. Bus. & Prof. Code § 17200, *et seq.*

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28 ⁴⁷ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in connection with the
collection, use, and/or disclosure or personal information from and about children on the internet.”).

1 244. A.A. and members of the California Class were harmed by Defendants’ practices
2 described herein, which were a substantial factor and caused injury in fact and actual damages to A.A.
3 and members of the California Class.

4 245. As a direct and proximate result of Defendants’ unfair and unlawful acts and practices in
5 violation of Cal. Bus. & Prof. Code § 17200, *et seq.*, C.H. and members of the California Class have
6 suffered and will continue to suffer an ascertainable loss of money or property, real or personal, and
7 monetary and non-monetary damages, as described herein, including, *inter alia*, the loss of the value
8 and/or diminishment in value of their Personal Information and the loss of the ability to control the use
9 of their Personal Information.

10 246. As outlined herein, there is tangible value in A.A. and members of the California Class’s
11 Personal Information. A.A. and members of the California class have lost the opportunity to receive value
12 in exchange for their Personal Information.

13 247. Defendants’ monetization of A.A. and members of the California Class’s Personal
14 Information demonstrates that there is a market for their Personal Information.

15 248. A.A. and members of the California Class’s Personal Information is now in the possession
16 of Defendants, who have used and will use it for their financial gain.

17 249. Defendants’ retention of A.A. and members of the California Class’s Personal Information
18 presents a continuing risk to them as well as the general public. A.A. and members of the California Class
19 seek relief for the injuries they have suffered as a result of Defendants’ unfair and unlawful acts and
20 practices, as provided by Cal. Bus. & Prof. Code § 17200, *et seq.* and applicable law, including all actual
21 damages and attorneys’ fees and costs, treble damages, statutory damages, and restitution, as well as an
22 injunction requiring Defendants to permanently delete, destroy or otherwise sequester the Personal
23 Information collected without parental consent, requiring Defendants to provide a complete audit and
24 accounting of the uses of the Personal Information by them and any other third parties, and other
25 appropriate injunctive and/or declaratory relief.
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Claim 4

California Unjust Enrichment
(Against All Defendants on behalf of A.A. and members of the California Class)

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3 250. Plaintiff A.A. and members of the California Class incorporate and reallege all allegations
4 set forth above.

5 251. By virtue of the unlawful and unfair conduct alleged herein, Defendants have realized
6 millions of dollars in revenue from their collection and use of the Personal Information of A.A. and the
7 California Class members through behavioral advertising and commercialization of Plaintiffs' Personal
8 Information.

9 252. Defendants' ill-gotten gains were monetary benefits conferred upon Defendants by A.A.
10 and the members of the California Class. It would be inequitable and unjust to permit any of the
11 Defendants to retain the economic benefits they have obtained through advertising and commercialization
12 derived from the Personal Information of A.A. and the members of the California Class.

13 253. Defendants will be unjustly enriched if they are permitted to retain the economic benefits
14 conferred upon them by A.A. and the members of the California Class through their unlawful, unfair,
15 unauthorized, and impermissible use of the Personal Information of A.A. and members of the California
16 Class, and allowing Defendants to retain the profits from their unlawful, unauthorized, and impermissible
17 use of the Personal Information of A.A. and the members of the California Class would be unjust and
18 contrary to public policy.

19 254. A.A. and the members of the California Class are therefore entitled to recover the amounts
20 realized by the Defendants at the expense of A.A. and the members of the California Class.

21 255. A.A. and members of the California Class do not seek recover in this claim for their own
22 economic harm and have no adequate remedy at law that would divest Defendants of their ill-gotten and
23 unjust profits. To the extent that money damages, if available, would constitute an adequate remedy at
24 law barring recovery under this claim, A.A. and members of the California Class assert their claim for
25 non-restitutionary disgorgement as an alternative remedy.

26 256. A.A. and members of the California Class are entitled to non-restitutionary disgorgement
27 of Defendants' ill-gotten gains, and/or the imposition of a constructive trust to recover the amount of
28 Defendants' ill-gotten gains.

1
2 **II. CONNECTICUT CLAIMS**

3 **Claim 5**

4 **FOR DECEPTIVE AND UNFAIR PRACTICES IN VIOLATION OF**
5 **THE CONNECTICUT UNFAIR TRADE PRACTICES ACT,**
6 **CONN. GEN. STAT. § 42-110a, *ET SEQ.***
7 **(Against all Defendants on behalf of Plaintiff A.B. and the Connecticut Class)**

8 257. Plaintiffs reallege the allegations set forth in IV, V(d), and XII above.

9 258. This claim is asserted against Defendants pursuant to Conn. Gen. Stat. § 42-110a, *et. seq.*

10 259. The Connecticut Unfair Trade Practices Act (CUTPA), Conn. Gen. Stat. § 42-110a, *et*
11 *seq.*, declares that “unfair methods of competition and unfair or deceptive acts or practices in the conduct
12 of any trade or commerce are unlawful.”

13 260. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a loss as a result
14 of a violation of CUTPA may bring an action to obtain a declaratory judgment that an act or practice
15 violates CUTPA and to enjoin such person who has violated, is violating, or is otherwise likely to violate
16 CUTPA.

17 261. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a loss as a result
18 of a violation of CUTPA may bring an action for actual damages, attorneys’ fees, and court costs.

19 262. Plaintiffs and Defendants are each a “person” within the meaning of Conn. Gen. Stat. §
20 42-110a(3).

21 263. Defendants through their conduct as described above, engaged in unfair methods of
22 competition and unfair or deceptive acts or practices in the conduct of their trade and commerce, as
23 defined in General Statutes § 42-110a(4), within the State of Connecticut.

24 264. Connecticut courts have held that “it is the intent of the legislature that in construing
25 subsection (a) of this section, the commissioner [of consumer protection] and the courts of this state shall
26 be guided by interpretations given by the Federal Trade Commission and the federal courts to Section
27 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).” *Heslin v. Connecticut L. Clinic of*
28 *Trantolo & Trantolo*, 190 Conn. 510, 518, 461 A.2d 938, 942 (1983) as from time to time amended.”

1 265. Defendants at all relevant times knowingly violated legal duties and public policy by
2 unfairly and unlawfully collecting the Personal Information of minor children and tracking, profiling,
3 and targeting those children with behavioral advertising for Defendants’ commercial financial gain.

4 266. As outlined herein, Defendants at all times had actual knowledge of their non-
5 compliance with COPPA and other applicable privacy-related laws. Further, Defendants at all times
6 had actual knowledge of their own collection of the Personal Information from A.B. and Connecticut
7 Class members and the tracking, profiling, and targeting of those children for lucrative behavioral
8 advertising.

9 267. As outlined herein, Defendants intentionally designed TikTok to, among other things,
10 attract minor children by making child-directed content available to them so that TikTok could collect
11 the Personal Information of those children for substantial commercial gain.

12 268. TikTok was aware at all times that a significant portion of its users were under the age of
13 13 and nonetheless collected the Personal Information of those children for the purpose of serving those
14 children behavioral advertising for substantial commercial gain. After entering into a Permanent
15 Injunction with the United States in 2019 intended to prohibit Defendants from their continued collection
16 or use of the Personal Information of children under the age of 13, Defendants purposefully sought to
17 undermine their compliance through, among other practices, implementation of a woefully inadequate
18 age-gating system, and monitoring policies and procedures designed to allow them to continue knowingly
19 collecting and using the Personal Information of children.

20 269. Defendants are considered by the FTC to be “operators” as defined under COPPA and
21 FTC regulations.

22 270. In particular, Defendants systematically collected, used, and/or disclosed Personal
23 Information from minor children in violation of COPPA, and therefore the FTC Act, to serve them
24 targeted, behavioral advertising by inter alia:

- 25 a. Failing to provide sufficient notice of the information Defendants collected, or the
26 information that was collected on Defendants’ behalf, online from children under
27 13, how Defendants used such information, their disclosure practices, and all other
28 required content, in violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);

- 1 b. Failing to provide direct notice to parents of the information Defendants collected,
- 2 or the information that was collected on Defendants' behalf, online from children
- 3 under 13, how Defendants used such information, their disclosure practices, and
- 4 all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16
- 5 C.F.R. § 312.4(b)-(c);
- 6 c. Failing to obtain verifiable parental consent before any collection or use of
- 7 Personal Information from children under 13, in violation of Section 312.5 of
- 8 COPPA, 16 C.F.R. § 312.5; and
- 9 d. Failing to establish and maintain reasonable procedures to protect the
- 10 confidentiality, security, and integrity of Personal Information collected from
- 11 children under 13, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

12 271. Violations of COPPA and the accompanying FTC regulations “shall be treated as a
13 violation of a rule defining an unfair ... act or practice prescribed under 15 U.S.C. § 57a(a)(1)(B).” 15
14 U.S.C. § 6502(c). These rules define unfair acts or practices in or affecting commerce within the meaning
15 of 15 U.S.C. § 45(a)(1), which is the model for the various consumer protection statutes in the several
16 states, including Conn. Gen. Stat. § 42-110a, *et seq.*

17 272. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in
18 violation of Conn. Gen. Stat. § 42-110a, *et seq.* which is modeled after, proscribes the same conduct as,
19 and gives deference to the definitions of the FTC Act.

20 273. Because Defendants knew or should have known that their conduct was deceptive and/or
21 unfair under Conn. Gen. Stat. § 42-110b(a), their conduct was willful under Conn. Gen. Statutes § 42-
22 110o.

23 274. These unfair and deceptive acts and practices have caused Plaintiffs and other similarly
24 situated consumers and/or businesses to suffer losses of money and property.

25 275. As a direct and proximate result of Defendants' unfair and deceptive acts and practices,
26 Plaintiffs and other similarly situated consumers and/or businesses have suffered damages and are
27 entitled to relief under CUTPA, including, but not limited to, actual damages, attorneys' fees, and costs.

28

1 consumers' reasonable expectations, the fines imposed on TikTok by the FTC, as well as the reforms
2 required by the 2019 Permanent Injunction entered into by TikTok, which it has now been accused of
3 violating.

4 281. As minor children, A.B. and members of the Connecticut Class lacked the ability to form
5 expectations about reasonable privacy or to consent to Defendants' actions.

6 282. Neither A.B., nor members of the Connecticut Class, nor their parents and/or guardians
7 consented to Defendants' intrusions upon their private affairs, concerns, and seclusions.

8 283. A.B. and members of the Connecticut Class suffered actual and concrete injury as a result
9 of Defendants' intrusions upon A.B. and the Connecticut Class members' private affairs, concerns, and
10 seclusion.

11 284. A.B., and members of the Connecticut Class seek appropriate relief for that injury,
12 including but not limited to damages that will reasonably compensate them for the harm to their privacy
13 interests, risk of future invasions of privacy, and the mental and emotional distress caused by Defendants'
14 invasions of privacy, as well as disgorgement of profits made by Defendants as a result of their intrusions
15 upon A.B., and members of the Connecticut class's private affairs, concerns, and seclusion.

16 **Claim 7**

17 **CONNECTICUT UNJUST ENRICHMENT**
18 **(Against All Defendants on behalf of Plaintiff A.B. and the Connecticut Class)**

19 285. Plaintiff A.B., and members of the Connecticut Class re-allege the foregoing allegations
20 as if fully set forth herein.

21 286. By virtue of the unlawful and unfair conduct alleged herein, Defendants have each realized
22 millions of dollars in revenue from their collection and use of the Personal Information of A.B. and
23 Connecticut Class members through behavioral advertising and commercialization purposes derived
24 from that Personal Information.

25 287. Defendants' ill-gotten gains were monetary benefits conferred upon Defendants by A.B.
26 and members of the Connecticut Class. It would be inequitable and unjust to permit any of the Defendants
27 to retain the economic benefits they have obtained through advertising and commercialization derived
28 from the Personal Information of A.B. and members of the Connecticut Class.

1 288. Defendants will be unjustly enriched if they are permitted to retain the economic benefits
2 conferred upon them by A.B. and members of the Connecticut Class through their unlawful, unfair,
3 unauthorized, and impermissible use of the Personal Information A.B. and members of the Connecticut
4 Class, and allowing Defendants to retain the profits from their unlawful, unfair, unauthorized, and
5 impermissible use of the Personal Information of A.B. and members of the Connecticut Class would be
6 unjust and contrary to public policy.

7 289. A.B. and members of the Connecticut Class are therefore entitled to recover the amounts
8 realized by each of the Defendants at the expense of A.B. and members of the Connecticut Class.

9 290. A.B. and members of the Connecticut Class do not seek recovery in this claim for their
10 own economic harm and have no adequate remedy at law that would divest Defendants of their ill-gotten
11 and unjust profits. To the extent that money damages, if available, would constitute an adequate remedy
12 at law barring recovery under this claim, A.B. and members of the Connecticut Class assert their claim
13 for non-restitutionary disgorgement as an alternative remedy pending a final determination of the
14 availability of a remedy at law.

15 291. A.B. and members of the Connecticut Class are entitled to non-restitutionary
16 disgorgement of each Defendant’s ill-gotten gains, and/or the imposition of a constructive trust to recover
17 the amount of each Defendant’s ill-gotten gains.

18 **III. FLORIDA CLAIMS**

19 **Claim 8**

20 **FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT (FDUTPA),**
21 **Fla. Stat. Ann. § 501.201 *et seq.***
22 **(Against All Defendants on behalf of Plaintiff A.C. and the Florida Class)**

23 292. Plaintiff A.C. and members of the Florida Class incorporate the foregoing allegations as
24 if fully set forth herein.

25 293. A.C. and members of the Florida Class are or were residents of Florida and used TikTok
26 while under the age of 13.
27
28

1 294. At all times mentioned herein, Defendants each engaged in “trade” or “commerce” in
2 Florida in that Defendants each engaged in the advertising, offering for sale, sale, and distribution of
3 property or any other articles, commodities, or things of value in Florida.

4 295. Defendants each engaged in consumer-oriented acts through the offer, promotion, and/or
5 distribution of the TikTok app, which significantly impacted the public because TikTok is used
6 nationwide, including in Florida, and there are millions of users, including A.C. and members of the
7 Florida Class.

8 296. Fla. Stat. Ann. § 501.204(1) provides “[u]nfair methods of competition, unconscionable
9 acts or practices, and unfair ... acts or practices in the conduct of any trade or commerce are hereby
10 declared unlawful.”

11 297. Defendants violated Fla. Stat. Ann. § 501.204 by engaging in the deceptive or unfair acts
12 or practices proscribed by Fla. Stat. Ann. § 501.204 outlined herein.

13 298. As outlined herein, Defendants at all times had actual knowledge of their own non-
14 compliance with COPPA and other applicable privacy-related laws. Further, Defendants at all times had
15 actual knowledge of their collection of the Personal Information of A.C. and Florida Class members and
16 the tracking, profiling, and targeting of those children for lucrative behavioral advertising.

17 299. As outlined herein, Defendants intentionally designed TikTok to, among other things,
18 attract minor children by making child-directed content available to them so that TikTok could collect
19 the Personal Information for substantial commercial gain.

20 300. TikTok was aware at all times that a significant portion of its users were under the age of
21 13 and nonetheless collected the Personal Information of those children for the purpose of serving those
22 children behavioral advertising for substantial commercial gain. After entering into a Permanent
23 Injunction with the United States in 2019 intended to prohibit Defendants from their continued collection
24 or use of the Personal Information of children under the age of 13, Defendants purposefully sought to
25 undermine their compliance through, among other practices, implementation of a woefully inadequate
26 age-gating system, and monitoring policies and procedures designed to allow them to continue knowingly
27 collecting and using the Personal Information of children.

28

1 301. In particular, systematically collected, used, and/or disclosed Personal Information from
2 children under 13 in violation of COPPA, and therefore the FTC Act, by:

- 3 a. Failing to provide sufficient notice of the information Defendants collected, or the
4 information that was collected on Defendants’ behalf, online from children under
5 13, how Defendants used such information, their disclosure practices, and all other
6 required content, in violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);
- 7 b. Failing to provide direct notice to parents of the information Defendants collected,
8 or the information that was collected on Defendants’ behalf, online from children
9 under 13, how Defendants used such information, their disclosure practices, and
10 all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16
11 C.F.R. § 312.4(b)-(c);
- 12 c. Failing to obtain verifiable parental consent before any collection or use of
13 Personal Information from children under 13, in violation of Section 312.5 of
14 COPPA, 16 C.F.R. § 312.5; and
- 15 d. Failing to establish and maintain reasonable procedures to protect the
16 confidentiality, security, and integrity of Personal Information collected from
17 children under 13, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

18 302. Violations of COPPA and the accompanying FTC regulations “shall be treated as a
19 violation of a rule defining an unfair ... act or practice prescribed under 15 U.S.C. § 57a(a)(1)(B).” 15
20 U.S.C. § 6502(c). These rules define unfair acts or practices in or affecting commerce within the meaning
21 of 15 U.S.C. § 45(a)(1), which is the model for the various consumer protection statutes in the several
22 states, including the Fla. Stat. Ann. § 501.201, *et seq.*⁴⁸

23 303. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in
24 violation of Fla. Stat. Ann. § 501.204, *et seq.*, which is modeled after, proscribes the same conduct as,
25 and gives deference to the definitions of the FTC Act.

26 _____
27
28 ⁴⁸ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in connection with the
collection, use, and/or disclosure or personal information from and about children on the internet.”).

1 304. Defendants’ conduct is unfair, immoral, unethical, oppressive, unscrupulous and
2 substantially injurious to consumers, and there are no greater countervailing benefits to consumers or
3 competition. Further, A.C. and members of the Florida Class could not have reasonably avoided injury
4 because Defendants each took advantage of the lack of knowledge, ability, experience, and/or capacity
5 of consumers—in this case children under 13—to their detriment.

6 305. Defendants willfully engaged in the unfair and unlawful acts described herein and knew
7 or recklessly disregarded the fact that they violated Fla. Stat. Ann. § 501.204, *et seq.*

8 306. A.C. and members of the Florida Class were harmed by Defendants’ practices described
9 herein, which were a substantial factor and caused injury in fact and actual damages to A.C. and members
10 of the Florida Class.

11 307. As a direct and proximate result of Defendants’ unfair and unlawful acts and practices in
12 violation of Fla. Stat. Ann. § 501.204, *et seq.*, A.C. and members of the Florida Class have suffered and
13 will continue to suffer an ascertainable loss of money or property, real or personal, and monetary and
14 non-monetary damages, as described herein, including, inter alia, the loss of the value and/or
15 diminishment in value of their Personal Information and the loss of the ability to control the use of their
16 Personal Information, which allowed Defendants to profit at the expense of A.C. and members of the
17 Florida Class.

18 308. As outlined herein, there is tangible value in A.C. and members of the Florida Class’s
19 Personal Information. A.C. and members of the Florida Class have lost the opportunity to receive value
20 in exchange for their Personal Information.

21 309. Defendants’ monetization of A.C. and members of the Florida Class’s Personal
22 Information demonstrates that there is a market for their Personal Information.

23 310. A.C. and members of the Florida Class’s Personal Information is now in the possession
24 of Defendants, who have used and will use it for their financial gain.

25 311. Defendants’ retention of A.C. and members of the Florida class’s Personal Information
26 presents a continuing risk to them as well as the general public. A.C. and members of the Florida Class
27 seek relief for the injuries they have suffered as a result of Defendants’ unfair and unlawful acts and
28 practices, as provided by Fla. Stat. Ann. § 501.204, *et seq.* and applicable law, including all actual

1 damages and attorneys' fees and costs, treble damages, statutory damages, and restitution, as well as an
2 injunction requiring Defendants to each permanently delete, destroy or otherwise sequester the Personal
3 Information collected without parental consent, requiring Defendants to provide a complete audit and
4 accounting of the uses of the Personal Information by them and any other third parties, and other
5 appropriate injunctive and/or declaratory relief.

6 **Claim 9**

7
8 **FLORIDA UNJUST ENRICHMENT**
9 **(Against All Defendants on behalf of Plaintiff A.C. and the Florida Class)**

10 312. Plaintiff A.C. and members of the Florida Class re-allege the foregoing allegations as if
11 fully set forth herein.

12 313. By virtue of the unlawful and unfair conduct alleged herein, Defendants have each realized
13 millions of dollars in revenue from their collection and use of the Personal Information of A.C. and
14 Florida Class members through behavioral advertising and commercialization purposes derived from that
15 Personal Information.

16 314. Defendants' ill-gotten gains were monetary benefits conferred upon Defendants by A.C.
17 and members of the Florida Class. It would be inequitable and unjust to permit any of the Defendants to
18 retain the economic benefits they have obtained through advertising and commercialization derived from
19 the Personal Information of A.C. and members of the Florida Class.

20 315. Defendants will be unjustly enriched if they are permitted to retain the economic benefits
21 conferred upon them by A.C. and members of the Florida Class through their unlawful, unfair,
22 unauthorized, and impermissible use of the Personal Information A.C. and members of the Florida Class,
23 and allowing Defendants to retain the profits from their unlawful, unfair, unauthorized, and impermissible
24 use of the Personal Information of A.C. and members of the Florida Class would be unjust and contrary
25 to public policy.

26 316. A.C. and members of the Florida class are therefore entitled to recover the amounts
27 realized by each of the Defendants at the expense of A.C. and members of the Florida Class.

28 317. A.C. and members of the Florida Class do not seek recovery in this claim for their own
economic harm and have no adequate remedy at law that would divest Defendants of their ill-gotten and

1 unjust profits. To the extent that money damages, if available, would constitute an adequate remedy at
2 law barring recovery under this claim, A.C. and members of the Florida Class assert their claim for non-
3 restitutionary disgorgement as an alternative remedy pending a final determination of the availability of
4 a remedy at law.

5 318. A.C. and members of the Florida Class are entitled to non-restitutionary disgorgement of
6 each Defendant's ill-gotten gains, and/or the imposition of a constructive trust to recover the amount of
7 each Defendant's ill-gotten gains.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs, individually and on behalf of themselves and the proposed Classes,
10 respectfully request relief as follows:

- 11 A. An order certifying this action as a class action, and certifying the Classes defined herein,
12 designating Plaintiffs, as described above, as the representatives of the respective Classes
13 defined herein, and appointing Plaintiffs' counsel as counsel for the Classes;
- 14 B. An order declaring that Defendants' actions, as described above constitute: (i) breaches
15 of the common law claim of intrusion upon seclusion as to the intrusion upon seclusion
16 claims set forth above; (ii) violations of the state consumer protection statutes set forth
17 above; (iii) a violation of the right to privacy under the California Constitution, Article I,
18 Section 1; and (iv) that Defendants were unjustly enriched as a result of their actions.
- 19 C. A judgment awarding Plaintiffs and the members of the Classes appropriate relief,
20 including actual, compensatory, and/or statutory damages, and punitive damages (as
21 permitted by law), in an amount to be determined at trial;
- 22 D. A judgment awarding any and all equitable, injunctive, and declaratory relief as may be
23 appropriate, including orders of disgorgement of Defendants' unlawful gains, and
24 restitution;
- 25 E. A judgment awarding injunctive relief as set forth above, non-restitutionary
26 disgorgement of profits and unlawful gains, and such other equitable relief as the Court
27 may deem proper;
28

- F. A judgment awarding all costs, including experts’ fees, attorneys’ fees, and the costs of prosecuting this action, and other relief as permitted by law;
- G. Pre-judgment and post-judgment interest, as permitted by law; and
- H. Grant such other legal and equitable relief as the Court may deem appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury for all issues so triable.

Dated: August 9, 2024

Respectfully submitted,

/s/ Patrick Carey

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U.S. District Court
Northern District of Florida (Panama City)
CIVIL DOCKET FOR CASE #: 5:24-cv-00236-MW-MJF

HUMBERT et al v. BYTEDANCE INC et al
Assigned to: CHIEF JUDGE MARK E WALKER
Referred to: MAGISTRATE JUDGE MICHAEL J FRANK
Cause: 28:1332 Diversity-Fraud

Date Filed: 10/15/2024
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

SCOTT HUMBERT

on behalf of
E.H. and J.H.

represented by **DEBRA NICOLE GUNTNER**
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Plaintiff

MONROE SEIGLE

on behalf of
M.S.

represented by **DEBRA NICOLE GUNTNER**
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V.

Defendant**BYTEDANCE INC****Defendant****BYTEDANCE LTD****Defendant****TIKTOK LTD****Defendant****TIKTOK INC****Defendant****TIKTOK PTE LTD****Defendant****TIKTOK US DATA SECURITY INC**

Date Filed	#	Docket Text
10/15/2024	1	COMPLAINT against BYTEDANCE INC, BYTEDANCE LTD, TIKTOK INC, TIKTOK LTD., TIKTOK PTE LTD, TIKTOK U.S. DATA SECURITY INC (Filing fee \$ 405 receipt number BFLNDC-9097669.), filed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. (Attachments: # 1 Civil Cover Sheet, # 2 Summons - TikTok U.S. Data Security Inc, # 3 Summons-TikTok PTE. LTD, # 4 Summons-TikTok LTD, # 5 Summons-TikTok Inc, # 6 Summons-Bytedance LTD, # 7 Summons-Bytedance Inc) (AYLSTOCK, BRYAN) (Entered: 10/15/2024)
10/16/2024	2	Summons Issued as to BYTEDANCE INC, BYTEDANCE LTD, TIKTOK INC, TIKTOK LTD., TIKTOK PTE LTD, TIKTOK US DATA SECURITY INC. (jcw) (Entered: 10/16/2024)
11/14/2024	3	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. BYTEDANCE INC waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)
11/14/2024	4	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. BYTEDANCE LTD waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)
11/14/2024	5	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. TIKTOK INC waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)
11/14/2024	6	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. TIKTOK LTD waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)
11/14/2024	7	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. TIKTOK PTE LTD waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)

11/14/2024	8	WAIVER OF SERVICE Returned Executed by TONIA LIGHTWINE, SCOTT HUMBERT, MONROE SEIGLE. TIKTOK US DATA SECURITY INC waiver sent on 10/31/2024, answer due 12/30/2024. (AYLSTOCK, BRYAN) (Entered: 11/14/2024)
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PACER Service Center			
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12/03/2024 19:35:11			
PACER Login:	Grombacher59	Client Code:	
Description:	Docket Report	Search Criteria:	5:24-cv-00236-MW-MJF
Billable Pages:	2	Cost:	0.20

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA**

<p>SCOTT HUMBERT on behalf of E.H. and J.H.; TONIA LIGHTWINE, on behalf of B.L.; and MONROE SEIGLE, on behalf of M.S.; individually and on behalf of all others similarly situated, <i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BYTEDANCE, INC.; BYTEDANCE LTD.; TIKTOK LTD.; TIKTOK INC.; TIKTOK PTE. LTD.; AND TIKTOK U.S. DATA SECURITY, INC., <i>Defendants</i></p>	<p>Case No.</p> <p><u>JURY TRIAL DEMANDED.</u></p>
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CLASS ACTION COMPLAINT

Plaintiffs Scott Humbert on behalf of E.H. and J.H.; Tonia Lightwine, on behalf of B.L.; and Monroe Seigle, on behalf of M.S. (“Plaintiffs”) bring this Class Action Complaint against Defendants Bytedance, Inc.; Butedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc. (“Defendants”) as individuals and on behalf of all others similarly situated, and allege, upon personal knowledge as to Plaintiffs’ own actions and to counsels’ investigation, and upon information and belief as to all other matters, as follows:

STATEMENT OF FACTS

1. Plaintiffs bring this class action against Defendants for its failure disclose that it collects and sells personally identifiable information (“PII”) of millions of minor children, without the consent of the minors or their parents, including, but not limited to: name, age, profile image, password, email, phone number, address, “approximate” location, social media account information, phone and social media contacts, messages sent to and received from other TikTok users, information in the clipboard of a user’s device, and payment card numbers.

2. Upon information and belief, Defendants collects and sells access to this personal data without the minors’ or their parents’ notice, knowledge, or consent.

A. The Children’s Online Privacy Protection Act and the COPPA Rule Require That TikTok Provide Parental Notice and Gain Parental Consent Before Collecting or Using Children’s Personal Information.

3. TikTok collects and uses these young children’s Personal Information without providing direct notice to their parents or gaining their parents’ verifiable consent, in violation of the Children’s Online Privacy Protection Act of 1998 (“COPPA”) and Children’s Online Privacy Protection Rule (“Rule” or “COPPA Rule”), a federal statute and regulations that protect children’s privacy and safety online. It also defies an order that this Court entered in 2019 to resolve a lawsuit in which the United States alleged that TikTok Inc.’s and TikTok Ltd.’s predecessor

companies similarly violated COPPA and the COPPA Rule by allowing children to create and access accounts without their parents' knowledge or consent, collecting data from those children, and failing to comply with parents' requests to delete their children's accounts and information.

4. TikTok continues to violate COPPA. Last month, the Department of Justice filed a new lawsuit against TikTok for violating COPPA and illegally collecting and using young children's Personal Information. *See United States v. Bytedance, Ltd., et. al.* (Case No. 2:24-cv-06535-ODW-RAO) (C.D. Ca.) (J. Wright).

5. The COPPA Rule sets requirements for any "operator of a Web site or online service directed to children, or any operator that has actual knowledge that it is collecting or maintaining Personal Information from a child [under the age of 13]." Section 312.3 of COPPA Rule, 16 C.F.R. §§ 312.3.

6. The COPPA Rule requirements apply to TikTok. TikTok is directed to children, and TikTok has actual knowledge that it is collecting Personal Information from children.

7. The COPPA Rule has two requirements that are pertinent to this case: (1) parental notice and (2) parental consent.

8. First, pursuant to the COPPA Rule, TikTok must provide direct notice to parents, notifying them of "what information it collects form children, how it uses

such information and its disclosure practices for such information.” 16 C.F.R. §§ 312.3(a); 312.4.

9. Second, pursuant to the COPPA Rule, TikTok must “[o]btain verifiable parental consent prior to any collection, use, and/or disclosure of Personal Information from children.” 16 C.F.R. §§ 312.3(b); 312.5.

10. The COPPA Rule defines “Personal Information,” as “[I]ndividually identifiable information about an individual collected online, including:

- A first and last name;
- A home or other physical address including street name and name of a city or town;
- Online contact information as defined in this section;
- A screen or user name where it functions in the same manner as online contact information, as defined in this section;
- A telephone number;
- A Social Security number;
- A persistent identifier that can be used to recognize a user over time and across different Web sites or online services. Such persistent identifier includes, but is not limited to, a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier;
- A photograph, video, or audio file where such file contains a child's image or voice;
- Geolocation information sufficient to identify street name and name of a city or town; or

- Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.”

Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

11. Plaintiffs use the same definition of “Personal Information” from Section 312.2 of the COPPA Rule for this Complaint.

12. 33. The COPPA Rule defines “Child” as “an individual under the age of 13.” Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

B. TikTok has Repeatedly and Persistently Violated COPPA and Otherwise Collected the Personal Information of Minors Without Notice to, Or Consent of, Parents.

13. TikTok’s predecessor Musical.ly launched in 2014. Musical.ly was a social media platform where users could create and share short lip-sync videos.

14. By 2016, New York Times tech reporter John Herrman wrote an article about the prevalence of young children on Musical.ly, explaining that “[w]hat is striking about the app, though, is how many of its users appear to be even younger than [13].”¹

15. Mr. Herrman wrote:

The app does not collect or show the age of its users, but some of its top-ranked users, whose posts routinely collect millions of likes, called hearts, appear from their videos and profile photos to be in grade-school. Until recently, the app had a feature that suggested users to

¹ Josh Herrman, Who’s Too Young for an App? Musical.ly Tests the Limits, New York Times, Sept. 16, 2016, <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

follow based on their location. In New York, that feature revealed a list composed largely not just of teenagers, but of children.²

16. The CEO of a social media advertising agency told the New York Times that with Muscial.ly users, “you’re talking about first, second, third grade.”³

17. As Musical.ly was gaining popularity among elementary school kids in the United States, Beijing-based ByteDance Ltd. created TikTok in 2017. 38. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1 billion. On August 2, 2018, TikTok merged with Muisical.ly, consolidating the accounts and data into one application.

18. In February 2019, the United States Department of Justice filed a complaint against TikTok’s predecessors, Musical.ly and Musical.ly, Inc., alleging violations of the COPPA Rule and Section 5 of the FTC Act, 15 U.S.C. § 45.

19. The Department of Justice alleged that TikTok’s Musical.ly predecessors had collected and used Personal Information from children younger than 13 in violation of COPPA, including by (1) failing to directly notify parents of the information it collects online from children under 13 and how it uses such information and (2) failing to obtain verifiable parental consent before any collection or use of Personal Information from children under 13. *United States v. Musical.ly, et al.*, No. 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

² *Id.*

³ *Id.*

20. In March 2019, the Honorable Otis D. Wright II entered a Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief against TikTok’s predecessors. *Id.* at Dkt. No. 10 (2019 Permanent Injunction).

21. As part of the 2019 Permanent Injunction, TikTok’s predecessors were enjoined from violating the COPPA Rule, including by (1) “failing to make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives direct notice of Defendants’ practices with regard to the collection, use, or disclosure of Personal Information from children” and (2) “failing to obtain verifiable parental consent before any collection, use, or disclosure of Personal Information from children.” 2019 Permanent Injunction at 8.

22. In 2019, Musical.ly was renamed TikTok Ltd., and Musical.ly Inc. was renamed TikTok Inc. This renaming did not change the companies’ obligations under the 2019 Permanent Injunction.

C. Despite the Permanent Injunction, TikTok Collects and Uses Children’s Personal Information Without Parental Notification or Consent.

23. Despite the 2019 Permanent Injunction, millions of American minor children, particularly those under the age of 13, continue to join TikTok. And, TikTok continues to collect and use their Personal Information.

24. When users create a TikTok account, TikTok uses an “age gate” and requires that the user provide their birthday – the day, month, and year.

25. Since at least March 2019, if a Child enters a birthday that indicates that they are 13 years old or over, then they are provided with a regular TikTok account.

26. Since at least March 2019, if a Child enters a birthday that indicates that they are younger than 13 years old, then they are provided with a “TikTok For Younger Users” or “Kids Mode” account. TikTok does not notify parents or obtain parental consent for Kids Mode accounts.

27. Children with Kids Mode accounts can view videos but cannot post videos.

28. TikTok’s “age gate” is insufficient. Other than asking for their birthday, TikTok makes no other attempt during the sign-in process to verify the user’s age.

29. TikTok and its employees have long known that children misrepresent their ages to pass through TikTok’s age gate, and that despite other measures purportedly designed to remove children from the platform, children are ubiquitous.

30. TikTok’s internal company data and documents classified 18 million of its 49 million daily users in the United States as being 14 years or younger.⁴

⁴ Raymond Zhong & Sheera Frenkel, A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions, *New York Times*, Aug. 14, 2020, <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

31. A former TikTok employee said that TikTok employees had pointed out videos from children who appeared to be younger than 13 that were allowed to remain online for weeks.⁵

32. Defendants use human content moderators to review flagged accounts that potentially belong to children. In January 2020, for example, a TikTok moderator recognized that Defendants maintain accounts of children despite the “fact that we know the user is U13,” *i.e.*, under the age of 13, so long as the child’s profile does not admit that fact explicitly.

33. Another employee admitted that TikTok moderators were required to ignore any “external information” indicating that a user under review is a child.

34. As another example, in a July 2020 chat, one of Defendants’ employees circulated the profiles of numerous underage users he had identified “literally through one minute of scanning,” noting “[t]his is incredibly concerning and needs to be addressed immediately.”

35. TikTok utilizes internal algorithms to predict user’s ages based on their online behavior. However, TikTok refuses to use its age-prediction algorithm to identify children under the age of 13 and stop them from using regular TikTok accounts.

⁵ *Id.*

36. Furthermore, until at least May 2022, TikTok allowed consumers to avoid the age gate when creating a TikTok account by allowing consumers to use login credentials from certain third-party online services, including Instagram and Google. Children were permitted to create TikTok accounts without entering their birthday if they used login credentials from Google. However, Google allowed children under the age of 13 to create Google accounts with parental consent to use Google.

37. Regardless of whether a Child uses a regular TikTok account or a Kids Mode account, TikTok violates the COPPA Rule by collecting and using their Personal Information without parental notice and consent.

38. TikTok's insufficient age verification policies resulted in millions of Children gaining access to regular TikTok accounts and to the adult content and features of a regular TikTok account.

39. For Children with regular TikTok accounts, TikTok collects Personal Information about them, including first and last name, age, email address, phone number, persistent identifiers for the device(s) used to access TikTok, social media account information, and profile image(s), as well as photographs, videos, and audio files containing the user's image and voice and the metadata associated with such media (such as when, where, and by whom the content was created), usage information, device information, location data, image and audio information,

metadata, and data from cookies and similar technologies that track users across different websites and platforms.

40. For Children with Kids Mode accounts, TikTok still collects Personal Information about them, including several types of persistent identifiers, including IP address and unique device identifiers. TikTok also collects app activity data, device information, mobile carrier information, and app information from Children using Kids Mode accounts—which it combines with persistent identifiers and uses to amass profiles on children.

41. In August 2024, the Department of Justice filed a new complaint alleging that TikTok violated COPPA and the COPPA Rule, including by (1) knowingly creating accounts for children and collecting data from those children without first notifying their parents and obtaining verifiable parental consent; (2) failing to honor parents' requests to delete their children's accounts and information; and (3) failing to delete the accounts and information of users it knows are children.

D. TikTok Generates Revenue from Its Unlawful Conduct by Advertising to Children.

42. TikTok is a short-form video social media platform.

43. In January 2024, TikTok reported that it had approximately 170 million monthly active users in the United States.

44. TikTok earns a substantial amount of its revenue from advertising.

45. TikTok reported that it earned \$16 billion in revenue in the United States in 2023.

46. TikTok uses the Personal Information collected from children (under the age of 13) to target them with advertising.

47. TikTok targets users with specific advertisements by collecting persistent identifiers about the users and combining the identifiers with other information about the users.

48. In other words, TikTok targets specific advertisements to children (under the age of 13) by violating COPPA. Thus, a substantial portion of the revenue that TikTok earns from advertisements that are served on children (under the age of 13) is a direct and proximate result of TikTok's violation of COPPA.

49. TikTok's algorithm is trained on data collected from users via the TikTok platform and from third-party sources. Such data include videos viewed, "liked," or shared, accounts followed, comments, content created, video captions, sounds, and hashtags, as well as device and account settings such as language preference, country setting, and device type.

50. TikTok combines this collected data with children's persistent identifiers. The collected data is thus Personal Information. Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

51. TikTok also provides targeting options to advertisers that are based on this collected Personal Information.

52. For example, for behavioral targeting, TikTok targets users based on their interactions with organic and paid content, including the types of videos the user viewed.

53. For interest targeting, TikTok's algorithm analyzes users' long-term platform activities.

E. Defendants Operate Under a Common Enterprise.

54. Defendants are a series of interconnected companies that operate the TikTok social media platform. Defendant ByteDance Ltd. is the parent and owner of Defendants ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns Defendants TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok Inc., which owns Defendant TikTok U.S. Data Security Inc.

55. Upon information and belief, a group of ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Penyuan, and Zhu Wenjia, direct and control TikTok's core features and development. Since 2019, ByteDance Ltd. and TikTok Inc. have promoted TikTok in the United States, spending hundreds of millions of dollars on advertising, employing U.S.-based staff and executives, and developing and distributing TikTok to run on Apple and Android devices.

56. ByteDance Inc. and TikTok Inc. have responsibilities for developing, providing, and supporting TikTok in the United States.

57. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the Apple App Store and Google Play Store.

58. TikTok Ltd. identifies itself as the developer of TikTok in the Apple App Store, and TikTok Pte. Ltd. identifies itself as the developer of TikTok in the Google Play Store. The tiktok.com domain is registered to TikTok Ltd.

59. Beginning in 2023, TikTok Inc. transferred Personal Information of children to TikTok U.S. Data Security Inc., which has maintained that data without notice to those children's parents or parental consent.

60. Defendants share officers and directors. For example, TikTok Inc.'s chief executive officers between 2020 and the present (Kevin Mayer, V Pappas, and Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd., and ByteDance Ltd.'s chief executive officers (Zhang Yiming and Liang Rubo) have simultaneously served as directors of TikTok Ltd. TikTok Inc.'s Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data security support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.'s officers and directors have also overlapped with each other, and with officers and directors of TikTok Inc. Defendants intertwine their finances; for example, ByteDance Ltd. provides

compensation and benefits to TikTok Inc.'s CEO, and TikTok Inc. employees participate in ByteDance Ltd.'s stock option plan.

61. Defendants have one centralized bank account for ByteDance Ltd.'s more than a dozen products, including TikTok. Defendants operate on a "shared services" model in which ByteDance Ltd. provides legal, safety, and privacy resources, including personnel. ByteDance's largest shareholder, Zhang Yiming, signed the 2019 consent order with the United States on behalf of Musical.ly, TikTok Ltd.'s predecessor company.

62. Defendants have operated as a common enterprise while engaging in the unlawful acts and practices alleged below.

JURISDICTION & VENUE

63. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d)(2), because this is a class action wherein the amount in controversy exceeds the sum or value of \$5,000,000.00, exclusive of interest and costs, there are more than 100 members in the proposed class, and at least one member of the class is a citizen of a state different from each Defendants

64. Defendant are each subject to personal jurisdiction in this district because they have substantial aggregate contacts throughout the United States and the state of Florida. Defendants have engaged, and continue to engage, in conduct

that has a direct, substantial, reasonably foreseeable, and intended effect of causing injury to persons throughout the United States, and the state of Florida, and this District, and it purposely availed itself of the laws of the United States and the State of Florida.

65. Defendant are each subject to personal jurisdiction in this District because they purposely avail themselves of the privilege of conducting activities in the United States and the State of Florida and direct business activities toward consumers throughout the United States and the State of Florida. Furthermore, Defendants engaged and continue to engage in conduct that has a foreseeable, substantial effect throughout the United States, the State of Florida, and this District connected with its unlawful acts.

66. Venue is proper in this District under 28 U.S.C §1391(b) because Plaintiffs and thousands of potential Class Members reside in this District; Defendants transact business in this District; and Defendants intentionally avails itself of the laws within this District.

PARTIES

67. **Plaintiff Scott Humbert** is the father of E.H. and J.H., ages 16 and 14 respectively, both minors who used the TikTok mobile application (hereinafter “TikTok”). Plaintiff Humbert is a citizen of the state of Florida. At all relevant times, Plaintiff has been a resident of Groveland, Florida.

68. During the Class Period, E.H. and J.H. both created and used TikTok accounts (while under the age of 13) and viewed content on the TikTok platform.

69. E.H. created a TikTok account at approximately 12 years old.

70. J.H. created a TikTok account at approximately 9 years old.

71. During the Class Period, Defendants collected E.H. and J.H.'s Personal Information for the purpose of tracking their activity and utilizing targeted advertisements.

72. Defendants never obtained consent from nor notified E.H. and J.H.'s parent and legal guardian, Scott Humbert, at any point prior to or during its collection and use of E.H. and J.H.'s Personal Information.

73. Defendants were bound by the 2019 Permanent Injunction that prohibited Defendants from collecting Personal Information from children under the age of 13, and therefore this conduct could not have reasonably been discovered earlier through investigation.

74. **Plaintiff Tonia Lightwine** is the mother of B.L., a 13-year-old minor who used TikTok. Plaintiff Lightwine is a citizen of the state of Florida. At all relevant times, Plaintiff has been a resident of Bonifay, Florida.

75. This action is brought on B.L.'s behalf by Plaintiff Tonia Lightwine.

76. During the Class Period, B.L. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

77. B.L. created a TikTok account at approximately 11 years old.

78. During the Class Period, Defendants collected B.L.'s Personal Information for the purpose of tracking B.L.'s activity and utilizing targeted advertisements.

79. Defendants never obtained consent from nor notified B.L.'s parent and legal guardian, Tonia Lightwine, at any point prior to or during its collection and use of B.L.'s Personal Information.

80. Defendants were bound by the 2019 Permanent Injunction that prohibited Defendants from collecting Personal Information from children under the age of 13, and therefore this conduct could not have reasonably been discovered earlier through investigation.

81. **Plaintiff Monroe Seigle** is the father of M.S., a 14-year old minor who used TikTok. Plaintiff Seigle is a citizen of the state of Florida. At all relevant times, Plaintiff has been a resident of The Villages, Florida.

82. This action is brought on M.S.'s behalf by Plaintiff Monroe Seigle.

83. During the Class Period, M.S. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

84. M.S. created a TikTok account at approximately 12 years old.

85. During the Class Period, Defendants collected M.S.'s Personal Information for the purpose of tracking B.L.'s activity and utilizing targeted advertisements.

86. Defendants never obtained consent from nor notified M.S.'s parent and legal guardian, Monroe Seigle, at any point prior to or during its collection and use of M.S.'s Personal Information.

87. Defendants were bound by the 2019 Permanent Injunction that prohibited Defendants from collecting Personal Information from children under the age of 13, and therefore this conduct could not have reasonably been discovered earlier through investigation

88. **Defendant TikTok Inc.** is a California corporation with its principal place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230. TikTok Inc. transacts or has transacted business in this District and throughout the United States.

89. **Defendant TikTok U.S. Data Security Inc.** is a Delaware corporation with its principal place of business shared with TikTok Inc. TikTok U.S. Data Security Inc. transacts or has transacted business in this District and throughout the United States.

90. **Defendant ByteDance Ltd.** is a Cayman Islands company. It has had offices in the United States and in other countries. ByteDance Ltd. transacts or has transacted business in this District and throughout the United States.

91. **Defendant ByteDance Inc.** is a Delaware corporation with its principal place of business at 250 Bryant Street, Mountain View, California, 94041. ByteDance Inc. transacts or has transacted business in this District and throughout the United States.

92. **Defendant TikTok Pte. Ltd.** is a Singapore company with its principal place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore, 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and throughout the United States.

93. **Defendant TikTok Ltd.** is a Cayman Islands company with its principal place of business in Singapore or Beijing, China. TikTok Ltd. Transacts or has transacted business in this District and throughout the United States.

CLASS ALLEGATIONS

94. Plaintiffs bring this nationwide class action individually, and on behalf of all similarly situated individuals, pursuant to Rule 23(b)(2), 23(b)(3), and 23(c)(4) of the Federal Rules of Civil Procedure.

95. The Classes that Plaintiffs seek to represent are defined as follows:

Nationwide Class

All United States residents (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying their parents and obtaining verifiable parental consent beforehand (the “Class”).

Florida Subclass

All Florida residents (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying their parents and obtaining verifiable parental consent beforehand (the “Florida Subclass”).

96. Collectively, the Class and Florida Subclass are referred to as the “Classes” or “Class Members.”

97. Excluded from the Classes are the following individuals and/or entities: Defendants and Defendants’ parents, subsidiaries, affiliates, officers and directors, and any entity in which Defendants has a controlling interest; all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

98. Plaintiffs reserve the right to amend the definitions of the Classes or add a Class or Subclass if further information and discovery indicate that the definitions of the Classes should be narrowed, expanded, or otherwise modified.

99. Numerosity: The members of the Classes are so numerous that joinder of all members is impracticable, if not completely impossible. The members of the Classes are so numerous that joinder of all of them is impracticable. While the exact

number of Class Members is unknown to Plaintiffs at this time and such number is exclusively in the possession of Defendant, upon information and belief, millions of minor individuals are implicated.

100. Common questions of law and fact exist as to all members of the Classes and predominate over any questions affecting solely individual members of the Classes. The questions of law and fact common to the Classes that predominate over questions which may affect individual Class Members, includes the following:

- a. Whether TikTok has or had a practice of collecting Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- b. Whether TikTok has or had a practice of using Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- c. Whether TikTok's practices violate the Children's Online Privacy Protection Act of 1998 ("COPPA") and the Children's Online Privacy Protection Rule ("COPPA Rule");
- d. Whether TikTok engaged in unlawful business practices;
- e. Whether TikTok engaged in unfair business practices;
- f. Whether TikTok has unjustly received and retained monetary benefits from Plaintiffs' minor children and Class Members by profiting off the use of their Personal Information; and
- g. Whether Class Members are entitled to damages and/or restitution, and if so, the method of computing damages and/or restitution.

101. Typicality: Plaintiffs' claims are typical of those of the other members of the Classes because Plaintiffs, like every other Class Member, were exposed to

virtually identical conduct and now suffers from the same violations of the law as each other member of the Classes.

102. Policies Generally Applicable to the Class: This class action is also appropriate for certification because Defendants acted or refused to act on grounds generally applicable to the Classes, thereby requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the Class Members and making final injunctive relief appropriate with respect to the Classes as a whole. Defendants' policies challenged herein apply to and affect Class Members uniformly and Plaintiffs' challenges of these policies hinges on Defendants' conduct with respect to the Classes as a whole, not on facts or law applicable only to Plaintiffs.

103. Adequacy: Plaintiffs will fairly and adequately represent and protect the interests of the Class Members in that Plaintiffs have no disabling conflicts of interest that would be antagonistic to those of the other Class Members. Plaintiffs seek no relief that is antagonistic or adverse to the Class Members and the infringement of the rights and the damages suffered are typical of other Class Members. Plaintiffs have retained counsel experienced in complex class action and data breach litigation, and Plaintiffs intend to prosecute this action vigorously.

104. Superiority and Manageability: The class litigation is an appropriate method for fair and efficient adjudication of the claims involved. Class action treatment is superior to all other available methods for the fair and efficient

adjudication of the controversy alleged herein; it will permit a large number of Class Members to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence, effort, and expense that hundreds of individual actions would require. Class action treatment will permit the adjudication of relatively modest claims by certain Class Members, who could not individually afford to litigate a complex claim against large corporations, like Defendants. Further, even for those Class Members who could afford to litigate such a claim, it would still be economically impractical and impose a burden on the courts.

105. The nature of this action and the nature of laws available to Plaintiffs and Class Members make the use of the class action device a particularly efficient and appropriate procedure to afford relief for the wrongs alleged because Defendants would necessarily gain an unconscionable advantage since Defendants would be able to exploit and overwhelm the limited resources of each individual Class Member with superior financial and legal resources; the costs of individual suits could unreasonably consume the amounts that would be recovered; proof of a common course of conduct to which Plaintiffs were exposed is representative of that experienced by the Classes and will establish the right of each Class Member to recover on the cause of action alleged; and individual actions would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation.

106. The litigation of the claims brought herein is manageable. Defendants' uniform conduct, the consistent provisions of the relevant laws, and the ascertainable identities of Class Members demonstrates that there would be no significant manageability problems with prosecuting this lawsuit as a class action.

107. Adequate notice can be given to Class Members directly using information maintained in Defendants' records.

108. Unless a Class-wide injunction is issued, Defendants may continue to act unlawfully as set forth in this Complaint.

109. Further, Defendants have acted on grounds that apply generally to the Classes as a whole, so that class certification, injunctive relief, and corresponding declaratory relief are appropriate on a class- wide basis.

CAUSES OF ACTION

COUNT 1: UNJUST ENRICHMENT (*On behalf of Plaintiffs and the Classes*)

110. Plaintiffs re-allege and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

111. By obtaining and reselling Plaintiffs' and Class Members' PII, Defendants received a monetary benefit. Defendants knew that it could sell the PII for financial gain and has retained that benefit.

112. Defendants have unjustly received and retained monetary benefits from Plaintiffs' minor children and Class Members by profiting off the use of their Personal Information under unjust circumstances such that inequity has resulted.

113. Defendants have knowingly obtained benefits from Plaintiffs' minor children and Class Members as alleged herein under circumstances such that it would be inequitable and unjust for TikTok to retain them.

114. Defendants have been knowingly enriched by revenues and profits it received from unjustly and illegally collecting and using the Personal Information of children under the age of 13 to build profiles and target advertisements to those children.

115. Defendants have failed to obtain legally valid consent from Plaintiffs' minor children and Class Members to collect and use their Personal Information.

116. Defendants will be unjustly enriched if they are permitted to retain the benefits derived from the illegal collection and usage of Plaintiffs' minor children and Class Members' Personal Information.

117. Plaintiffs' minor children and Class Members are therefore entitled to relief, including disgorgement of all revenues and profits that TikTok earned as a result of its unlawful and wrongful conduct.

COUNT 2: INVASION OF PRIVACY
(On behalf of Plaintiffs and the Classes)

118. Plaintiffs re-allege and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

119. As minor children, Plaintiffs and Class Members had a legitimate expectation of privacy in their personally identifying information. Plaintiffs and Class Members were entitled to the protection of this information from disclosure to unauthorized third parties.

120. Defendants owed a duty to Plaintiffs and Class Members to keep their PII confidential.

121. Defendants permitted the public disclosure of Plaintiffs' and Class Members' PII to unauthorized third parties.

122. The PII that was collected and disclosed without the Plaintiffs' and Class Members' authorization was highly sensitive, private, and confidential. The public disclosure of the type of PII at issue here would be highly offensive to a reasonable person of ordinary sensibilities.

123. By permitting the unauthorized collection and disclosure, Defendants acted with reckless disregard for the Plaintiffs' and Class Members' privacy, and with knowledge that such disclosure would be highly offensive to a reasonable person. Furthermore, the disclosure of the PII at issue was not newsworthy or of any service to the public interest.

124. Defendants acted with such reckless disregard as to the safety of Plaintiffs' and Class Members' PII to rise to the level of intentionally allowing the intrusion upon the seclusion, private affairs, or concerns of Plaintiffs and Class Members.

125. Plaintiffs and Class Members have been damaged by the invasion of their privacy in an amount to be determined at trial.

**COUNT 3: VIOLATION OF FLORIDA'S DECEPTIVE AND UNFAIR
TRAID PRACTICES ACT (FDUTPA) F.S. §§501.201 et seq.
(*On behalf of Plaintiffs and the Florida Subclass*)**

126. Plaintiffs re-allege and incorporate by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

127. Plaintiffs brings this Count individually and on behalf of the Florida Subclass.

128. Plaintiffs and members of the Florida Subclass are residents of Florida and used TikTok while under the age of 13.

129. The Florida Deceptive and Unfair Trade Practices Act ("FDUTPA") renders unlawful unfair methods of competition, unconscionable acts or practice, and unfair or deceptive acts or practices in the conduct of any trade or commerce. § 501.204, Fla. Stat.

130. Among other purposes, FDUTPA is intended "[t]o protect the consuming public and legitimate business enterprises from those who engage in

unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” § 501.202, Fla. Stat.

131. Defendants’ actions are deceptive and in clear violation of FDUPTA, entitling Plaintiffs and the Florida Subclass to damages and relief under Fla. Stat. §§ 501.201- 213.

132. Defendants each engaged in “trade” or “commerce” in Florida in that Defendants each engaged in the advertising, offering for sale, sale, and distribution of property or any other articles, commodities, or things of value in Florida.

133. Defendants each engaged in consumer-oriented acts through the offer, promotion, and/or distribution of the TikTok app, which significantly impacted the public because TikTok is used nationwide, including in Florida, and there are millions of users, including Plaintiffs and members of the Florida Subclass.

134. As outlined herein, Defendants at all times had actual knowledge of their own noncompliance with COPPA and other applicable privacy-related laws. Further, Defendants at all times had actual knowledge of their collection of the Personal Information of Plaintiffs and Florida Subclass members and the tracking, profiling, and targeting of those children for lucrative behavioral advertising.

135. As outlined herein, Defendants intentionally designed TikTok to, among other things, attract minor children by making child-directed content

available to them so that TikTok could collect the Personal Information for substantial commercial gain.

136. Defendants has engaged, and continues to engage, in conduct that is likely to deceive members of the public. This conduct includes failing to disclose that Defendants were collecting and disseminating the private information of minors without parental notice or consent.

137. This information is important to consumers, including Plaintiffs, because disclosure of PII creates a substantial risk of future identity theft, fraud, or other forms of exploitation.

138. TikTok was aware at all times that a significant portion of its users were under the age of 13 and nonetheless collected the Personal Information of those children for the purpose of serving those children behavioral advertising for substantial commercial gain. After entering into a Permanent Injunction with the United States in 2019 intended to prohibit Defendants from their continued collection or use of the Personal Information of children under the age of 13, Defendants purposefully sought to undermine their compliance through, among other practices, implementation of a woefully inadequate age-gating system, and monitoring policies and procedures designed to allow them to continue knowingly collecting and using the Personal Information of children.

139. Defendants have engaged in unconscionable, deceptive, or unfair acts or practices, which constitute unfair competition within the meaning of FDUTPA.

140. Defendants systematically collected, used, and/or disclosed Personal Information from children under 13 in violation of COPPA, and therefore the FTC Act, by:

- Failing to provide sufficient notice of the information Defendants collected, or the information that was collected on Defendants' behalf, online from children under 13, how Defendants used such information, their disclosure practices, and all other required content, in violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);
- Failing to provide direct notice to parents of the information Defendants collected, or the information that was collected on Defendants' behalf, online from children under 13, how Defendants used such information, their disclosure practices, and all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- Failing to obtain verifiable parental consent before any collection or use of Personal Information from children under 13, in violation of Section 312.5 of COPPA, 16 C.F.R. § 312.5; and
- Failing to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of Personal Information collected from children under 13, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

141. Violations of COPPA and the accompanying FTC regulations “shall be treated as a violation of a rule defining an unfair ... act or practice prescribed under 15 U.S.C. § 57a(a)(1)(B).” 15 U.S.C. § 6502(c). These rules define unfair acts or practices in or affecting commerce within the meaning of 15 U.S.C. §

45(a)(1), which is the model for the various consumer protection statutes in the several states, including the Fla. Stat. Ann. § 501.201, *et seq.*⁶

142. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in violation of Fla. Stat. Ann. § 501.204, *et seq.*, which is modeled after, proscribes the same conduct as, and gives deference to the definitions of the FTC Act.

143. Defendants' conduct is unfair, immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers, and there are no greater countervailing benefits to consumers or competition.

144. Plaintiffs and members of the Florida Subclass could not have reasonably avoided injury because Defendants each took advantage of the lack of knowledge, ability, experience, and/or capacity of consumers—in this case children under 13—to their detriment.

145. Consumers like Plaintiffs and the Florida Subclass did not that they were giving their PII to Defendants or that Defendants were failing to safeguard such PII.

146. Defendants willfully engaged in the unfair and unlawful acts described herein and knew or recklessly disregarded the fact that they violated Fla.

⁶ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in connection with the collection, use, and/or disclosure or Personal Information from and about children on the internet.”).

Stat. Ann. § 501.204, et seq.

147. Plaintiffs and members of the Florida Subclass were harmed by Defendants' practices described herein, which were a substantial factor and caused injury in fact and actual damages to Plaintiffs and members of the Florida Subclass.

148. As a direct and proximate result of Defendants' unfair and unlawful acts and practices in violation of Fla. Stat. Ann. § 501.204, *et seq.*, Plaintiffs and members of the Florida Subclass have suffered and will continue to suffer an ascertainable loss of money or property, real or personal, and monetary and non-monetary damages, as described herein, including, inter alia, the loss of the value and/or diminishment in value of their Personal Information and the loss of the ability to control the use of their Personal Information, which allowed Defendants to profit at the expense of Plaintiffs and members of the Florida Subclass. Such an injury is not outweighed by any countervailing benefits to consumers or to competition.

149. Because Defendants' misconduct is ongoing and continuing, prospective injunctive relief is necessary. Absent injunctive relief, Defendants may continue to collect consumers' PII while failing to adequately safeguard such PII.

150. As outlined herein, there is tangible value in Plaintiffs and members of the Florida Subclass's Personal Information. Plaintiffs and members of the Florida Subclass have lost the opportunity to receive value in exchange for their

Personal Information.

151. Defendants' monetization of Plaintiffs' and members of the Florida Subclass's Personal Information demonstrates that there is a market for their Personal Information.

152. Plaintiffs' and members of the Florida Subclass's Personal Information is now in the possession of Defendants, who have used and will use it for their financial gain.

153. Florida Statutes, Section 501.204, makes unfair and/or deceptive trade practices in the conduct of any trade or commerce illegal.

154. Florida Statutes, Section 501.211, creates a private right of action for individuals who are aggrieved by an unfair and/or deceptive trade practice by another person.

155. Florida Statutes, Section 501.2105, provides that the prevailing party in litigation arising from a cause of action pursuant to Chapter 501 shall be entitled to recover attorney's fees within the limitations set forth therein from the non-prevailing party.

156. Florida Statutes, Section 501.213, provides that any remedies available under Chapter 501 are in addition to any other remedies otherwise available for the same conduct under state or local law.

157. Defendants' retention of Plaintiffs' and members of the Florida Subclass's Personal Information presents a continuing risk to them as well as the general public. Plaintiffs and members of the Florida Subclass seek relief for the injuries they have suffered as a result of Defendants' unfair and unlawful acts and practices, as provided by Fla. Stat. Ann. § 501.204, et seq. and applicable law, including all actual damages and attorneys' fees and costs, treble damages, statutory damages, and restitution, as well as an injunction requiring Defendants to each permanently delete, destroy or otherwise sequester the Personal Information collected without parental consent, requiring Defendants to provide a complete audit and accounting of the uses of the Personal Information by them and any other third parties, and other appropriate injunctive and/or declaratory relief.

158. In accordance with FDUTPA, Plaintiffs and the Florida Subclass seek an order enjoining Defendants from continuing to conduct business through fraudulent or unlawful acts and practices. Defendants' conduct is ongoing and continuing, such that prospective injunctive relief is necessary.

159. On behalf of Plaintiffs and the Florida Subclass, Plaintiffs also seek an order entitling them and the Florida Subclass to recover all monies which were acquired through Defendants' acts of fraudulent, unfair, or unlawful competition.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of the other members of the Classes alleged herein, respectfully requests that the Court enter judgment as follows:

- A. For an order certifying the Class under Rule 23 of the Federal Rules of Civil Procedure and naming Plaintiffs as the representatives for the Classes and counsel for Plaintiffs as Class Counsel;
- B. For an order declaring the Defendants’ conduct violates the statues and causes of action referenced herein;
- C. For an order finding in favor of Plaintiffs and Class Members on all counts asserted herein;
- D. Ordering Defendants to pay for lifetime credit monitoring and dark web scanning services for Plaintiffs and the Classes;
- E. For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury;
- F. For prejudgment interest on all amounts awarded;
- G. For an order of restitution and all other forms of equitable monetary relief requiring the disgorgement of the revenues wrongfully retained as a result of the Defendants’ conduct;
- H. For injunctive relief as pleaded or as the Court may deem proper; and
- I. For an order awarding Plaintiffs and Class Members their reasonable attorneys’ fees and expenses and costs of suit, and any other expense, including expert witness fees; and
- J. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial

by jury of all claims in this Complaint and of all issues in this action so triable as of right.

Dated: October 14, 2024

/s/ Bryan F. Aylstock
Bryan F. Aylstock (Fla. Bar 78263)
D. Nicole Guntner (Fla. Bar 1028925)
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:24-cv-06535-ODW-RAO**

United States of America v. Bytedance Ltd. et al
Assigned to: Judge Otis D. Wright, II
Referred to: Magistrate Judge Rozella A. Oliver
Related Case: [2:19-cv-01439-ODW-RAO](#)
Cause: 15:0045 Federal Trade Commission Act

Date Filed: 08/02/2024
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Benjamin A Cornfeld**
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V.

Defendant

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ATTORNEY TO BE NOTICED

Defendant

Bytedance Inc.
a Delaware corporation

represented by **Daniel M. Petrocelli**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TikTok Ltd.
a Cayman Islands company

represented by **Daniel M. Petrocelli**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Brody
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
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ATTORNEY TO BE NOTICED

Defendant

TikTok Inc.
a California corporation

represented by **Daniel M. Petrocelli**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Brody
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen McIntyre
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ATTORNEY TO BE NOTICED

Defendant

TikTok Pte. Ltd.
a Singapore company

represented by **Daniel M. Petrocelli**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Brody
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PRO HAC VICE
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Stephen McIntyre
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ATTORNEY TO BE NOTICED

Defendant

TikTok U.S. Data Security Inc.
a Delaware corporation

represented by **Daniel M. Petrocelli**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Brody
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Stephen McIntyre
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/02/2024	1	COMPLAINT No Fee Required - US Government, filed by Plaintiff United States of America. (Attorney Marcus Smith added to party United States of America(pty:pla)) (Smith, Marcus) (Entered: 08/02/2024)
08/02/2024	2	CIVIL COVER SHEET filed by Plaintiff United States of America. (Smith, Marcus) (Entered: 08/02/2024)
08/02/2024	3	NOTICE of Related Case(s) filed by Plaintiff United States of America. Related Case(s): 2:19-cv-01439 (Smith, Marcus) (Entered: 08/02/2024)
08/02/2024	4	APPLICATION to file document <i>Unredacted Complaint</i> under seal filed by Plaintiff United States of America. (Attachments: # 1 Proposed Order, # 2 Redacted Document) (Smith, Marcus) (Entered: 08/02/2024)
08/02/2024	5	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Unredacted Complaint</i> under seal 4 filed by Plaintiff United States of America. (Attachments: # 1 Unredacted Document)(Smith, Marcus) (Entered: 08/02/2024)

08/02/2024	6	Notice of Appearance or Withdrawal of Counsel: for attorney Daniel M. Petrocelli counsel for Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Adding Daniel M. Petrocelli as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc for the reason indicated in the G-123 Notice. Filed by Defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. (Attorney Daniel M. Petrocelli added to party Bytedance Inc. (pty:dft), Attorney Daniel M. Petrocelli added to party Bytedance Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Inc.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Pte. Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok U.S. Data Security Inc.(pty:dft))(Petrocelli, Daniel) (Entered: 08/02/2024)
08/02/2024	7	STATEMENT Regarding Plaintiff's Notice of Related Cases filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. re: Notice of Related Case(s) 3 . (Petrocelli, Daniel) (Entered: 08/02/2024)
08/02/2024	8	Notice of Appearance or Withdrawal of Counsel: for attorney Stephen McIntyre counsel for Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Adding Stephen McIntyre as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. for the reason indicated in the G-123 Notice. Filed by Defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. (Attorney Stephen McIntyre added to party Bytedance Inc. (pty:dft), Attorney Stephen McIntyre added to party Bytedance Ltd.(pty:dft), Attorney Stephen McIntyre added to party TikTok Inc.(pty:dft), Attorney Stephen McIntyre added to party TikTok Ltd.(pty:dft), Attorney Stephen McIntyre added to party TikTok Pte. Ltd. (pty:dft), Attorney Stephen McIntyre added to party TikTok U.S. Data Security Inc. (pty:dft))(McIntyre, Stephen) (Entered: 08/02/2024)
08/06/2024	9	NOTICE OF ASSIGNMENT to District Judge Maame Ewusi-Mensah Frimpong and Magistrate Judge Maria A. Audero. (car) (Entered: 08/06/2024)
08/06/2024	10	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (car) (Entered: 08/06/2024)
08/06/2024	11	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (car) (Entered: 08/06/2024)
08/06/2024	12	NOTICE of Interested Parties filed by Defendant Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., identifying ByteDance Ltd., TikTok Ltd., TikTok LLC, TikTok Inc., (Petrocelli, Daniel) (Entered: 08/06/2024)
08/06/2024	13	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Unredacted Complaint</i> under seal 4 filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc..(Petrocelli, Daniel) (Entered: 08/06/2024)
08/06/2024	14	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Unredacted Complaint</i> under seal 4 filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc..(Petrocelli, Daniel) (Entered: 08/06/2024)
08/06/2024	22	ORDER 4 by Judge Maame Ewusi-Mensah Frimpong. Upon Consideration of the United States's Application for Leave to File Under Seal and Defendants' Declarations in support of the Application, it is hereby: ORDERED that the Application is DENIED, and IT IS

		FURTHER ORDERED that the United States shall file the unredacted complaint publicly within four days of this order being entered. (yl) (Entered: 08/07/2024)
08/07/2024	15	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon Bytedance Inc. waiver sent by Plaintiff on 8/6/2024, answer due 10/7/2024. Waiver of Service signed by ByteDance Inc.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	16	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon Bytedance Ltd. waiver sent by Plaintiff on 8/6/2024, answer due 11/4/2024. Waiver of Service signed by ByteDance Ltd.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	17	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon TikTok Inc. waiver sent by Plaintiff on 8/6/2024, answer due 10/7/2024. Waiver of Service signed by TikTok Inc.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	18	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon TikTok Ltd. waiver sent by Plaintiff on 8/6/2024, answer due 11/4/2024. Waiver of Service signed by TikTok Ltd.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	19	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon TikTok Pte. Ltd. waiver sent by Plaintiff on 8/6/2024, answer due 11/4/2024. Waiver of Service signed by TikTok Pte Ltd.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	20	WAIVER OF SERVICE Returned Executed filed by Plaintiff United States of America. upon TikTok U.S. Data Security Inc. waiver sent by Plaintiff on 8/6/2024, answer due 10/7/2024. Waiver of Service signed by TikTok U.S. Data Security Inc.. (Cornfeld, Benjamin) (Entered: 08/07/2024)
08/07/2024	21	APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500.00 Previously Paid on 8/7/2024, Receipt No. ACACDC-37979401) filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order on Application of Non-Resident Attorney to Appear in a Specific Case Pro Hac Vice) (McIntyre, Stephen) (Entered: 08/07/2024)
08/08/2024	23	TEXT ONLY ENTRY - NOTICE OF CLERICAL ERROR by Damon Berry, Courtroom Deputy Clerk to Judge Maame Ewusi-Mensah Frimpong: The Court hereby notifies the parties that the Court's Order on the Application to Seal ECF No. 22 was issued in error and is to be disregarded. The Court GRANTS the United States leave to file its unredacted complaint under seal until such time that the Court makes a determination on whether the complaint should be permanently sealed. IT IS SO ORDERED.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 08/08/2024)
08/08/2024	24	ORDER by Judge Maame Ewusi-Mensah Frimpong: granting 21 Non-Resident Attorney Stephen D. Brody APPLICATION to Appear Pro Hac Vice on behalf of defendants Bytedance Inc., Bytedance Ltd., TikTok Inc.,TikTok Ltd.,TikTok Pte. Ltd.,TikTok U.S. Data Security Inc., designating Stephen McIntyre as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (ak) (Entered: 08/08/2024)
08/14/2024	25	ORDER RE TRANSFER PURSUANT to this Court's General Order in the Matter of Assignment of Cases and Duties to the District Judges. Related Case- filed. Related Case No: 2:19-cv-01439 ODW(RAOx). Case transferred from Magistrate Judge Maria A. Audero and Judge Maame Ewusi-Mensah Frimpong to Judge Otis D. Wright, II and Magistrate Judge Rozella A. Oliver for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24-cv-06535 ODW(RAOx). Signed by Judge Otis D. Wright, II (rn) (Entered: 08/14/2024)

08/15/2024	26	NOTICE of Related Case(s) filed by defendant Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Related Case(s): 2:24-cv-06784 SVW (AJRx) (Petrocelli, Daniel) (Entered: 08/15/2024)
09/20/2024	27	NOTICE of Related Case(s) filed by Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Related Case(s): 2:24-cv-06784, 2:24-cv-07922 (Petrocelli, Daniel) (Entered: 09/20/2024)
09/20/2024	28	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II:The Court received and reviewed Plaintiffs request for leave to file the unredacted complaint publicly. (Appl., ECF No. 4.) The Defendants oppose the request and propose specific redactions in the complaint. (ECF Nos. 13-14, 4-2.) These redactions are already adopted in the filed complaint. (ECF. No. 1.) The Court finds good cause to seal as to the proposed redactions and hereby DENIES the Plaintiff's request. Accordingly, the Court ORDERS the entire complaint remain UNSEALED except for the redactions in Paragraphs 45, 67, 79, 80, and 81. (lc) Modified on 9/24/2024 (lc). (Entered: 09/23/2024)
09/23/2024	29	NOTICE OF ERRATA filed by Defendants Bytedance Ltd., Bytedance Inc., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. correcting APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500.00 Previous 21 (Attachments: # 1 Exhibit 1 - Application of Non-Resident Attorney to Appear in a Specific Case Pro Hac Vice (Corrected))(Petrocelli, Daniel) (Entered: 09/23/2024)
09/24/2024	30	AMENDED MINUTE ORDER IN CHAMBERS 28 by Judge Otis D. Wright, II: The Court has reviewed Plaintiffs request for leave to file the unredacted complaint publicly. (Appl., ECF No. 4.) Defendants oppose the request, contending specific material in the complaint would permit users to circumvent Defendants security protocols if disclosed. (Decls. ISO Seal, ECF Nos. 1314.) Defendants propose narrowly tailored and minimal redactions in the complaint to mitigate this risk. (Id.) These redactions are provisionally applied in the complaint currently on file with the Court. (See ECF No. 1.) The Court finds good cause to maintain the redacted information under seal and hereby DENIES Plaintiffs request. (ECF No. 4.) Accordingly, the Court ORDERS Plaintiff to file UNDER SEAL the unredacted complaint, within five (5) days of this Order (lc) (Entered: 09/24/2024)
09/27/2024	31	SEALED DOCUMENT <i>Unredacted Complaint</i> re Amended Minutes,,, 30 filed by Plaintiff United States of America.(Smith, Marcus) (Entered: 09/27/2024)
10/07/2024	32	ANSWER to Complaint (Attorney Civil Case Opening) 1 filed by defendants Bytedance Ltd., Bytedance Inc., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc..(Petrocelli, Daniel) (Entered: 10/07/2024)
10/08/2024	33	MINUTE ORDER IN CHAMBERS by Judge Otis D Wright, II: This action has been assigned to the calendar of Judge Otis D. Wright II. EFFECTIVE IMMEDIATELY- No mandatory chambers copies required, EXCEPT FOR Motions for summary judgment and any other evidence-heavy motions. The Court's Electronic Document Submission System (EDSS) allows people without lawyers who have pending cases in the United States District Court for the Central District of California to submit documents electronically to the Clerk's Office The parties may consent to proceed before a Magistrate Judge appearing on the voluntary consent list. PLEASE refer to Local Rule 79-5 for the submission of CIVIL ONLY SEALED DOCUMENTS. CRIMINAL SEALED DOCUMENTS will remain the same. Please refer to Court's Website and Judge's procedures for information as applicable. (lc) (Entered: 10/08/2024)
10/08/2024	34	ORDER that the Scheduling Conference is set for December 16,2024 at 1:30 PM ; compliance with FRCP 16, and 26(f) and filing of joint report; Counsel for plaintiff shall

		immediately serve this Order on all parties, including any new parties to the action by Judge Otis D Wright, II. (lc) (Entered: 10/08/2024)
11/04/2024	35	APPLICATION for Order for in Camera Conference filed by Defendants Bytedance Ltd., Bytedance Inc., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order) (Petrocelli, Daniel) (Entered: 11/04/2024)
11/08/2024	36	MINUTES (IN CHAMBERS) by Judge Otis D. Wright, II: On November 4, 2024, Defendants filed an unopposed request to conduct an in camera telephonic or video conference with the Court. (ECF No. 35.) Defendants state simply that thematter is sensitive and provide no context as to why the conference is required. (Id. 2.) It is also unclear whether the request requires only Defendants or both parties to be present at the conference. (Id.) Because the Court lacks information to understand the need and context of the requested conference, the request is hereby DENIED. Defendants may file an amended request addressing the above deficiencies, and, if necessary, may seek leave to file such request underseal and/or in camera pursuant to Local Rules 79-5 and 79-6 and Federal Rule of Civil Procedure 5.2(d). (lc) (Entered: 11/08/2024)
11/14/2024	37	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II:The parties are ORDERED to SHOW CAUSE, in writing only, by no later than November 21, 2024, why the following cases should not be consolidated: 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al.; 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al.; and 2:24-cv-06535-ODW (RAOx), United States of America v. Bytedance Ltd. et al. The failure to timely respond may result without further notice in dismissal, sua sponte consolidation, or sanctions. (lc) (Entered: 11/14/2024)
11/20/2024	38	RESPONSE filed by Defendants Bytedance Ltd., Bytedance Inc., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. <i>re</i> 37 Order to Show Cause (Petrocelli, Daniel) (Entered: 11/20/2024)
11/21/2024	39	RESPONSE filed by Plaintiff United States of Americato Minutes of In Chambers Order/Directive - no proceeding held,,, Set/Reset Deadlines,, 37 (Smith, Marcus) (Entered: 11/21/2024)

PACER Service Center			
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12/03/2024 17:35:48			
PACER Login:	Grombacher59	Client Code:	
Description:	Docket Report	Search Criteria:	2:24-cv-06535-ODW-RAO End date: 12/3/2024
Billable Pages:	8	Cost:	0.80

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21 Attorneys for Plaintiff United States of America

22 UNITED STATES DISTRICT COURT
 23 CENTRAL DISTRICT OF CALIFORNIA

24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 v.

27 BYTEDANCE LTD., a Cayman Islands
 28 company; BYTEDANCE INC., a
 Delaware corporation; TIKTOK LTD., a
 Cayman Islands company; TIKTOK
 INC., a California corporation; TIKTOK
 PTE. LTD., a Singapore company; and
 TIKTOK U.S. DATA SECURITY INC.,
 a Delaware corporation,

Case No. 2:24-cv-06535

**COMPLAINT FOR PERMANENT
 INJUNCTION, CIVIL PENALTY
 JUDGMENT, AND OTHER
 RELIEF**

DEMAND FOR JURY TRIAL

1 Defendants.

2
3 Plaintiff, the United States of America (“the United States”), acting upon
4 notification and referral from the Federal Trade Commission (“FTC”), for its
5 Complaint alleges:

6 **NATURE OF THE CASE**

7 1. Defendants operate TikTok, one of the world’s largest online social
8 media platforms. TikTok collects, stores, and processes vast amounts of data from
9 its users, who include millions of American children younger than 13.

10 2. For years, Defendants have knowingly allowed children under 13 to
11 create and use TikTok accounts without their parents’ knowledge or consent, have
12 collected extensive data from those children, and have failed to comply with
13 parents’ requests to delete their children’s accounts and personal information.

14 3. Defendants’ conduct violates the Children’s Online Privacy Protection
15 Act of 1998 (“COPPA”) and Children’s Online Privacy Protection Rule (“Rule” or
16 “COPPA Rule”), a federal statute and regulations that protect children’s privacy
17 and safety online. It also defies an order that this Court entered in 2019 to resolve
18 a lawsuit in which the United States alleged that TikTok Inc.’s and TikTok Ltd.’s
19 predecessor companies similarly violated COPPA and the COPPA Rule by
20 allowing children to create and access accounts without their parents’ knowledge
21 or consent, collecting data from those children, and failing to comply with parents’
22 requests to delete their children’s accounts and information.

23 4. To put an end to TikTok’s unlawful massive-scale invasions of
24 children’s privacy, the United States brings this lawsuit seeking injunctive relief,
25 civil penalties, and other relief.

26 **JURISDICTION AND VENUE**

27 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
28 §§ 1331, 1337(a), 1345, and 1355.

1 6. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2), (b)(3),
2 (c)(1), (c)(2), (c)(3), and (d), 1395(a), and 15 U.S.C. § 53(b).

3 **PLAINTIFF**

4 7. Plaintiff is the United States of America. Plaintiff brings this action
5 for violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), Section 1303(a) of
6 COPPA, 15 U.S.C. § 6502(a), and the COPPA Rule, 16 C.F.R. pt. 312 (effective
7 July 1, 2013). For these violations, Plaintiff seeks a permanent injunction, civil
8 penalties, and other relief, pursuant to Sections 5(m)(1)(A) and 13(b) of the FTC
9 Act, 15 U.S.C. §§ 45(m)(1)(A) and 53(b), Sections 1303(c) and 1306(d) of
10 COPPA, 15 U.S.C. §§ 6502(c), 6505(d), and the COPPA Rule, 16 C.F.R. § 312.9.

11 **DEFENDANTS**

12 8. Defendant TikTok Inc. is a California corporation with its principal
13 place of business at 5800 Bristol Parkway, Suite 100, Culver City, California
14 90230. TikTok Inc. transacts or has transacted business in this District and
15 throughout the United States.

16 9. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation
17 with its principal place of business shared with TikTok Inc. TikTok U.S. Data
18 Security Inc. transacts or has transacted business in this District and throughout the
19 United States.

20 10. Defendant ByteDance Ltd. is a Cayman Islands company. It has had
21 offices in the United States and in other countries. ByteDance Ltd. transacts or has
22 transacted business in this District and throughout the United States.

23 11. Defendant ByteDance Inc. is a Delaware corporation with its principal
24 place of business at 250 Bryant Street, Mountain View, California, 94041.
25 ByteDance Inc. transacts or has transacted business in this District and throughout
26 the United States.

27 12. Defendant TikTok Pte. Ltd. is a Singapore company with its principal
28 place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore,

1 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and
2 throughout the United States.

3 13. Defendant TikTok Ltd. is a Cayman Islands company with its
4 principal place of business in Singapore or Beijing, China. TikTok Ltd. transacts
5 or has transacted business in this District and throughout the United States.

6 **COMMON ENTERPRISE**

7 14. Defendants are a series of interconnected companies that operate the
8 TikTok social media platform. Defendant ByteDance Ltd. is the parent and owner
9 of Defendants ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns Defendants
10 TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok
11 Inc., which owns Defendant TikTok U.S. Data Security Inc.

12 15. Upon information and belief, a group of ByteDance Ltd. and TikTok
13 Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Penyuan, and Zhu
14 Wenjia, direct and control TikTok's core features and development. Since 2019,
15 ByteDance Ltd. and TikTok Inc. have promoted TikTok in the United States,
16 spending hundreds of millions of dollars on advertising, employing U.S.-based
17 staff and executives, and developing and distributing TikTok to run on Apple and
18 Android devices.

19 16. ByteDance Inc. and TikTok Inc. have responsibilities for developing,
20 providing, and supporting TikTok in the United States.

21 17. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the
22 Apple App Store and Google Play Store.

23 18. TikTok Ltd. identifies itself as the developer of TikTok in the Apple
24 App Store, and TikTok Pte. Ltd. identifies itself as the developer of TikTok in the
25 Google Play Store. The tiktok.com domain is registered to TikTok Ltd.

26 19. Beginning in 2023, TikTok Inc. transferred personal information of
27 children to TikTok U.S. Data Security Inc., which has maintained that data without
28 notice to those children's parents or parental consent.

1 20. Defendants share officers and directors. For example, TikTok Inc.’s
2 chief executive officers between 2020 and the present (Kevin Mayer, V Pappas,
3 and Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd.,
4 and ByteDance Ltd.’s chief executive officers (Zhang Yiming and Liang Rubo)
5 have simultaneously served as directors of TikTok Ltd. TikTok Inc.’s Global
6 Chief Security Officer, Roland Cloutier, also served as cyber risk and data security
7 support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.’s officers and
8 directors have also overlapped with each other, and with officers and directors of
9 TikTok Inc. Defendants intertwine their finances; for example, ByteDance Ltd.
10 provides compensation and benefits to TikTok Inc.’s CEO, and TikTok Inc.
11 employees participate in ByteDance Ltd.’s stock option plan.

12 21. Defendants have one centralized bank account for ByteDance Ltd.’s
13 more than a dozen products, including TikTok. Defendants operate on a “shared
14 services” model in which ByteDance Ltd. provides legal, safety, and privacy
15 resources, including personnel. ByteDance’s largest shareholder, Zhang Yiming,
16 signed the 2019 consent order with the United States on behalf of Musical.ly,
17 TikTok Ltd.’s predecessor company.

18 22. Defendants have operated as a common enterprise while engaging in
19 the unlawful acts and practices alleged below.

20 **COMMERCE**

21 23. At all times relevant to this Complaint, Defendants have maintained a
22 substantial course of trade in or affecting commerce, as “commerce” is defined in
23 Section 4 of the FTC Act, 15 U.S.C. § 44.

24 **THE CHILDREN’S ONLINE PRIVACY PROTECTION ACT**

25 **AND RULE**

26 24. Congress enacted COPPA in 1998 to protect the safety and privacy of
27 children online by prohibiting operators of Internet websites and online services
28 from the unauthorized or unnecessary collection of information of children

1 younger than 13 years old. COPPA directed the FTC to promulgate a rule
2 implementing COPPA. The FTC promulgated the COPPA Rule on November 3,
3 1999, under Section 1303(b) of COPPA, 15 U.S.C. § 6502(b), and Section 553 of
4 the Administrative Procedure Act, 5 U.S.C. § 553. The Rule went into effect on
5 April 21, 2000. The FTC promulgated revisions to the Rule that went into effect
6 on July 1, 2013. Pursuant to COPPA Section 1303(c), 15 U.S.C. § 6502(c), and
7 Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule
8 constitutes an unfair or deceptive act or practice in or affecting commerce, in
9 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

10 25. The COPPA Rule applies to any operator of a commercial website or
11 online service directed to children. It also applies to any operator of a commercial
12 website or online service that has actual knowledge that it collects, uses, and/or
13 discloses personal information from children. The Rule requires an operator to
14 meet specific requirements prior to collecting, using, or disclosing children’s
15 personal information online. These requirements include:

- 16 a) Posting a privacy policy on its website or online service
17 providing clear, understandable, and complete notice of its
18 information practices, including what information the operator
19 collects from children online, how it uses such information, its
20 disclosure practices for such information, and other specific
21 disclosures set forth in the Rule;
- 22 b) Providing clear, understandable, and complete notice of its
23 information practices, including specific disclosures, directly to
24 parents;
- 25 c) Obtaining verifiable parental consent prior to collecting, using,
26 and/or disclosing children’s personal information;
- 27 d) Providing reasonable means for parents to review personal
28 information collected from children online, at a parent’s request; and

1 e) Deleting personal information collected from children online, at
2 a parent's request.

3 **THE 2019 PERMANENT INJUNCTION**

4 26. Musical.ly was a video-based platform with millions of U.S. child
5 users. In February 2019, the United States filed a complaint against Musical.ly and
6 Musical.ly, Inc. alleging violations of the COPPA Rule, 16 C.F.R. pt. 312, and
7 Section 5 of the FTC Act, 15 U.S.C. § 45. *See United States v. Musical.ly, et al.*,
8 No. 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

9 27. On March 27, 2019, this Court entered a Stipulated Order for Civil
10 Penalties, Permanent Injunction, and Other Relief against Musical.ly and
11 Musical.ly, Inc. *United States v. Musical.ly, et al.*, No. 2:19-cv-01439-ODW-RAO
12 (C.D. Cal. Mar. 27, 2019) (Dkt. No. 10) (the 2019 Permanent Injunction). The
13 order imposed a \$5.7 million civil penalty; required Defendants to destroy personal
14 information of users under the age of 13 and, by May 2019, remove accounts of
15 users whose age could not be identified; enjoined Defendants from violating the
16 COPPA Rule; and required Defendants to retain certain records related to
17 compliance with the COPPA Rule and the 2019 Permanent Injunction.

18 28. In April 2019, Musical.ly was renamed TikTok Ltd., and in May
19 2019, Musical.ly Inc. was renamed TikTok Inc. The renaming did not alter the
20 companies' compliance obligations under the 2019 Permanent Injunction.

21 **DEFENDANTS' BUSINESS ACTIVITIES**

22 29. Since before 2019, Defendants have operated TikTok, a video-based
23 social media platform that consumers may access via the Internet or through a
24 downloadable software application or "app." In November 2017, ByteDance Ltd.
25 purchased Musical.ly and, in 2018 it merged it into TikTok.

26 30. The TikTok platform allows users to create, upload, and share short-
27 form videos. The TikTok app is free to download. It generates revenue for
28 Defendants through advertising and eCommerce, including through the TikTok for

1 Business platform, as well as in-app purchases of TikTok “coin” through the
2 TikTok Shop.

3 31. TikTok features a “For You” feed in which an algorithm subject to
4 Defendants’ control selects videos for each user based on its determination of their
5 interests, pushes those videos to the user, and plays them.

6 32. TikTok’s algorithms are trained on data collected from users via the
7 TikTok platform and from third-party sources. Such data include videos viewed,
8 “liked,” or shared, accounts followed, comments, content created, video captions,
9 sounds, and hashtags, as well as device and account settings such as language
10 preference, country setting, and device type.

11 33. As of 2024, there are more than 170 million TikTok users in the
12 United States, including many children and teens. In 2022, two-thirds of U.S.
13 teens reported using TikTok, including about 61% of teens aged 13 or 14. By late
14 2023, nearly half of U.S. teens reported using TikTok multiple times a day.

15 **DEFENDANTS’ UNLAWFUL CONDUCT**

16 34. Defendants have known of COPPA, the COPPA Rule, and their
17 requirements since at least 2017, directly or through their predecessors and
18 affiliates, including through Musical.ly’s and Musical.ly, Inc.’s agreement to the
19 2019 Permanent Injunction, which requires compliance with COPPA and the
20 COPPA Rule.

21 35. TikTok is directed to children (*i.e.*, individuals under age 13, as used
22 herein and in COPPA and the Rule). An online service that does not target
23 children as its primary audience is not deemed directed to children under the
24 COPPA Rule if it satisfies certain criteria. Defendants purport to satisfy these
25 criteria by requiring users creating accounts to report their birthdates. As described
26 in this Complaint, however, Defendants have allowed children to bypass or evade
27 this “age gate” and collected personal information even from individuals who
28 identify themselves as children. Further, as described in this Complaint,

1 Defendants have actual knowledge that they are collecting personal information
2 from children.

3 36. Defendants have violated COPPA and the COPPA Rule through the
4 conduct described in this Complaint, including by (1) knowingly creating accounts
5 for children and collecting data from those children without first notifying their
6 parents and obtaining verifiable parental consent; (2) failing to honor parents’
7 requests to delete their children’s accounts and information; and (3) failing to
8 delete the accounts and information of users they know are children.

9 37. Each time Defendants have collected a child’s personal information
10 without parental notice or verifiable consent, or have failed to delete that
11 information at the request of the child’s parents or upon learning it was collected
12 from a child whose parents’ were not notified or did not provide verifiable consent,
13 Defendants violated COPPA and the COPPA Rule.

14 38. Defendants’ conduct has resulted in millions of children using
15 TikTok, but the precise magnitude of Defendants’ violations is difficult to
16 determine due to their failure to comply with the 2019 Permanent Injunction’s
17 requirement that they keep records demonstrating its COPPA compliance.

18 **I. Defendants Have Knowingly Created Accounts for Children and**
19 **Collected Those Children’s Data Without Parental Notice or Consent.**

20 39. Since at least March 2019, Defendants have offered in the United
21 States what they refer to as TikTok for Younger Users or “Kids Mode” (hereinafter
22 “Kids Mode”) to children who identify themselves as being under 13 when they
23 create an account, and a regular TikTok experience to other users. However,
24 Defendants have knowingly allowed children under 13 to create accounts in the
25 regular TikTok experience and collected extensive personal information from those
26 children without first providing parental notice or obtaining verifiable parental
27 consent, as required by the COPPA Rule. Defendants have also violated the
28 COPPA Rule by collecting, without parental notice and consent, several varieties

1 of personal information from children with Kids Mode accounts, and by using
2 children’s information in ways that the COPPA Rule prohibits.

3 ***A. Defendants Allowed Children to Evade or Bypass TikTok’s Age Gate***

4 40. Since at least March 2019, when consumers in the United States
5 attempt to create a TikTok account, they generally have had to go through the
6 platform’s “age gate” by providing a birthday (day, month, and year). If a
7 consumer indicates that they are 13 or older, they are prompted for a username,
8 password, and email address or phone number. Defendants then create a regular
9 account for the user, and the user can view, create, post, and share videos, as well
10 as message other TikTok users.

11 41. For TikTok users who self-identify as 13 or older at the age gate,
12 Defendants collect a wide variety of personal information, such as first and last
13 name, age, email address, phone number, persistent identifiers for the device(s)
14 used to access TikTok, social media account information, and profile image(s), as
15 well as photographs, videos, and audio files containing the user’s image and voice
16 and the metadata associated with such media (such as when, where, and by whom
17 the content was created).

18 42. Over time, Defendants collect increasingly more information from
19 these users, including usage information, device information, location data, image
20 and audio information, metadata, and data from cookies and similar technologies
21 that track users across different websites and platforms.

22 43. Since at least March 2019, if a U.S. consumer inputs into the age gate
23 a birthday indicating they are a child under 13 years old, the child generally is
24 prompted to provide a username (that does not include any personal information)
25 and a password. The TikTok platform then creates an account for that child in
26 Kids Mode. Defendants do not notify parents or obtain parental consent for Kids
27 Mode accounts.

1 44. In Kids Mode, a user can view videos but cannot create or upload
2 videos, post information publicly, or message other users. Defendants still collect
3 and use certain personal information from children in Kids Mode.

4 45. Defendants' methodologies for screening out child users are deficient
5 in multiple ways. Until at least late 2020, if a child in the U.S. submitted a
6 birthday reflecting that they were under 13 years old, the TikTok platform did not
7 prevent the child from evading the age gate by trying again: *i.e.*, restarting the
8 account creation process and giving the age gate a birthday indicating they were 13
9 or older, even though by that point Defendants knew from the birthday the user had
10 previously provided that the user was a child. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 46. Until at least May 2022, Defendants offered consumers a way to avoid
16 the TikTok age gate altogether when creating a TikTok account, by allowing them
17 to use login credentials from certain third-party online services, including
18 Instagram and Google. Defendants internally identified these TikTok accounts as
19 "age unknown" accounts.

20 47. For example, Defendants allowed children to create TikTok accounts
21 without age gating them by letting children use login credentials from Instagram,
22 even though Instagram did not itself require users to disclose their age or date of
23 birth to create an Instagram account until at least December 2019.

24 48. Defendants also allowed children to create TikTok accounts without
25 age gating by letting children use login credentials from Google. Google allowed
26 children under the age of 13 to create Google accounts with parental consent to use
27 Google.
28

1 49. Defendants’ insufficient policies and practices thus allowed children
2 to create a non-Kids Mode TikTok account, gaining access to adult content and
3 features of the general TikTok platform without providing age information.
4 Without parental notice or consent, Defendants then collected and maintained vast
5 amounts of personal information from the children who created and used these
6 regular TikTok accounts.

7 50. These policies and practices led to the creation of millions of accounts
8 for which Defendants did not know the age of the user.

9 51. Defendants did not start requiring all users to go through a TikTok age
10 gate until at least 2022, closing what employees internally described in early 2021
11 as an age gate “loophole.”

12 ***B. Defendants Failed to Comply with COPPA and the COPPA Rule Even***
13 ***for Accounts in “Kids Mode”***

14 52. In Kids Mode, Defendants collect and maintain a username, password,
15 and birthday (day, month, and year). They have also collected several types of
16 persistent identifiers from Kids Mode users without notifying parents or obtaining
17 their consent, including IP address and unique device identifiers.

18 53. The COPPA Rule permits operators to collect a persistent identifier
19 from children under certain circumstances without first obtaining verifiable
20 parental consent, but only if no other personal information is collected and the
21 identifier is used for the sole purpose of providing support for the online service’s
22 internal operations. *See* 16 C.F.R. § 312.4(c)(7). Defendants’ collection and use
23 of persistent identifiers from Kids Mode users do not comply with this provision.

24 54. Defendants additionally collect dozens of other types of information
25 concerning child users with Kids Mode accounts—including app activity data,
26 device information, mobile carrier information, and app information—which they
27 combine with persistent identifiers and use to amass profiles on children.
28

1 55. Defendants did not need to collect all of the persistent identifiers they
2 have collected from users in Kids Mode to operate the TikTok platform.

3 56. Until at least mid-2020, Defendants shared information they collected
4 from children in Kids Mode with third parties for reasons other than support for
5 internal operations. Defendants did not notify parents of that practice.

6 57. For example, Defendants shared this information with Facebook and
7 AppsFlyer, a marketing analytics firm, in part to encourage existing Kids Mode
8 users whose use had declined or ceased to use Kids Mode more frequently.

9 Defendants called this process “retargeting less active users.” This practice used
10 children’s personal information for reasons beyond support for the internal
11 operations of Kids Mode and thus was not permitted by the COPPA Rule.

12 58. Separately, users in Kids Mode can send feedback to TikTok using an
13 in-app “Report a Problem” function. When doing so, Defendants require the child
14 to enter the child’s email address.

15 59. Between February 2019 and July 2022, for example, Defendants
16 collected over 300,000 problem reports from users in Kids Mode that included
17 children’s email addresses.

18 60. Defendants did not delete these children’s email addresses after
19 processing the reports, and thus retained these email addresses longer than
20 reasonably necessary to fulfill the purpose for which the information was collected,
21 in violation of the Rule. *See* 16 C.F.R. § 312.10. Defendants did not notify
22 parents of this ongoing practice.

23 **II. Defendants Have Obstructed and Failed to Honor Parents’ Requests to**
24 **Delete Their Children’s Accounts and Data.**

25 61. Since 2019, Defendants have allowed millions of children to create
26 general TikTok accounts—*i.e.*, accounts outside of Kids Mode.

27 62. Many children create and use a general TikTok account without their
28 parents’ knowledge. Frequently, however, a parent becomes aware that their child

1 has a general TikTok account and seeks to have it and its associated data deleted.

2 63. The COPPA Rule and the 2019 Permanent Injunction require
3 Defendants to delete personal information collected from children at their parents'
4 request. Nevertheless, in many instances Defendants have obstructed parents'
5 ability to make such requests and have failed to comply with these requests.

6 ***A. Defendants Maintained an Unreasonable Process for Parents to Request***
7 ***Deletion of their Children's Data***

8 64. Defendants failed to create a simple process for parents to submit a
9 deletion request. For example, the word "delete" does not appear in many of
10 Defendants' online parental guidance materials, such as TikTok's "Guardian's
11 Guide," the "Privacy and Security on TikTok" page, TikTok's "New User Guide,"
12 and other materials on tiktok.com such as the "Parental Controls Guide" and "The
13 Parent's Guide to TikTok."

14 65. Parents must navigate a convoluted process to figure out how to
15 request deletion of their child's account and information. For example, as recently
16 as 2023, a parent visiting tiktok.com to request deletion of their child's TikTok
17 account and information had to scroll through multiple webpages to find and click
18 on a series of links and menu options that gave no clear indication they apply to
19 such a request. Parents then had to explain in a text box that they are a parent who
20 wanted their child's account and data to be deleted.

21 66. At times, Defendants also directed parents to send their requests to
22 delete their children's accounts and personal information to an email address. As
23 detailed below, in many cases Defendants failed to respond in a timely manner to
24 these requests, or simply failed to respond to them at all.

25 67. Even if a parent succeeded in submitting a request to delete their
26 child's account and information, Defendants often did not honor that request. In
27 response to each request, Defendants' staff would review the account for
28 "objective indicators" that the account holder was under 13, or "underage," based

1 on the user’s handle, biography or “bio,” [REDACTED]
2 Under Defendants’ policy, an account would be identified as an underage account
3 and deleted only if the reviewed elements contained an explicit admission that the
4 user was under 13—for example, “I am in first grade” or “I am 9 years old”—[REDACTED]

5 [REDACTED]
6 [REDACTED] To determine whether a child was
7 younger than 13, Defendants instructed reviewers to use [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 68. If the account failed to meet Defendants’ rigid criteria, Defendants’
11 policy until recently was to respond to the underage account deletion request by
12 asking the parent to complete and sign a form confirming their relationship to the
13 child and the nature of the request. The parent had to certify under penalty of
14 perjury that they were the parent or guardian of the account user. Defendants
15 required parents to complete the form regardless of whether the parent had already
16 provided Defendants with all of the information the form requested.

17 69. If a parent or guardian did not submit the secondary form, Defendants
18 would not delete the child’s regular TikTok account, which remained active.

19 70. Defendants’ policies and practices subverted parents’ efforts to delete
20 their children’s accounts and resulted in Defendants retaining children’s
21 accounts—and personal information—even though their parents identified them as
22 children and asked TikTok to delete their accounts.

23 71. Defendants were well aware this was occurring. For example, in a
24 2018 exchange, a high-level employee of Defendants explicitly acknowledged that
25 Defendants had “actual knowledge” of children on TikTok upon receiving the first
26 parental request, and yet did not delete children’s accounts upon receiving the
27 request. In the exchange, the former CEO of TikTok Inc. communicated about
28 underage users on TikTok with the executive responsible for child safety issues in

1 the United States. The employee in charge of child safety issues questioned why
2 parents had to fill out a second form after they already provided the necessary
3 information, noting: “Why we reply with this template everytime [sic] when we
4 already have all the info that’s needed? [I]n this case, we already have the
5 username, the name of the reporter, and the age, yet we still reply with the
6 template.” He added that if the person reporting the account “doesn’t reply then
7 we have actual knowledge of underage user and took no action!”

8 72. Despite this awareness that they were failing to respect parents’
9 deletion requests, Defendants continued using this flawed process through 2023.

10 ***B. Defendants Failed to Delete Children’s Data upon Parental Request and***
11 ***Cease Collecting Children’s Personal Information***

12 73. In addition to using what they knew to be a flawed process to address
13 parents’ deletion requests, Defendants in many cases did not respond to parents’
14 requests at all. As of late December 2020, Defendants had a backlog of thousands
15 of emails dating back months requesting that TikTok delete individual children’s
16 accounts.

17 74. Defendants’ inadequate policies and inaction led to numerous children
18 continuing to maintain regular TikTok accounts even though their parents had
19 asked Defendants to delete those accounts. In a sample of approximately 1,700
20 children’s TikTok accounts about which Defendants received complaints and
21 deletion requests between March 21, 2019, and December 14, 2020, approximately
22 500 (30%) remained active as of November 1, 2021. Several hundred of these
23 accounts were still active in March 2023. This sample of children’s accounts is
24 likely a small fraction of the thousands of deletion requests Defendants received
25 and failed to act on.

26 75. Many parents made multiple requests for Defendants to remove their
27 children’s account and personal information. On at least some occasions, even
28

1 when a parent or guardian completed Defendants’ secondary form, Defendants *still*
2 failed to delete their children’s accounts and information.

3 76. Compounding these problems, even when Defendants did delete a
4 child’s account and personal information at their parent’s request, at least until
5 recently, Defendants did nothing to prevent the same child from re-creating their
6 account with the same device, persistent identifiers, and email address or phone
7 number as before. This means that a child whose account has been removed could
8 simply create a new account.

9 **III. Defendants Have Failed to Delete Children’s Accounts and Information**
10 **Identified by Their Own Systems and Employees.**

11 77. Defendants purport to use technology, user reports, and human
12 moderation to identify children’s TikTok accounts so that those accounts and the
13 information collected from them can be deleted. But Defendants know their
14 processes and policies are deficient, and they fail to delete accounts and
15 information that even their own employees and systems identify as belonging to
16 children.

17 **A. Defendants’ “Keyword Matching” Process**

18 78. Since approximately 2020, Defendants have used “keyword
19 matching” purportedly to identify children’s accounts for deletion. Defendants’
20 keyword matching process searches users’ profiles for terms deemed likely to
21 correspond to child accounts—for example, “4th grade” and “9 years old”—and
22 submits accounts that include those terms for review and potential removal.
23 Defendants’ keyword matching practices have proven woefully deficient.

24 79. Defendants’ human content moderators review accounts flagged as
25 potentially belonging to children by the keyword matching process or by other
26 methods. Similar to Defendants’ restrictive approach to parental deletion requests,
27 the content moderators who review accounts may delete them as belonging to
28 children only if rigid criteria are satisfied. For example, under the policy, an

1 account can be marked as underage and deleted only if either there is an explicit
2 admission of an age under 13 or [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 80. Earlier versions of the policy were even more restrictive. For
6 example, to mark and delete an account as underage, the policy between the spring
7 of 2020 and early 2021 required an explicit admission of age, regardless of what
8 videos the account had posted. The pre-April 2020 version of the policy required
9 both (i) an explicit admission of age and (ii) that [REDACTED]

10 [REDACTED]
11 81. Defendants' content moderators are not told why an account was
12 flagged as possibly underage and cannot access any videos posted by the user
13 beyond [REDACTED]—even though the account may have dozens or
14 hundreds of videos revealing that the user is a child. The moderators cannot view
15 other information about the accounts they are reviewing either, including the
16 videos watched by the user or the accounts the user follows. If the policy's rigid
17 criteria are not met, content moderators have no discretion to designate an account
18 as underage; they must allow any such account to remain on the platform even if
19 they know the account holder is in fact a child.

20 82. Defendants have also failed to allow content moderators sufficient
21 time to conduct even the limited review they permit. At times since entry of the
22 2019 Permanent Injunction, TikTok has had tens of millions of monthly active
23 users in the United States. Meanwhile, TikTok Inc.'s content moderation team
24 included fewer than two dozen full-time human moderators responsible for
25 identifying and removing material that violated all of its content-related policies,
26 including identifying and deleting accounts of unauthorized users under age 13.

1 83. During at least some periods since 2019, TikTok Inc.’s human
2 moderators spent an average of only five to seven seconds reviewing each account
3 flagged by a keyword to determine if it belonged to a child.

4 84. The deficiency of Defendants’ policies is shown by the fact that
5 regular TikTok accounts belonging to children can be easily found by searching for
6 the same basic terms and variations used by Defendants’ keyword matching
7 algorithm. Some of these accounts have existed for long periods—able to garner
8 hundreds of followers and hundreds or even thousands of “likes,” a sign of
9 approval by other TikTok users.

10 85. By adhering to these deficient policies, Defendants actively avoid
11 deleting the accounts of users they know to be children. Instead, Defendants
12 continue collecting these children’s personal information, showing them videos not
13 intended for children, serving them ads and generating revenue from such ads, and
14 allowing adults to directly communicate with them through TikTok.

15 ***B. Accounts Referred from Video Moderation Queues***

16 86. Many accounts that belong to children come to Defendants’ attention
17 when one user reports another user’s video as violating one of Defendants’
18 policies. Those videos are then added to “video queues” and reviewed by human
19 content moderators who review the videos to determine whether they comply with
20 Defendants’ policies. If those content moderators encounter a video that depicts a
21 child under 13, they can apply labels to designate suspected child users, such as
22 “Content Depicting Under the Age of Admission” or “Suspected Underaged User.”
23 These moderators can remove a specific video from TikTok, but they lack
24 authority to delete or remove the account even if it is clearly the account of a child.
25 Instead, by applying the labels, they refer the video to the separate content
26 moderation team that assesses whether accounts belong to underage users (the
27 “underage queue”).
28

1 87. Until at least October 2022, however, this process did not work.
2 Accordingly, when Defendants’ moderators tagged specific videos as depicting a
3 child under 13, the associated accounts were not actually referred to the team
4 authorized to delete the associated account. Instead, those accounts remained live,
5 and Defendants continued to collect and retain those children’s personal
6 information and to show them videos and messages from regular TikTok users.
7 Due to Defendants’ recordkeeping deficiencies, detailed below, they cannot
8 identify the number of accounts affected by this issue. The limited records
9 Defendants do have, however, make clear that millions of accounts were involved.

10 ***C. Accounts Identified in Quality Assurance Reviews***

11 88. Defendants conduct quality assurance reviews of the content
12 moderation processes described above. The quality assurance reviews require
13 content moderators to re-review a subset of previously reviewed accounts or
14 videos. This process aims to identify instances in which TikTok content
15 moderators incorrectly applied company policies to those accounts or videos.

16 89. Until at least September 2022, however, when Defendants’ quality
17 assurance analysts identified a specific account that a moderator incorrectly failed
18 to flag for deletion as belonging to a child, Defendants did not then go back and
19 delete the account. Instead, the account remained live. Accordingly, Defendants
20 failed to delete numerous children’s accounts that their own quality assurance team
21 specifically identified as belonging to children.

22 ***D. Accounts That Moderators Have Marked “Ban as Underage”***

23 90. Even where accounts satisfied Defendants’ rigid criteria, were
24 identified as belonging to children, and were marked for deletion, Defendants
25 failed to delete many of the accounts.

26 91. Internal communications reveal that Defendants’ employees were
27 aware of this issue. In a September 2021 online chat, for example, employees
28 discussed the fact that accounts were being marked as banned for underage but

1 were not being deleted, and suggested this had been occurring since mid-July
2 2020. One employee noted that she was seeing this “a lot” and “I run across
3 usually like 3-4 accounts [like that] a day,” while another noted “[t]hat shouldn’t
4 be happening at all or we can get in trouble ... because of COPPA.”

5 92. Even though Defendants were aware of this problem, and the 2019
6 Permanent Injunction required them to maintain records regarding their COPPA
7 compliance or lack thereof, they failed to retain records documenting this issue and
8 the accounts affected. The extremely limited records Defendants have produced to
9 the government reveal that even for small segments of the time period at issue, at
10 least several hundred accounts were affected.

11 ***E. Data Collected From Purportedly Deleted Accounts***

12 93. Defendants retain children’s personal information long after they
13 identify an account as belonging to a child and determine they should delete
14 information related to the account. For example, Defendants retain app activity log
15 data related to children for 18 months.

16 94. Moreover, Defendants have retained children’s information in
17 numerous database locations long after purportedly deleting their accounts.
18 Defendants have not documented what information collected from users is saved in
19 what locations or why, and they have been unable to explain how or why the
20 information was in those locations, or why it was not deleted.

21 95. Defendants have also failed to delete information children posted to
22 TikTok that was later incorporated into other users’ videos, even when Defendants
23 possessed identifiers linking the information to an account that they deleted
24 because it belonged to a child. For example, until at least 2022, Defendants
25 retained sound recordings of numerous children from accounts Defendants had
26 determined belonged to children, and those sound recordings continued to appear
27 in other users’ videos.

1 96. Similarly, Defendants retained profile photographs of users that
2 Defendants knew to be children. For example, TikTok allows users to include in
3 their videos another user’s comment, which is displayed alongside the
4 commenter’s photograph and username. When Defendants did “delete” the
5 account of a child, that child’s comments remained in other users’ posts, along
6 with their photograph and username. These images had unique identifiers that tied
7 each child’s photograph, username, and comment to an account that Defendants
8 knew had been deleted because it belonged to a child.

9 **IV. Defendants’ Violations Have Occurred on a Massive Scale.**

10 ***A. Defendants’ Policies Result in Millions of Children Using TikTok***

11 97. As discussed above, Defendants adopted and implemented inadequate
12 and ineffective policies to stop children from creating general TikTok accounts and
13 to remove those accounts when they were discovered. As a result, for years
14 millions of American children under 13 have been using TikTok and Defendants
15 have been collecting and retaining children’s personal information.

16 98. Defendants’ internal analyses show that millions of TikTok’s U.S.
17 users are children under the age of 13. For example, the number of U.S. TikTok
18 users that Defendants classified as age 14 or younger in 2020 was millions higher
19 than the U.S. Census Bureau’s estimate of the total number of 13- and 14-year olds
20 in the United States, suggesting that many of those users were children younger
21 than 13.

22 99. Third-party studies shared with TikTok Inc. similarly show that in the
23 United States and other countries, child usage of TikTok is common and large
24 numbers of children have regular TikTok accounts. In fact, regulators in other
25 countries, including the Netherlands, Ireland, and the United Kingdom, have fined
26 Defendants for impermissibly collecting data from children.

27 100. Defendants and their employees have long known that children
28 misrepresent their ages to pass through TikTok’s age gate, and that despite other

1 measures purportedly designed to remove children from the platform, children are
2 ubiquitous.

3 101. In January 2020, for example, a TikTok moderator recognized that
4 Defendants maintain accounts of children despite the “fact that we know the user is
5 U13,” *i.e.*, under age 13, so long as the child’s profile does not admit that fact
6 explicitly. Another employee admitted that TikTok moderators were required to
7 ignore any “external information” indicating that a user under review is a child.

8 102. As another example, in a July 2020 chat, one of Defendants’
9 employees circulated the profiles of numerous underage users he had identified
10 “literally through one minute of scanning,” noting “[t]his is incredibly concerning
11 and needs to be addressed immediately.”

12 103. Defendants have other methods to identify and remove children’s
13 accounts from the general TikTok platform but do not use them for that purpose.
14 For example, TikTok has its own age-determining technology—“grade level,” the
15 algorithm for which is based on users’ behavior and other metrics—for purposes
16 such as advertising. Unlike TikTok’s age gate, this method is based on observable
17 behaviors and not solely users’ self-reported age. Defendants have not used it to
18 attempt to identify children on the platform so that their accounts can be removed.

19 104. In a November 2019 message, a company employee told TikTok
20 Inc.’s then-head of content partnerships, who led its relationships with major
21 brands, that “we have two age level . . . one is age gate and one is grade level.” He
22 continued that the age gate is “filled in by users themselves” and “many of them
23 will fill in false information,” while “grade level [is] calculated by algorithm . . .
24 through user’s behavior or other metrics, which are more accurate.” He went on
25 that, for purposes of a search, “I used grade level so we will see many users under
26 13.”

27 105. Not only do Defendants not use their grade level technology to
28 identify and remove children from the TikTok general platform, but they appear to

1 have programmed grade level to avoid gaining knowledge that users were under
2 13. In 2020, Defendants’ lowest age group band was for ages under 15, meaning
3 that it would not identify users as under 13 specifically. Defendants later revised
4 this age cutoff so that the lowest age segment was under 16.

5 ***B. Defendants Failed to Keep Records Required by the 2019 Permanent***
6 ***Injunction***

7 106. The 2019 Permanent Injunction required TikTok Inc. and TikTok Ltd.
8 to create and maintain all records necessary to demonstrate full compliance with
9 the 2019 Permanent Injunction, including records to show full compliance with
10 COPPA and the COPPA Rule. Defendants have failed to create and maintain all
11 such records.

12 107. First, when Defendants identified issues concerning their COPPA
13 compliance, they frequently failed to maintain records that would be needed to
14 show how many accounts were affected, which accounts were affected, and what,
15 if anything was done to remedy the issues. For example, as noted above,
16 Defendants did not maintain records regarding accounts that were referred to the
17 underage queue from the video queue but not actually reviewed, or regarding their
18 failure to delete children’s accounts that had been designated as underage.

19 108. Further, Defendants have failed to create or maintain records
20 sufficient to document their moderators’ review of regular accounts identified as
21 potentially belonging to children and the actions taken as a result. When asked by
22 the United States for documentation of certain specific accounts of children,
23 Defendants initially produced no records and claimed their account records were
24 “not intended to be reviewed in the ordinary course of business.” The records
25 Defendants subsequently produced do not make it possible to systematically
26 determine what action has been taken on specific accounts and why.

27 109. Additionally, Defendants’ employees use Feishu (sometimes referred
28 to as Lark), a ByteDance Ltd. corporate messaging and office collaboration

1 platform, to communicate with each other. Defendants enabled features in Feishu,
2 such as one called “recall,” that allow employees to easily erase internal
3 communications, leaving no record of the communication. Employees used the
4 feature to delete messages permanently, including, potentially, messages relevant
5 to compliance with the 2019 Permanent Injunction and COPPA. Defendants did
6 not change this practice until at least May 2023.

7 110. Defendants enabled another feature in Feishu that allows employees
8 to choose when their communications will be deleted.

9 111. A late 2021 risk assessment for Defendant ByteDance Ltd. found that
10 the company was incapable of extracting accurate and usable records about and
11 from internal Lark messages. The risk assessment found that because they used
12 Feishu, Defendants lacked a reliable way to memorialize the vast majority of
13 employees’ business communications and could not assure preservation in
14 compliance with government investigations and litigation subpoenas.

15 ***C. TikTok Inc. Misrepresented its Remedial Conduct to the FTC***

16 112. On June 12, 2020, TikTok Inc. stated to the FTC that “[o]n May 11,
17 2019 . . . [it] took offline all US accounts that did not go through [its then-recently
18 imposed] age gate. These accounts . . . were not accessible to the Company.
19 TikTok did not use or disclose the information for any purpose.” TikTok Inc. also
20 stated that it “completed on May 24, 2020” the deletion of children’s data as
21 required by the 2019 Permanent Injunction. V Pappas, as “GM of TikTok,”
22 certified on TikTok Inc.’s behalf under penalty of perjury that the prior statement
23 was true and correct.

24 113. After follow-up inquiry by the FTC, TikTok Inc. acknowledged that
25 its June 12, 2020, claims had been false. In fact, TikTok Inc. had retained and been
26 using data that it previously represented it “did not use,” was “not accessible” to it,
27 and was “delet[ed].” That data included personal information and other data of
28

1 child, teen, and adult users, including IP addresses, device IDs, device models, and
2 advertising IDs.

3 * * *

4 114. Based on the facts and violations of law alleged in this Complaint, the
5 United States has reason to believe that Defendants are violating or are about to
6 violate COPPA, the COPPA Rule, and the FTC Act.

7 **VIOLATIONS OF COPPA, THE COPPA RULE AND THE FTC**
8 **ACT**

9 115. Paragraphs 1 through 114 are incorporated as if set forth herein.

10 116. Defendants are “operators,” under 16 C.F.R. § 312.2, and thus subject
11 to the COPPA Rule.

12 117. Defendants collect personal information from children through the
13 TikTok app and website, which are both online services or websites directed to
14 children. Defendants have actual knowledge that they are collecting personal
15 information from children.

16 118. In numerous instances, in connection with the acts and practices
17 described above, Defendants collected, used, and disclosed personal information
18 from children in violation of COPPA and the COPPA Rule, including by:

19 a) Failing to provide notice on their website or online service of
20 what information they collect from children, how they use such
21 information, their disclosure practices, and other content required by
22 the Rule, in violation of Sections 312.3(a) and 312.4(d) of the Rule,
23 16 C.F.R. §§ 312.3(a), 312.4(d);

24 b) Failing to make reasonable efforts to provide direct notice to
25 parents of what information they collect online from children, how
26 they use such information, their disclosure practices for such
27 information, and other content required by the Rule, in violation of
28 Sections 312.4(b) and 312.4(c) of the Rule, 16 C.F.R. §§ 312.4(b)–(c);

1 c) Failing to obtain consent from parents before any collection,
2 use, or disclosure of personal information from children, in violation
3 of Sections 312.3(b) and 312.5(a)(1) of the Rule, 16 C.F.R. §§
4 312.3(B), 312.5(a)(1);

5 d) Failing to provide a reasonable means for a parent to refuse to
6 permit the further use or maintenance of any personal information
7 collected from a child, in violation of Sections 312.3(c) and
8 312.6(a)(2)-(3) of the Rule, 16 C.F.R. §§ 312.3(c), 312.6(a)(2)-(3);

9 e) Failing to provide parents the opportunity at any time to direct
10 Defendants to delete personal information collected from children, in
11 violation of Section 312.6(a)(2) of the Rule, 16 C.F.R. § 312.6(a)(2);

12 f) Failing to delete, at the request of parents, personal information
13 collected from children, in violation of Section 312.6(a)(2) of the
14 Rule, 16 C.F.R. § 312.6(a)(2);

15 g) Retaining personal information collected online from children
16 for longer than reasonably necessary to fulfill the purpose for which
17 the information was collected, in violation of Section 312.10 of the
18 Rule, 16 C.F.R. § 312.10;

19 h) Failing to timely delete personal information collected from
20 children in order to respond on a one-time basis to a specific request,
21 in violation of Section 312.5 of the Rule, 16 C.F.R. § 312.5(c)(3);

22 i) Failing to limit their collection of children's personal
23 information for which they lacked verifiable parental consent to only
24 the limited information permitted by the Rule's exceptions to prior
25 parental consent requirements, in violation of Section 312.5(c) of the
26 Rule, 16 C.F.R. § 312.5(c);

27 j) Failing to limit use of children's personal information for which
28 they lacked verifiable parental consent to solely the purposes

1 permitted by the Rule (such as the use of a persistent identifier for the
2 sole purpose of providing support for the internal operations of their
3 website or online service, permitted by Section 312.4(c)(7), of the
4 Rule) in violation of Section 312.5(c) of the Rule, 16 C.F.R.
5 § 312.5(c); and

6 k) Conditioning children’s participation in the online service by
7 requiring the disclosure of more personal information than is
8 reasonably necessary to participate, in violation of Section 312.7 of
9 the Rule, 16 C.F.R. § 312.7s.

10 119. Pursuant to Section 1303(c) of COPPA, 15 U.S.C. § 6502(c), and
11 Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule
12 constitutes an unfair or deceptive act or practice in or affecting commerce, in
13 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

14 120. Defendants violated the Rule as described above with the knowledge
15 required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

16 121. Each collection, use, or disclosure of a child’s personal information
17 in which Defendants violated the Rule in any of the ways described above
18 constitutes a separate violation for which Plaintiff seeks monetary civil penalties.
19 15 U.S.C. § 45(m)(1)(A).

20 122. Each day Defendants maintained data collected in violation of the
21 Rule, or otherwise continued to collect such data, is a continuing failure to comply
22 with the Rule and constitutes a separate violation under 15 U.S.C. § 45(m)(1)(C).

23 123. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as
24 modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of
25 1990 and Section 701 of the Federal Civil Penalties Inflation Adjustment Act
26 Improvements Act of 2015, 28 U.S.C. § 2461, and Section 1.98(d) of the FTC’s
27 Rules of Practice, 16 C.F.R. § 1.98(d), authorizes this Court to award monetary
28

1 civil penalties of not more than \$51,744 for each violation of the Rule assessed
2 after January 10, 2024.

3 **CONSUMER INJURY**

4 124. Consumers are suffering, have suffered, and will continue to suffer
5 substantial injury as a result of Defendants’ violations of the COPPA Rule. Absent
6 injunctive relief by this Court, Defendants are likely to continue to injure
7 consumers and harm the public interest.

8 **PRAYER FOR RELIEF**

9 125. Wherefore, Plaintiff requests that the Court:

10 A. Enter a permanent injunction to prevent future violations of the
11 COPPA Rule by Defendants;

12 B. Impose civil penalties on each Defendant for every violation of the
13 COPPA Rule; and

14 C. Award any additional relief as the Court determines to be just and
15 proper.

16 * * *

1 Dated: August 2, 2024

Respectfully submitted,
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:24-cv-07922-ODW-RAO**

Jody Villanueva et al v. Bytedance Inc. et al
Assigned to: Judge Otis D. Wright, II
Referred to: Magistrate Judge Rozella A. Oliver
Lead case: [2:24-cv-06784-ODW-RAO](#)
Member case: ([View Member Case](#))
Related Case: [2:19-cv-01439-ODW-RAO](#)
Cause: 28:1332 Diversity-Fraud

Date Filed: 09/17/2024
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
09/17/2024	<u>1</u>	COMPLAINT Receipt No: CCACDC-38223858 - Fee: \$405, filed by plaintiff Pierre, Jr. Lamartine, Angela Faucett, Jody Villanueva. (Attorney Paul L Hoffman added to party Angela Faucett(pty:pla), Attorney Paul L Hoffman added to party Pierre, Jr. Lamartine(pty:pla), Attorney Paul L Hoffman added to party Jody Villanueva(pty:pla)) (Hoffman, Paul) (Entered: 09/17/2024)
09/17/2024	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs Angela Faucett, Pierre, Jr. Lamartine, Jody Villanueva. (Hoffman, Paul) (Entered: 09/17/2024)
09/17/2024	<u>3</u>	NOTICE of Interested Parties filed by plaintiff All Plaintiffs, (Hoffman, Paul) (Entered: 09/17/2024)
09/17/2024	<u>4</u>	NOTICE of Related Case(s) filed by plaintiff Angela Faucett, Pierre, Jr. Lamartine, Jody Villanueva. Related Case(s): 2:24-cv-06535 ODW, 2:24-cv-06784 ODW, (Hoffman, Paul) (Entered: 09/17/2024)

09/17/2024	5	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), 1 filed by plaintiff Angela Faucett, Pierre, Jr. Lamartine, Jody Villanueva. (Hoffman, Paul) (Entered: 09/17/2024)
09/18/2024	6	NOTICE OF ASSIGNMENT to District Judge Dean D. Pregerson and Magistrate Judge A. Joel Richlin. (jtil) (Entered: 09/18/2024)
09/18/2024	7	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (jtil) (Entered: 09/18/2024)
09/18/2024	8	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (jtil) (Entered: 09/18/2024)
09/19/2024	9	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Eric Kafka. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (jtil) (Entered: 09/19/2024)
09/19/2024	10	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc. (jtil) (Entered: 09/19/2024)
09/19/2024	11	ORDER RETURNING CASE FOR REASSIGNMENT by Judge Dean D. Pregerson. ORDER case returned to the Clerk for random reassignment pursuant to General Order 23-05. Case randomly reassigned from Judge Dean D. Pregerson to Judge Fernando L. Aenlle-Rocha for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24-cv-07922 FLA(AJRx). (rn) (Entered: 09/19/2024)
09/20/2024	12	Notice of Appearance or Withdrawal of Counsel: for attorney Daniel M. Petrocelli counsel for Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Adding Daniel M. Petrocelli as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. for the reason indicated in the G-123 Notice. Filed by Defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc.. (Attorney Daniel M. Petrocelli added to party Bytedance Inc. (pty:dft), Attorney Daniel M. Petrocelli added to party Bytedance Ltd(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Inc.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok Pte. Ltd.(pty:dft), Attorney Daniel M. Petrocelli added to party TikTok U.S. Data Security Inc.(pty:dft))(Petrocelli, Daniel) (Entered: 09/20/2024)
09/20/2024	13	NOTICE of Related Case(s) filed by Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.. Related Case(s): 2:24-cv-06535, 2:24-cv-06784 (Petrocelli, Daniel) (Entered: 09/20/2024)
09/20/2024	14	NOTICE of Interested Parties filed by Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., identifying ByteDance Ltd., ByteDance Inc., TikTok Ltd., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., TikTok LLC. (Petrocelli, Daniel) (Entered: 09/20/2024)
09/23/2024	15	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon TikTok Inc. waiver sent by Plaintiff on 9/20/2024, answer

		due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	16	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon Bytedance Ltd waiver sent by Plaintiff on 9/20/2024, answer due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	17	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon Bytedance Inc. waiver sent by Plaintiff on 9/20/2024, answer due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	18	INITIAL STANDING ORDER upon filing of the complaint by Judge Fernando L. Aenlle-Rocha. (tf) (Entered: 09/23/2024)
09/23/2024	19	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon TikTok U.S. Data Security Inc. waiver sent by Plaintiff on 9/20/2024, answer due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	20	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon TikTok Pte. Ltd. waiver sent by Plaintiff on 9/20/2024, answer due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	21	WAIVER OF SERVICE Returned Executed filed by plaintiff Lamartine Pierre, Jr., Angela Faucett, Jody Villanueva. upon TikTok Ltd. waiver sent by Plaintiff on 9/20/2024, answer due 11/19/2024. Waiver of Service signed by Daniel M. Petrocelli. (Hoffman, Paul) (Entered: 09/23/2024)
09/23/2024	22	APPLICATION of Non-Resident Attorney Eric A. Kafka to Appear Pro Hac Vice on behalf of Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr. (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-38258604) filed by plaintiff Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr.. (Attachments: # 1 Proposed Order) (Hoffman, Paul) (Entered: 09/23/2024)
09/24/2024	23	ORDER by Judge Fernando L. Aenlle-Rocha: granting 22 Non-Resident Attorney Eric A. Kafka APPLICATION to Appear Pro Hac Vice on behalf of Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr., designating Paul Hoffman as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 09/24/2024)
09/27/2024	24	(STRICKEN PER 9/30/2024 COURT'S G112B RESPONSE DOCKET NO. 26). NOTICE of Appearance filed by attorney Jenna Waldman on behalf of Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr. (Waldman, Jenna) Modified on 9/30/2024 (lc). (Entered: 09/27/2024)
09/27/2024	25	NOTICE TO FILER OF DEFICIENCIES in Electronic Filed Document RE: Notice of Appearance 24 . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Notice of Appearance or Withdrawal of Counsel G-123.. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ak) (Entered: 09/27/2024)
09/30/2024	26	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN FILED DOCUMENT RE: Notice of Appearance 24 by Judge Fernando L. Aenlle-Rocha. The

		document is stricken. Other: Refer to CM/ECF No. 25. (lc) (Entered: 09/30/2024)
09/30/2024	27	First NOTICE of Appearance filed by attorney Jenna Waldman on behalf of Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr. (Waldman, Jenna) (Entered: 09/30/2024)
09/30/2024	28	NOTICE TO FILER OF DEFICIENCIES in Electronic Filed Document RE: Notice of Appearance 27 . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Notice of Appearance or Withdrawal of Counsel G-123.. Incomplete Section II or III. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ak) (Entered: 09/30/2024)
10/22/2024	29	ORDER RE TRANSFER PURSUANT to this Court's General Order in the Matter of Assignment of Cases and Duties to the District Judges. Related Case- filed. Related Case No: 2:19-cv-01439-ODW (RAOx). Case transferred from Judge Fernando L. Aenlle-Rocha and Magistrate Judge A. Joel Richlin to Judge Otis D. Wright, II and Magistrate Judge Rozella A. Oliver for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24-cv-07922-ODW (RAOx). Signed by Judge Otis D. Wright, II. (et) (Entered: 10/22/2024)
10/25/2024	30	MINUTE ORDER IN CHAMBERS by Judge Otis D Wright, II: This action has been assigned to the calendar of Judge Otis D. Wright II. EFFECTIVE IMMEDIATELY- No mandatory chambers copies required, EXCEPT FOR Motions for summary judgment and any other evidence-heavy motions. The Court's Electronic Document Submission System (EDSS) allows people without lawyers who have pending cases in the United States District Court for the Central District of California to submit documents electronically to the Clerk's Office The parties may consent to proceed before a Magistrate Judge appearing on the voluntary consent list. PLEASE refer to Local Rule 79-5 for the submission of CIVIL ONLY SEALED DOCUMENTS. CRIMINAL SEALED DOCUMENTS will remain the same. Please refer to Court's Website and Judge's procedures for information as applicable. (lc) (Entered: 10/25/2024)
11/12/2024	31	Joint STIPULATION Extending Time to Answer the complaint as to All Defendants, re Complaint (Attorney Civil Case Opening), 1 filed by Defendants TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., TikTok Ltd., Bytedance Inc., Bytedance Ltd. (Petrocelli, Daniel) (Entered: 11/12/2024)
11/14/2024	32	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II: The parties are ORDERED to SHOW CAUSE, in writing only, by no later than November 21, 2024, why the following cases should not be consolidated: 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al.; 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al.; and 2:24-cv-06535-ODW (RAOx), United States of America v. Bytedance Ltd. et al. The failure to timely respond may result without further notice in dismissal, sua sponte consolidation, or sanctions. (lc) (Entered: 11/14/2024)
11/19/2024	33	Notice of Appearance or Withdrawal of Counsel: for attorney Stephen McIntyre counsel for Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok Ltd., TikTok U.S. Data Security Inc.. Adding Stephen McIntyre as counsel of record for ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. for the reason indicated in the G-123 Notice. Filed by Defendants ByteDance Ltd., ByteDance Inc., TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc.. (Attorney Stephen McIntyre added to party Bytedance Inc. (pty:dft), Attorney Stephen McIntyre added to party Bytedance Ltd(pty:dft), Attorney Stephen McIntyre added to party TikTok Inc.(pty:dft), Attorney Stephen McIntyre added to party TikTok Pte. Ltd.(pty:dft), Attorney Stephen McIntyre added to party TikTok Ltd.

		(pty:dft), Attorney Stephen McIntyre added to party TikTok U.S. Data Security Inc. (pty:dft))(McIntyre, Stephen) (Entered: 11/19/2024)
11/19/2024	34	APPLICATION of Non-Resident Attorney Stephen D. Brody to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok Ltd., TikTok U.S. Data Security Inc. (Pro Hac Vice Fee - \$500.00 Previously Paid on 11/19/2024, Receipt No. ADACDC-38608620) filed by Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok Ltd., TikTok U.S. Data Security Inc.. (Attachments: # 1 Proposed Order on Application of Non-Resident Attorney to Appear in a Specific Case Pro Hac Vice) (McIntyre, Stephen) (Entered: 11/19/2024)
11/19/2024	35	ORDER by Judge Otis D. Wright, II: granting 34 Non-Resident Attorney Stephen D. Brody APPLICATION to Appear Pro Hac Vice on behalf of Defendants Bytedance Inc., Bytedance Ltd., TikTok Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., designating Stephen McIntyre as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 11/20/2024)
11/20/2024	36	RESPONSE filed by Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr.to Minutes of In Chambers Order/Directive - no proceeding held,,, Set/Reset Deadlines/Hearings,, 32 (Kafka, Eric) (Entered: 11/20/2024)
11/20/2024	37	RESPONSE filed by Defendants Bytedance Inc., Bytedance Ltd, TikTok Inc., TikTok Pte. Ltd., TikTok Ltd., TikTok U.S. Data Security Inc. re 32 Order to Show Cause (Petrocelli, Daniel) (Entered: 11/20/2024)
11/21/2024	38	NOTICE OF MOTION AND MOTION for Appointment of Counsel filed by Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr.. Motion set for hearing on 1/6/2025 at 01:30 PM before Judge Otis D. Wright II. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order) (Attorney Eric A. Kafka added to party Angela Faucett(pty:pla), Attorney Eric A. Kafka added to party Lamartine Pierre, Jr.(pty:pla)) (Kafka, Eric) (Entered: 11/21/2024)
11/22/2024	39	NOTICE of Change of Attorney Business or Contact Information: for attorney Jenna Waldman counsel for Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr.. Changing Address to 1100 New York Ave NW, Suite 800, Washington, D.C. 20005. Filed by Plaintiffs Jody Villanueva, Angela Faucett, Lamartine Pierre, Jr.. (Waldman, Jenna) (Entered: 11/22/2024)
11/25/2024	40	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II: Having reviewed the parties' responses and for good cause appearing, the Court hereby DISCHARGES the Order to Show Cause, (ECF No. 32), and ORDERS the following: 1. Case No. 2:24-cv-06784-ODW (RAOx), A.A. et al. v. Bytedance Inc. et al. shall be CONSOLIDATED with case No. 2:24-cv-07922-ODW (RAOx), Jody Villanueva et al. v. Bytedance Inc. et al. 2. CASE NO. 2:24-cv-06784-ODW (RAOx) shall be the LEAD CASE and ALL DOCUMENTS relating to the consolidated matters should be filed ONLY IN THAT CASE. 3. Plaintiffs shall file a Consolidated Class Action Complaint, which shall be the operative complaint in the consolidated action by no later than December 16, 2024. 4. Defendants shall answer or otherwise respond to the Consolidated Class Action Complaint by no later than thirty-five (35) days from the date Plaintiffs file the Consolidated Class Action Complaint. (lc) (Entered: 11/25/2024)

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Description:	Docket Report	Search Criteria:	2:24-cv-07922-ODW-RAO End date: 12/3/2024
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26 **UNITED STATES DISTRICT COURT**
27 **CENTRAL DISTRICT OF CALIFORNIA**

28 JODY VILLANUEVA, on behalf of
29 J.C.; ANGELA FAUCETT, on behalf
30 of K.F.; and LAMARTINE PIERRE,
31 JR., on behalf of C.P.,

32 Plaintiffs,

33 vs.

34 BYTEDANCE INC.; BYTEDANCE
35 LTD.; TIKTOK LTD.; TIKTOK INC.;
36 TIKTOK PTE. LTD.; and TIKTOK
37 U.S. DATA SECURITY INC.,
38 Defendants.

Case No:

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiffs Jody Villanueva, on behalf of, J.C., Angela Faucett, on behalf of K.F.,
2 and Lamartine Pierre, Jr., on behalf of C.P., individually, and on behalf of all others
3 similarly situated, hereby file suit against the Defendants listed above and alleges the
4 following:

5 **INTRODUCTION**

6 1. TikTok is one of the world’s largest social media platforms, widely
7 known for its popularity with children and young adults.

8 2. TikTok is not just popular with teenagers: TikTok has millions of users
9 who are under the age of 13.

10 3. TikTok collects and uses these young children’s personal information
11 without providing direct notice to their parents or gaining their parents’ verifiable
12 consent. TikTok’s conduct violates the Children’s Online Privacy Protection Act of
13 1998 (“COPPA”) and the COPPA Rule.

14 4. In 2019, the Department of Justice filed a lawsuit against TikTok for
15 violating COPPA and the COPPA Rule. In March 2019, this Court entered a
16 Permanent Injunction prohibiting TikTok from collecting and using personal
17 information from children under the age of 13 without notifying their parents or
18 gaining their parents’ verifiable consent.

19 5. The Permanent Injunction did not stop TikTok. TikTok continues to
20 violate COPPA. Thus, last month, the Department of Justice filed a new lawsuit
21 against TikTok for violating COPPA and illegally collecting and using young
22 children’s personal information.

23 6. Plaintiffs seek to represent millions of American children whose
24 personal information has been unlawfully collected and used by TikTok.

25 7. Plaintiffs seek to hold TikTok accountable for their repeatedly violating
26 the rights of American children and to ensure that TikTok’s misconduct is finally
27 stopped.

28

PARTIES

1
2 8. *Plaintiff Jody Villanueva, on behalf of her child, J.C., a minor.* Plaintiff
3 Jody Villanueva and J.C. are residents and citizens of the State of California and
4 natural persons. During the Class Period, J.C. created and used TikTok accounts
5 (while under the age of 13) and viewed content on the TikTok platform.

6 9. *Plaintiff Angela Faucett, on behalf of her child, K.F., a minor.* Plaintiff
7 Angela Faucett and K.F. are residents and citizens of the State of Washington and
8 natural persons. During the Class Period, K.F. created and used a TikTok account
9 (while under the age of 13) and viewed content on the TikTok platform.

10 10. *Plaintiff Lamartine Pierre, Jr., on behalf of his child, C.P., a minor.*
11 Plaintiff Lamartine Pierre, Jr. and C.P. are residents and citizens of the State of New
12 York and natural persons. During the Class Period, C.P. created and used a TikTok
13 account (while under the age of 13) and viewed content on the TikTok platform.

14 11. Defendant TikTok Inc. is a California corporation with its principal place
15 of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230.
16 TikTok Inc. transacts or has transacted business in this District and throughout the
17 United States.

18 12. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation with
19 its principal place of business shared with TikTok Inc. TikTok U.S. Data Security Inc.
20 transacts or has transacted business in this District and throughout the United States.

21 13. Defendant ByteDance Ltd. is a Cayman Islands company. It has had
22 offices in the United States and in other countries. ByteDance Ltd. transacts or has
23 transacted business in this District and throughout the United States.

24 14. Defendant ByteDance Inc. is a Delaware corporation with its principal
25 place of business at 250 Bryant Street, Mountain View, California, 94041. ByteDance
26 Inc. transacts or has transacted business in this District and throughout the United
27 States.

28 15. Defendant TikTok Pte. Ltd. is a Singapore company with its principal

1 place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore,
2 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and
3 throughout the United States.

4 16. Defendant TikTok Ltd. is a Cayman Islands company with its principal
5 place of business in Singapore or Beijing, China. TikTok Ltd. transacts or has
6 transacted business in this District and throughout the United States.

7 17. Collectively, Plaintiffs refer to Defendants TikTok Inc., TikTok U.S.
8 Data Security Inc., ByteDance Ltd., ByteDance Inc., TikTok Pte. Ltd., and TikTok
9 Ltd. as “Defendants” or “TikTok”.

10 **JURISDICTION**

11 18. This Court has subject matter jurisdiction over this action under 28
12 U.S.C. § 1332(d)(2) because this is a class action wherein the amount in controversy
13 exceeds the sum or value of \$5,000,000, exclusive of interest and costs, there are more
14 than 100 members in the proposed classes, and at least one member of the classes of
15 Plaintiffs is a citizen of a state different from the Defendant.

16 19. This Court has personal jurisdiction over Defendant TikTok Inc.,
17 Defendant TikTok U.S. Data Security Inc., and Defendant ByteDance Inc. because
18 they are headquartered in California, and conduct business in the state of California.

19 20. The Court has personal jurisdiction over all of the Defendants because of
20 Defendants’ continuous and systematic business contacts with the State of California.

21 21. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a
22 substantial part of the events or omissions giving rise to these claims occurred in, were
23 directed to, and/or emanated from this district.

FACTUAL ALLEGATIONS

A. The Children’s Online Privacy Protection Act and the COPPA Rule Require That TikTok Provide Parental Notice and Gain Parental Consent Before Collecting or Using Children’s Personal Information

22. In 1998, the Federal Trade Commission (“FTC”) sent a report to Congress regarding online privacy. The FTC found that online data collection practices for children posed “unique privacy and safety concerns because of the particular vulnerability of children, the immediacy and ease with which information can be collected from them, and the ability of the online medium to circumvent the traditional gatekeeping role of the parents.”¹

23. The FTC report recommended that, “Congress develop legislation placing parents in control of the online collection and use of personal information from their children. Such legislation would require websites that collect personal identifying information from children to provide actual notice to parents and obtain parental consent.”²

24. Later that year, Congress enacted the Children’s Online Privacy Protection Act of 1998 (“COPPA”).

25. COPPA directed the FTC to promulgate a rule implementing COPPA. The FTC promulgated the COPPA Rule on November 3, 1999.

26. The COPPA Rule sets requirements for any “operator of a Web site or online service directed to children, or any operator that has actual knowledge that it is collecting or maintaining personal information from a child [under the age of 13].” Section 312.3 of COPPA Rule, 16 C.F.R. §§ 312.3.

27. The COPPA Rule requirements apply to TikTok. TikTok is directed to children, and Tiktok has actual knowledge that it is collecting Personal Information

¹ MARTHA K. LANDESBURG ET AL., FEDERAL TRADE COMMISSION, PRIVACY ONLINE: A REPORT TO CONGRESS iii (1998) at 4-5.

² *Id.* at iii.

1 from Children.

2 28. The COPPA Rule has two requirements that are particularly pertinent to
3 this case: (1) parental notice and (2) parental consent.

4 29. First, pursuant to the COPPA Rule, TikTok must provide direct notice to
5 parents, notifying them of “what information it collects form children, how it uses
6 such information and its disclosure practices for such information.” 16 C.F.R.
7 §§ 312.3(a); 312.4.

8 30. Second, pursuant to the COPPA Rule, TikTok must “[o]btain verifiable
9 parental consent prior to any collection, use, and/or disclosure of personal information
10 from children.” 16 C.F.R. §§ 312.3(b); 312.5.

11 31. The COPPA Rule defines “Personal Information,” as “[I]ndividually
12 identifiable information about an individual collected online, including:

- 13 (1) A first and last name;
- 14 (2) A home or other physical address including street name and name of
15 a city or town;
- 16 (3) Online contact information as defined in this section;
- 17 (4) A screen or user name where it functions in the same manner as
18 online contact information, as defined in this section;
- 19 (5) A telephone number;
- 20 (6) A Social Security number;
- 21 (7) A persistent identifier that can be used to recognize a user over time
22 and across different Web sites or online services. Such persistent
23 identifier includes, but is not limited to, a customer number held in a
24 cookie, an Internet Protocol (IP) address, a processor or device serial
25 number, or unique device identifier;
- 26 (8) A photograph, video, or audio file where such file contains a child's
27 image or voice;
- 28 (9) Geolocation information sufficient to identify street name and name

1 of a city or town; or
2 (10) Information concerning the child or the parents of that child that the
3 operator collects online from the child and combines with an identifier
4 described in this definition.”

5 Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

6 32. Plaintiffs use the same definition of “Personal Information” from Section
7 312.2 of the COPPA Rule for this Complaint.

8 33. The COPPA Rule defines “Child” as “an individual under the age of 13.”
9 Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

10 **B. TikTok Has Repeatedly and Persistently Violated COPPA**

11 34. TikTok’s predecessor Musical.ly launched in 2014. Musical.ly was a
12 social media platform where users could create and share short lip-sync videos.

13 35. By 2016, New York Times tech reporter John Herrman wrote an article
14 about the prevalence of children under the age of 13 on Musical.ly, explaining that
15 “[w]hat is striking about the app, though, is how many of its users appear to be even
16 younger than” than 13.³ Mr. Herrman wrote:

17 The app does not collect or show the age of its users, but
18 some of its top-ranked users, whose posts routinely collect
19 millions of likes, called hearts, appear from their videos and
20 profile photos to be in grade-school. Until recently, the app
21 had a feature that suggested users to follow based on their
22 location. *In New York, that feature revealed a list composed
largely not just of teenagers, but of children.*⁴

23 36. The CEO of a social media advertising agency told the New York Times
24 that with Muscial.ly users, “you’re talking about first, second, third grade.”⁵

25 _____
26 ³ Josh Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, New
York Times, Sept. 16, 2016, <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

27 ⁴ *Id.* (emphasis added).

28 ⁵ *Id.*

1 37. As Musical.ly was gaining popularity among elementary school kids in
2 the United States, Beijing-based ByteDance Ltd. created TikTok in 2017.

3 38. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost
4 \$1 billion. On August 2, 2018, TikTok merged with Musical.ly, consolidating the
5 accounts and data into one application.

6 39. In February 2019, the United States Department of Justice filed a
7 complaint against TikTok’s predecessors, Musical.ly and Musical.ly, Inc., alleging
8 violations of the COPPA Rule and Section 5 of the FTC Act, 15 U.S.C. § 45.

9 40. The Department of Justice alleged that TikTok’s Musical.ly predecessors
10 had collected and used personal information from children younger than 13 in
11 violation of COPPA, including by (1) failing to directly notify parents of the
12 information it collects online from children under 13 and how it uses such information
13 and (2) failing to obtain verifiable parental consent before any collection or use of
14 personal information from children under 13. *United States v. Musical.ly, et al.*, No.
15 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

16 41. In March 2019, the Honorable Otis D. Wright II entered a Stipulated
17 Order for Civil Penalties, Permanent Injunction, and Other Relief against TikTok’s
18 predecessors. *United States v. Musical.ly, et al.*, No. 2:19-cv-01439-ODW-RAO (C.D.
19 Cal. Mar. 27, 2019) (Dkt. No. 10) (2019 Permanent Injunction).

20 42. As part of the 2019 Permanent Injunction, TikTok’s predecessors were
21 enjoined from violating the COPPA Rule, including by (1) “failing to make
22 reasonable efforts, taking into account available technology, to ensure that a parent of
23 a child receives direct notice of Defendants’ practices with regard to the collection,
24 use, or disclosure of personal information from children” and (2) “failing to obtain
25 verifiable parental consent before any collection, use, or disclosure of personal
26 information from children.” 2019 Permanent Injunction at 8.

27 43. In 2019, Musical.ly was renamed TikTok Ltd., and Musical.ly Inc. was
28 renamed TikTok Inc. This renaming did not change the companies’ obligations under

1 the 2019 Permanent Injunction.

2 **C. Despite the Permanent Injunction, TikTok Collects and Uses Children’s**
3 **Personal Information Without Parental Notification or Consent**

4 44. Despite the 2019 Permanent Injunction, millions of American children
5 under the age of 13 continue to join TikTok. And, TikTok continues to collect and use
6 their Personal Information.

7 45. When users create a TikTok account, TikTok uses an “age gate” and
8 requires that the user provide their birthday – the day, month, and year.

9 46. Since at least March 2019, if a Child enters a birthday that indicates that
10 they are 13 years old or over, then they are provided with a regular TikTok account.

11 47. Since at least March 2019, if a Child enters a birthday that indicates that
12 they are younger than 13 years old, then they are provided with a “TikTok For
13 Younger Users” or “Kids Mode” account. TikTok does not notify parents or obtain
14 parental consent for Kids Mode accounts.

15 48. Children with Kids Mode accounts can view videos but cannot post
16 videos.

17 49. TikTok’s “age gate” is insufficient. Other than asking for their birthday,
18 TikTok makes no other attempt during the sign-in process to verify the user’s age.

19 50. TikTok and its employees have long known that children misrepresent
20 their ages to pass through TikTok’s age gate, and that despite other measures
21 purportedly designed to remove children from the platform, children are ubiquitous.

22 51. TikTok’s internal company data and documents classified 18 million of
23 its 49 million daily users in the United States as being 14 years or younger.⁶

24 52. A former TikTok employee said that TikTok employees had pointed out
25 videos from children who appeared to be younger than 13 that were allowed to remain
26

27 ⁶ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14*
28 *or Under, Raising Safety Questions*, New York Times, Aug. 14, 2020,
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

1 online for weeks.⁷

2 53. Defendants use human content moderators to review flagged accounts
3 that potentially belong to children. In January 2020, for example, a TikTok moderator
4 recognized that Defendants maintain accounts of children despite the “fact that we
5 know the user is U13,” i.e., under the age of 13, so long as the child’s profile does not
6 admit that fact explicitly.

7 54. Another employee admitted that TikTok moderators were required to
8 ignore any “external information” indicating that a user under review is a child.

9 55. As another example, in a July 2020 chat, one of Defendants’ employees
10 circulated the profiles of numerous underage users he had identified “literally through
11 one minute of scanning,” noting “[t]his is incredibly concerning and needs to be
12 addressed immediately.”

13 56. TikTok utilizes internal algorithms to predict user’s ages based on their
14 online behavior. However, TikTok refuses to use its age-prediction algorithm to
15 identify children under the age of 13 and stop them from using regular TikTok
16 accounts.

17 57. Furthermore, until at least May 2022, TikTok allowed consumers to
18 avoid the age gate when creating a TikTok account by allowing consumers to use
19 login credentials from certain third-party online services, including Instagram and
20 Google. Children were permitted to create TikTok accounts without entering their
21 birthday if they used login credentials from Google. However, Google allowed
22 children under the age of 13 to create Google accounts with parental consent to use
23 Google.

24 58. Regardless of whether a Child uses a regular TikTok account or a Kids
25 Mode account, TikTok violates the COPPA Rule by collecting and using their
26 Personal Information without parental notice and consent.

27
28

⁷ *Id.*

1 59. TikTok’s insufficient age verification policies resulted in millions of
2 Children gaining access to regular TikTok accounts and to the adult content and
3 features of a regular TikTok account.

4 60. For Children with regular TikTok accounts, TikTok collects Personal
5 Information about them, including first and last name, age, email address, phone
6 number, persistent identifiers for the device(s) used to access TikTok, social media
7 account information, and profile image(s), as well as photographs, videos, and audio
8 files containing the user’s image and voice and the metadata associated with such
9 media (such as when, where, and by whom the content was created), usage
10 information, device information, location data, image and audio information,
11 metadata, and data from cookies and similar technologies that track users across
12 different websites and platforms.

13 61. For Children with Kids Mode accounts, TikTok still collects Personal
14 Information about them, including several types of persistent identifiers, including IP
15 address and unique device identifiers. TikTok also collects app activity data, device
16 information, mobile carrier information, and app information from Children using
17 Kids Mode accounts—which it combines with persistent identifiers and uses to amass
18 profiles on children.

19 62. In August 2024, the Department of Justice filed a new complaint alleging
20 that TikTok violated COPPA and the COPPA Rule, including by (1) knowingly
21 creating accounts for children and collecting data from those children without first
22 notifying their parents and obtaining verifiable parental consent; (2) failing to honor
23 parents’ requests to delete their children’s accounts and information; and (3) failing to
24 delete the accounts and information of users it knows are children.

1 **D. TikTok Generates Revenue from Its Unlawful Conduct by Advertising**
2 **to Children**

3 63. TikTok is a short-form video social media platform. TikTok is a short-
4 form video social media platform.

5 64. In January 2024, TikTok reported that it had approximately 170 million
6 monthly active users in the United States.

7 65. TikTok earns a substantial amount of its revenue from advertising.

8 66. TikTok reported that it earned \$16 billion in revenue in the United States
9 in 2023.

10 67. TikTok uses the Personal Information collected from children (under the
11 age of 13) to target them with advertising.

12 68. TikTok targets users with specific advertisements by collecting persistent
13 identifiers about the users and combining the identifiers with other information about
14 the users.

15 69. In other words, TikTok targets specific advertisements to children (under
16 the age of 13) by violating COPPA. Thus, a substantial portion of the revenue that
17 TikTok earns from advertisements that are served on children (under the age of 13) is
18 a direct and proximate result of TikTok’s violation of COPPA.

19 70. TikTok’s algorithm is trained on data collected from users via the TikTok
20 platform and from third-party sources. Such data include videos viewed, “liked,” or
21 shared, accounts followed, comments, content created, video captions, sounds, and
22 hashtags, as well as device and account settings such as language preference, country
23 setting, and device type.

24 71. TikTok combines this collected data with children’s persistent identifiers.
25 The collected data is thus Personal Information. Section 312.2 of COPPA Rule, 16
26 C.F.R. § 312.2.

27 72. TikTok also provides targeting options to advertisers that are based on
28 this collected Personal Information.

1 73. For example, for behavioral targeting, TikTok targets users based on their
2 interactions with organic and paid content, including the types of videos the user
3 viewed.

4 74. For example, for interest targeting, TikTok’s algorithm analyzes users’
5 long-term platform activities.

6 **E. Plaintiffs’ Allegations**

7 *i. Plaintiff Jody Villanueva, on behalf of her child, J.C., a minor*

8 75. This action is brought on J.C.’s behalf by Plaintiff Jody Villanueva.

9 76. During the Class Period, J.C. created and used TikTok accounts (while
10 under the age of 13) and viewed content on the TikTok platform.

11 77. J.C. created a TikTok account when she was approximately 8 years old.

12 78. During the Class Period, Defendants collected J.C.’s Personal
13 Information for the purpose of tracking J.C.’s activity and utilizing targeted
14 advertisements.

15 79. Defendants never obtained consent from nor notified J.C.’s parent and
16 legal guardian, Jody Villanueva, at any point prior to or during its collection and use
17 of J.C.’s Personal Information.

18 80. Defendants were bound by the 2019 Permanent Injunction that prohibited
19 Defendants from collecting Personal Information from children under the age of 13,
20 and therefore this conduct could not have reasonably been discovered earlier through
21 investigation.

22 *ii. Plaintiff Angela Faucett, on behalf of her child, K.F., a minor*

23 81. This action is brought on K.F.’s behalf by Plaintiff Angela Faucett.

24 82. During the Class Period, K.F. created and used a TikTok account (while
25 under the age of 13) and viewed content on the TikTok platform.

26 83. K.F. created a TikTok account when she was approximately 9 or 10 years
27 old.

28 84. During the Class Period, Defendants collected K.F.’s Personal

1 Information for the purpose of tracking K.F.’s activity and utilizing targeted
2 advertisements.

3 85. Defendants never obtained consent from nor notified K.F.’s parent and
4 legal guardian, Angela Faucett, at any point prior to or during its collection and use of
5 K.F.’s Personal Information.

6 86. Defendants were bound by the 2019 Permanent Injunction that prohibited
7 Defendants from collecting Personal Information from children under the age of 13,
8 and therefore this conduct could not have reasonably been discovered earlier through
9 investigation.

10 *iii. Plaintiff Lamartine Pierre, Jr., on behalf of his child, C.P., a minor.*

11 87. This action is brought on C.P.’s behalf by Plaintiff Jody Villanueva.

12 88. During the Class Period, C.P. created and used a TikTok account (while
13 under the age of 13) and viewed content on the TikTok platform.

14 89. C.P. created a TikTok account when she was approximately 12 years old.

15 90. During the Class Period, Defendants collected C.P.’s Personal
16 Information for the purpose of tracking C.P.’s activity and utilizing targeted
17 advertisements.

18 91. Defendants never obtained consent from nor notified C.P.’s parent and
19 legal guardian, Lamartine Pierre, Jr., at any point prior to or during its collection and
20 use of C.P.’s personal information.

21 92. Defendants were bound by the 2019 Permanent Injunction that prohibited
22 Defendants from collecting Personal Information from children under the age of 13,
23 and therefore this conduct could not have reasonably been discovered earlier through
24 investigation.

25 **CLASS ALLEGATIONS**

26 93. Plaintiff re-alleges and incorporates by reference herein all of the
27 allegations contained above.

28 94. The Class Period is defined as March 28, 2019 to the present.

1 95. Neither Plaintiffs nor Class Members could have discovered the
2 misconduct by TikTok that gives rise to their causes of action because (i) TikTok
3 purported to be abiding by the 2019 Permanent Injunction and (ii) TikTok concealed
4 its misconduct.

5 96. Plaintiffs allege that all applicable statutes of limitation have been tolled
6 by the discovery rule and by TikTok’s fraudulent concealment.

7 97. Pursuant to Federal Rule of Civil Procedure 23(b)(3), Plaintiff asserts
8 claims on behalf of the following “Classes:”

9
10 **National Class:** All United States residents (who were younger than 13 years
11 old when they used TikTok) from whom Defendants collected and/or used
12 Personal Information during the Class Period without notifying their parents
13 and obtaining verifiable parental consent beforehand.

14
15 **California Class:** All California residents (who were younger than 13 years old
16 when they used TikTok) from whom Defendants collected and/or used Personal
17 Information during the Class Period without notifying their parents and
18 obtaining verifiable parental consent beforehand.

19
20 **Washington Class:** All Washington residents (who were younger than 13 years
21 old when they used TikTok) from whom Defendants collected and/or used
22 Personal Information during the Class Period without notifying their parents
23 and obtaining verifiable parental consent beforehand.

24
25 **New York Class:** All New York residents (who were younger than 13 years old
26 when they used TikTok) from whom Defendants collected and/or used Personal
27 Information during the Class Period without notifying their parents and
28 obtaining verifiable parental consent beforehand.

1 98. Excluded from the Classes are Defendants, any entity in which the
2 Defendants have a controlling interest, and Defendants’ officers, directors, legal
3 representatives, successors, and subsidiaries. Also excluded from the Classes are any
4 judge, justice, or judicial officer presiding over this matter and the members of their
5 immediate families and judicial staff.

6 99. This action has been brought and may properly be maintained as a class
7 action as it satisfies the numerosity, commonality, typicality, adequacy, and
8 superiority requirements of Rule 23(b)(3). Plaintiffs seek to represent ascertainable
9 Classes, as determining inclusion in the class can be done through TikTok’s own
10 records and/or the records of third parties.

11 100. Plaintiffs reserve the right to amend the Class definitions if discovery and
12 further investigation reveal that the Classes should be expanded, divided into
13 subclasses, or modified in any other way.

14 101. Although the precise number of Class Members is unknown and can only
15 be determined through appropriate discovery, publicly available information indicates
16 that TikTok collected and used the Personal Information of millions of American
17 children (under the age of 13) during the Class Period without notifying their parents
18 and obtaining verifiable parental consent beforehand. Plaintiffs thus believe that the
19 proposed Class is so numerous that joinder of all members would be impracticable.

20 102. Questions of law and fact common to the putative Classes predominate
21 over questions affecting only individual members, including *inter alia*:

22 a. Whether TikTok has or had a practice of collecting Personal Information
23 from children who were younger than 13 years old without notifying their parents and
24 obtaining verifiable parental consent beforehand;

25 b. Whether TikTok has or had a practice of using Personal Information
26 from children who were younger than 13 years old without notifying their parents and
27 obtaining verifiable parental consent beforehand;

28 c. Whether TikTok’s practices violate the Children’s Online Privacy

1 Protection Act of 1998 (“COPPA”) and the Children’s Online Privacy Protection Rule
2 (“COPPA Rule”);

- 3 d. Whether TikTok engaged in unlawful business practices;
- 4 e. Whether TikTok engaged in unfair business practices;
- 5 f. Whether TikTok has unjustly received and retained monetary benefits
6 from Plaintiffs’ minor children and Class Members by profiting off the use of their
7 Personal Information; and
- 8 g. Whether Class Members are entitled to damages and/or restitution, and if
9 so, the method of computing damages and/or restitution.

10 103. Plaintiffs are members of the putative Classes. The claims asserted by
11 Plaintiffs in this action are typical of the claims of the members of the putative
12 Classes, as the claims arise from the same course of conduct by the Defendants and
13 the relief sought is common.

14 104. Plaintiffs will fairly and adequately represent and protect the interests of
15 the Class Members, as their interests are coincident with, and not antagonistic to, the
16 other Class Members.

17 105. Plaintiffs have retained counsel competent and experienced in both
18 consumer protection and class action litigation. Plaintiffs’ counsel has experience
19 litigating some of the largest and most complex consumer class actions.

20 106. Certification of the Classes is appropriate pursuant to Fed. Rule of Civil
21 Procedure 23(b)(3) because questions of law or fact common to the respective
22 members of the Class predominate over questions of law or fact affecting only
23 individual members. This predominance makes class litigation superior to any other
24 method available for the fair and efficient adjudication of these claims including
25 consistency of adjudications. Absent a class action, it would be highly unlikely that
26 the members of the Classes would be able to protect their own interests because the
27 cost of litigation through individual lawsuits might exceed the expected recovery.

28 107. A class action is a superior method for the adjudication of the

1 controversy in that it will permit a large number of claims to be resolved in a single
2 forum simultaneously, efficiently, and without the unnecessary hardship that would
3 result from the prosecution of numerous individual actions and the duplication of
4 discovery, effort, expense, and the burden of the courts that individual actions would
5 create.

6 108. Plaintiffs intend to provide direct notice to Class Members through the
7 TikTok platform and through e-mail.

8 109. In the alternative, the Classes should be certified pursuant to Federal Rule
9 of Civil Procedure 23(b)(2) because:

10 110. The prosecution of separate actions by the individual members of the
11 proposed class would create a risk of inconsistent adjudications, which could establish
12 incompatible standards of conduct for TikTok;

13 111. The prosecution of individual actions could result in adjudications, which
14 as a practical matter, would be dispositive of the interests of non-party class members
15 or which would substantially impair their ability to protect their interests; and

16 112. TikTok has acted or refused to act on grounds generally applicable to the
17 proposed Classes, thereby making appropriate final and injunctive relief with respect
18 to the members of the proposed Classes as a whole.

19
20 **CAUSES OF ACTION**

21 **FIRST CAUSE OF ACTION**

22 **VIOLATION OF CALIFORNIA UNFAIR COMPETITION LAW**

23 Cal. Bus. & Prof. § 17200, *Et. Seq.*

24 (Asserted by Plaintiffs Villanueva, Faucett, and Pierre on Behalf of National Class and
25 by Plaintiff Villanueva on Behalf of the California Class)

26 113. Plaintiffs re-allege and incorporate by reference herein all of the
27 allegations above.

28 114. California’s Unfair Competition Law, Cal. Bus. & Prof. Code §17200 et

1 seq. (“UCL”) prohibits any “unlawful, unfair, or fraudulent business act or practice.”

2 115. TikTok violated the UCL by engaging in the “unlawful” and “unfair”
3 business acts and practices alleged previously, and as further specified below.

4 116. TikTok engaged in “unlawful” business acts and/or practices by violating
5 the Children’s Online Privacy Protection Act of 1998 (“COPPA”) and the Children’s
6 Online Privacy Protection Act Rule (“COPPA Rule”).

7 117. TikTok violated Sections 312.3, 312.4, and 312.5 of COPPA, 16 C.F.R.
8 §§ 312.3-5, by collecting and using Personal Information from Plaintiffs’ minor
9 children and Class Members (children younger than 13 years old) without notifying
10 their parents and obtaining verifiable parental consent.

11 118. TikTok engaged in “unfair” business acts and/or practices by collecting
12 and using Personal Information from Plaintiffs’ minor children and Class Members
13 (children younger than 13 years old) without notifying their parents and obtaining
14 verifiable parental consent. This practice is unethical, unscrupulous, and substantially
15 injurious to children, and thus constitutes an unfair practice under the UCL. The harm
16 these practices caused to Plaintiffs’ minor children and Class Members outweigh their
17 utility, if any.

18 119. Plaintiffs have standing to bring these claims under the UCL. As a direct
19 and proximate result of TikTok’s unlawful and unfair business acts and practices,
20 Plaintiffs’ minor children and Class Members were injured and lost money or
21 property.

22 120. First, as a direct and proximate result of Tiktok’s unlawful and unfair
23 business acts and practices, Plaintiffs’ minor children and Class Members suffered
24 “benefit-of-the-bargain” injuries and damages. Plaintiffs’ minor children and Class
25 Members did not receive the full benefit of the bargain, and instead received services
26 from TikTok that were less valuable than the services they would have received if
27 TikTok had abided by COPPA.

28 121. Plaintiffs’ minor children and Class Members, therefore, were damaged

1 in an amount at least equal to the difference in value of the TikTok service that
2 Plaintiffs’ minor children and Class Members received (where TikTok collected and
3 used children’s Personal Information without notifying their parents or gaining their
4 parents’ consent) and the value of the TikTok service that Plaintiffs’ minor children
5 and Class Members would have received if TikTok had abided by COPPA (and not
6 collected and used children’s Personal Information without notifying their parents or
7 gaining their parents’ consent).

8 122. Second, as a direct and proximate result of TikTok’s unlawful and unfair
9 business acts and practices, Plaintiffs’ minor children and Class Members suffered
10 “right to exclude” injuries and damages.

11 123. Plaintiffs’ minor children and Class Members have a property interest in
12 the Personal Information collected by TikTok. Plaintiffs’ minor children and Class
13 Members suffered an economic injury because they were deprived of their right to
14 exclude TikTok from their Personal Information.

15 124. Plaintiffs’ minor children and Class Members’ damages may also be
16 measured by the amount of monetary compensation that TikTok would have to
17 provide to parents to gain their consent to collect and use their children’s Personal
18 Information.

19 125. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiffs seek equitable
20 relief to enjoin TikTok from continuing its unlawful and unfair practices and any other
21 equitable relief necessary to secure the interests of the Class Members.

22 126. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiffs request that the
23 Court restore to Plaintiffs and the Class, in the form of restitution, all money TikTok
24 may have acquired as result of its unlawful and unfair business practices.

25 127. Plaintiffs allege that they lack an adequate remedy at law. The restitution
26 that Plaintiffs seek under the UCL is not the same remedy as disgorgement for unjust
27 enrichment.

28

1 **SECOND CAUSE OF ACTION**

2 **UNJUST ENRICHMENT**

3 (Asserted by Plaintiffs Villanueva, Faucett, and Pierre on Behalf of a National Class
4 and, in the alternative by Plaintiff Villanueva on Behalf of the California Class,
5 Plaintiff Pierre on Behalf of the New York Class, and Plaintiff Faucett on Behalf of
6 the Washington Class)

7 128. Plaintiffs re-allege and incorporate by reference herein all of the
8 allegations contained above.

9 129. TikTok has unjustly received and retained monetary benefits from
10 Plaintiffs’ minor children and Class Members by profiting off the use of their Personal
11 Information under unjust circumstances such that inequity has resulted.

12 130. TikTok knowingly obtained benefits from Plaintiffs’ minor children and
13 Class Members as alleged herein under circumstances such that it would be
14 inequitable and unjust for TikTok to retain them.

15 131. TikTok has been knowingly enriched by revenues and profits it received
16 from unjustly and illegally collecting and using the Personal Information of children
17 under the age of 13 to build profiles and target advertisements to those children.

18 132. TikTok failed to obtain legally valid consent from Plaintiffs’ minor
19 children and Class Members to collect and use their Personal Information.

20 133. Thus, TikTok will be unjustly enriched if it is permitted to retain the
21 benefits derived from the illegal collection and usage of Plaintiffs’ minor children and
22 Class Members’ Personal Information.

23 134. Plaintiffs’ minor children and Class Members are therefore entitled to
24 relief, including disgorgement of all revenues and profits that TikTok earned as a
25 result of its unlawful and wrongful conduct.

THIRD CAUSE OF ACTION

WASHINGTON CONSUMER PROTECTION ACT,

Wash. Rev. Code. § 19.86.010, *et seq*

(Asserted by Plaintiff Faucett on Behalf of the Washington Class)

135. Plaintiffs re-allege and incorporate by reference herein all of the allegations contained above.

136. Washington Plaintiff, the Washington Class Members, and TikTok are “persons” within the meaning of Wash. Rev. Code § 19.86.010(2).

137. TikTok committed the acts complained of herein in the course of “trade” or “commerce” within the meaning of Wash. Rev. Code § 19.96.010.

138. TikTok engaged in consumer-oriented conduct by offering and promoting its TikTok social media platform.

139. Washington’s Consumer Protection Act, Wash. Rev. Code § 19.86.010 *et seq.* (“CPA”) prohibits “unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” Wash. Rev. Code § 19.86.020.

140. The Washington CPA instructs that, in construing the Washington CPA, the courts will be “guided by final decisions of the federal courts and final orders of the federal trade commission interpreting the various federal statutes dealing with the same or similar matters.” Wash. Rev. Code § 19.86.920.

141. TikTok violated the Washington CPA by engaging in the “unlawful” business acts and practices alleged previously, and as further specified below.

142. TikTok engaged in “unfair” business acts and/or practices by violating COPPA and the COPPA Rule.

143. TikTok violated Sections 312.3, 312.4, and 312.5 of COPPA, 16 C.F.R. §§ 312.3-5, by collecting and using Personal Information from Plaintiffs’ minor children and Class Members (children younger than 13 years old) without notifying their parents and obtaining verifiable parental consent.

144. TikTok’s business practices alleged herein are unethical, unscrupulous,

1 and substantially injurious to children, and thus constitute an unfair practice under the
2 Washington CPA. The harm these practices caused to Plaintiffs’ minor children and
3 Class Members outweigh their utility, if any.

4 145. As a direct and proximate result of TikTok’s unfair business acts and
5 practices, Plaintiffs’ minor children and Class Members were injured and lost money
6 or property.

7 146. First, as a direct and proximate result of Tiktok’s unfair business acts and
8 practices, Plaintiffs’ minor children and Class Members suffered “benefit-of-the-
9 bargain” injuries and damages. Plaintiffs’ minor children and Class Members did not
10 receive the full benefit of the bargain, and instead received services from TikTok that
11 were less valuable than the services they would have received if TikTok had abided by
12 COPPA.

13 147. Plaintiffs’ minor children and Class Members, therefore, were damaged
14 in an amount at least equal to the difference in value of the TikTok service that
15 Plaintiffs’ minor children and Class Members received (where TikTok collected and
16 used children’s Personal Information without notifying parents or gaining their
17 parents’ consent) and the value of the TikTok service that Plaintiffs’ minor children
18 and Class Members would have received if TikTok had abided by COPPA (and not
19 collected and used children’s Personal Information without notifying parents or
20 gaining their parents’ consent).

21 148. Second, as a direct and proximate result of TikTok’s unlawful and unfair
22 business acts and practices, Plaintiffs’ minor children and Class Members suffered
23 “right to exclude” injuries and damages.

24 149. Plaintiffs’ minor children and Class Members have a property interest in
25 the Personal Information collected by TikTok. Plaintiffs’ minor children and Class
26 Members suffered an economic injury because they were deprived of their right to
27 exclude TikTok from their Personal Information.

28 150. Plaintiffs’ minor children and Class Members’ damages may also be

1 measured by the amount of monetary compensation that TikTok would have to
2 provide to parents to gain their consent to collect and use their children’s Personal
3 Information.

4 151. Plaintiffs’ minor children and Class Members seek restitution for monies
5 wrongfully obtained, disgorgement of ill-gotten revenues and/or profits, injunctive
6 relief, actual damages, treble damages, attorney’s fees and other relief allowable under
7 Wash. Rev. Code § 19.86.090.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiffs, on behalf of their minor children and the Classes,
10 seek the following relief:

- 11 A. An order certifying this action as a class action under Fed. R. Civ. P.
12 23(b)(2) and/or (b)(2), defining the Class as requested herein, appointing Cohen
13 Milstein Sellers & Toll PLLC, as Class Counsel, and finding that Plaintiffs are proper
14 representatives of the Classes requested herein.
- 15 B. Damages, including compensatory damages, actual damages, and benefit-
16 of-the-bargain damages, and nominal damages.
- 17 C. Restitution.
- 18 D. Disgorgement to Plaintiffs and the Class of all monies TikTok
19 wrongfully obtained and retained.
- 20 E. Punitive and Exemplary Damages.
- 21 F. Attorneys’ fees.
- 22 G. Reasonable costs incurred in connection with this action, including expert
23 witness fees, and other costs as provided by law.
- 24 H. Prejudgment interest commencing on the date of the legal violations and
25 continuing through the date of the entry of judgment in this action.
- 26 I. Equitable and declaratory relief.
- 27 J. Injunctive relief.
- 28 K. Any other relief available under the claims brought by Plaintiffs.

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L. Granting such other relief as the Court deems proper.

JURY TRIAL DEMAND

Plaintiff hereby request a jury trial for all issues so triable of right.

Dated: September 17, 2024

By: /s/ Paul Hoffman

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Attorneys for Plaintiffs and Putative Class

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:24-cv-10818-SDW-AME**

LANSER v. BYTEDANCE, INC. et al
Assigned to: Judge Susan D. Wigenton
Referred to: Magistrate Judge Andre M. Espinosa
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/27/2024
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

KATHLEEN LANSER
*as guardian and next of kin on behalf of
A.L., individually and on behalf of all others
similarly situated*

represented by **CHRISTOPHER L. AYERS**
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V.
Defendant
BYTEDANCE, INC.

Defendant
BYTEDANCE LTD.

Defendant
TIKTOK LTD

Defendant

TIKTOK INC

Defendant

TIKTOK PTE. LTD

Defendant

TIKTOK U.S. DATA SECURITY, INC

Date Filed	#	Docket Text
11/27/2024	1	COMPLAINT against All Defendants (Filing and Admin fee \$ 405 receipt number ANJDC-15839763), filed by KATHLEEN LANSER. (Attachments: # 1 Civil Cover Sheet) (SEEGER, CHRISTOPHER) (Entered: 11/27/2024)
11/30/2024		Case assigned to Judge Susan D. Wigenton and Magistrate Judge Andre M. Espinosa. (jr) (Entered: 11/30/2024)
12/02/2024	2	NOTICE of Appearance by JENNIFER R. SCULLION on behalf of KATHLEEN LANSER (SCULLION, JENNIFER) (Entered: 12/02/2024)
12/02/2024	3	NOTICE of Appearance by CHRISTOPHER L. AYERS on behalf of KATHLEEN LANSER (AYERS, CHRISTOPHER) (Entered: 12/02/2024)
12/03/2024	4	SUMMONS ISSUED as to BYTEDANCE LTD., BYTEDANCE, INC., TIKTOK INC, TIKTOK LTD, TIKTOK PTE. LTD, TIKTOK U.S. DATA SECURITY, INC. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. (and) (Entered: 12/03/2024)

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Attorneys for Plaintiffs and the putative Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>KATHLEEN LANSER as guardian and next of kin on behalf of A.L., individually and on behalf of all others similarly situated,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>BYTEDANCE, INC.; BYTEDANCE LTD.; TIKTOK LTD.; TIKTOK INC.; TIKTOK PTE. LTD.; AND TIKTOK U.S. DATA SECURITY, INC.,</p> <p style="text-align: center;"><i>Defendants</i></p>	<p>Case No.</p> <p><u>JURY TRIAL DEMANDED.</u></p>
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CLASS ACTION COMPLAINT

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Plaintiff KATHLEEN LANSER, a guardian and next of kin on behalf of A.L., individually and on behalf of all others similarly situated (“Plaintiff”) brings this Class Action Complaint against Defendants Bytedance, Inc.; Butedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc. (“Defendants”) as individuals and on behalf of all others similarly situated, and allege, upon personal knowledge as to Plaintiff’s own actions and to counsel’s investigation, and upon information and belief as to all other matters, as follows:

STATEMENT OF FACTS

1. Plaintiff brings this class action against Defendants for its failure disclose that it collects and sells personally identifiable information (“PII”) of millions of minor children, without the consent of the minors or their parents, including, but not limited to: name, age, profile image, password, email, phone number, address, “approximate” location, social media account information, phone and social media contacts, messages sent to and received from other TikTok users, information in the clipboard of a user’s device, and payment card numbers.

2. Upon information and belief, Defendants collects and sells access to this personal data without the minors’ or their parents’ notice, knowledge, or consent.

A. The Children’s Online Privacy Protection Act and the COPPA Rule Require That TikTok Provide Parental Notice and Gain Parental Consent Before Collecting or Using Children’s Personal Information.

3. TikTok collects and uses these young children’s Personal Information without providing direct notice to their parents or gaining their parents’ verifiable consent, in violation of the Children’s Online Privacy Protection Act of 1998 (“COPPA”) and Children’s Online Privacy Protection Rule (“Rule” or “COPPA Rule”), a federal statute and regulations that protect children’s privacy and safety online. It also defies an order that this Court entered in 2019 to resolve a lawsuit in which the United States alleged that TikTok Inc.’s and TikTok Ltd.’s predecessor companies similarly violated COPPA and the COPPA Rule by allowing children to create and access accounts without their parents’ knowledge or consent, collecting data from those children, and failing to comply with parents’ requests to delete their children’s accounts and information.

4. TikTok continues to violate COPPA. Last month, the Department of Justice filed a new lawsuit against TikTok for violating COPPA and illegally collecting and using young children’s Personal Information. *See United States v. Bytedance, Ltd., et. al.* (Case No. 2:24-cv-06535-ODW-RAO) (C.D. Ca.) (J. Wright).

5. The COPPA Rule sets requirements for any “operator of a Web site or online service directed to children, or any operator that has actual knowledge that it is collecting or maintaining Personal Information from a child [under the age of 13].” Section 312.3 of COPPA Rule, 16 C.F.R. §§ 312.3.

6. The COPPA Rule requirements apply to TikTok. TikTok is directed to children, and TikTok has actual knowledge that it is collecting Personal Information from children.

7. The COPPA Rule has two requirements that are pertinent to this case: (1) parental notice and (2) parental consent.

8. First, pursuant to the COPPA Rule, TikTok must provide direct notice to parents, notifying them of “what information it collects form children, how it uses such information and its disclosure practices for such information.” 16 C.F.R. §§ 312.3(a); 312.4.

9. Second, pursuant to the COPPA Rule, TikTok must “[o]btain verifiable parental consent prior to any collection, use, and/or disclosure of Personal Information from children.” 16 C.F.R. §§ 312.3(b); 312.5.

10. The COPPA Rule defines “Personal Information,” as “[I]ndividually identifiable information about an individual collected online, including:

- A first and last name;
- A home or other physical address including street name and name of a city or town;
- Online contact information as defined in this section;
- A screen or user name where it functions in the same manner as online contact information, as defined in this section;
- A telephone number;
- A Social Security number;

- A persistent identifier that can be used to recognize a user over time and across different Web sites or online services. Such persistent identifier includes, but is not limited to, a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier;
- A photograph, video, or audio file where such file contains a child's image or voice;
- Geolocation information sufficient to identify street name and name of a city or town; or
- Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.”

Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

11. Plaintiff uses the same definition of “Personal Information” from Section 312.2 of the COPPA Rule for this Complaint.

12. 33. The COPPA Rule defines “Child” as “an individual under the age of 13.” Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

B. TikTok has Repeatedly and Persistently Violated COPPA and Otherwise Collected the Personal Information of Minors Without Notice to, Or Consent of, Parents.

13. TikTok’s predecessor Musical.ly launched in 2014. Musical.ly was a social media platform where users could create and share short lip-sync videos.

14. By 2016, New York Times tech reporter John Herrman wrote an article about the prevalence of young children on Musical.ly, explaining that “[w]hat is

striking about the app, though, is how many of its users appear to be even younger than [13].”¹

15. Mr. Herrman wrote:

The app does not collect or show the age of its users, but some of its top-ranked users, whose posts routinely collect millions of likes, called hearts, appear from their videos and profile photos to be in grade-school. Until recently, the app had a feature that suggested users to follow based on their location. In New York, that feature revealed a list composed largely not just of teenagers, but of children.²

16. The CEO of a social media advertising agency told the New York Times that with Muscial.ly users, “you’re talking about first, second, third grade.”³

17. As Musical.ly was gaining popularity among elementary school kids in the United States, Beijing-based ByteDance Ltd. created TikTok in 2017. 38. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1 billion. On August 2, 2018, TikTok merged with Musical.ly, consolidating the accounts and data into one application.

18. In February 2019, the United States Department of Justice filed a complaint against TikTok’s predecessors, Musical.ly and Musical.ly, Inc., alleging violations of the COPPA Rule and Section 5 of the FTC Act, 15 U.S.C. § 45.

¹ Josh Herrman, Who’s Too Young for an App? Musical.ly Tests the Limits, New York Times, Sept. 16, 2016, <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

² *Id.*

³ *Id.*

19. The Department of Justice alleged that TikTok’s Musical.ly predecessors had collected and used Personal Information from children younger than 13 in violation of COPPA, including by (1) failing to directly notify parents of the information it collects online from children under 13 and how it uses such information and (2) failing to obtain verifiable parental consent before any collection or use of Personal Information from children under 13. *United States v. Musical.ly, et al.*, No. 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019) (Dkt. No. 1).

20. In March 2019, the Honorable Otis D. Wright II entered a Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief against TikTok’s predecessors. *Id.* at Dkt. No. 10 (2019 Permanent Injunction).

21. As part of the 2019 Permanent Injunction, TikTok’s predecessors were enjoined from violating the COPPA Rule, including by (1) “failing to make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives direct notice of Defendants’ practices with regard to the collection, use, or disclosure of Personal Information from children” and (2) “failing to obtain verifiable parental consent before any collection, use, or disclosure of Personal Information from children.” 2019 Permanent Injunction at 8.

22. In 2019, Musical.ly was renamed TikTok Ltd., and Musical.ly Inc. was renamed TikTok Inc. This renaming did not change the companies’ obligations under the 2019 Permanent Injunction.

C. Despite the Permanent Injunction, TikTok Collects and Uses Children’s Personal Information Without Parental Notification or Consent.

23. Despite the 2019 Permanent Injunction, millions of American minor children, particularly those under the age of 13, continue to join TikTok. And, TikTok continues to collect and use their Personal Information.

24. When users create a TikTok account, TikTok uses an “age gate” and requires that the user provide their birthday – the day, month, and year.

25. Since at least March 2019, if a Child enters a birthday that indicates that they are 13 years old or over, then they are provided with a regular TikTok account.

26. Since at least March 2019, if a Child enters a birthday that indicates that they are younger than 13 years old, then they are provided with a “TikTok For Younger Users” or “Kids Mode” account. TikTok does not notify parents or obtain parental consent for Kids Mode accounts.

27. Children with Kids Mode accounts can view videos but cannot post videos.

28. TikTok’s “age gate” is insufficient. Other than asking for their birthday, TikTok makes no other attempt during the sign-in process to verify the user’s age.

29. TikTok and its employees have long known that children misrepresent their ages to pass through TikTok’s age gate, and that despite other measures purportedly designed to remove children from the platform, children are ubiquitous.

30. TikTok’s internal company data and documents classified 18 million of its 49 million daily users in the United States as being 14 years or younger.⁴

31. A former TikTok employee said that TikTok employees had pointed out videos from children who appeared to be younger than 13 that were allowed to remain online for weeks.⁵

32. Defendants use human content moderators to review flagged accounts that potentially belong to children. In January 2020, for example, a TikTok moderator recognized that Defendants maintain accounts of children despite the “fact that we know the user is U13,” *i.e.*, under the age of 13, so long as the child’s profile does not admit that fact explicitly.

33. Another employee admitted that TikTok moderators were required to ignore any “external information” indicating that a user under review is a child.

34. As another example, in a July 2020 chat, one of Defendants’ employees circulated the profiles of numerous underage users he had identified “literally through one minute of scanning,” noting “[t]his is incredibly concerning and needs to be addressed immediately.”

⁴ Raymond Zhong & Sheera Frenkel, A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions, *New York Times*, Aug. 14, 2020, <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

⁵ *Id.*

35. TikTok utilizes internal algorithms to predict user's ages based on their online behavior. However, TikTok refuses to use its age-prediction algorithm to identify children under the age of 13 and stop them from using regular TikTok accounts.

36. Furthermore, until at least May 2022, TikTok allowed consumers to avoid the age gate when creating a TikTok account by allowing consumers to use login credentials from certain third-party online services, including Instagram and Google. Children were permitted to create TikTok accounts without entering their birthday if they used login credentials from Google. However, Google allowed children under the age of 13 to create Google accounts with parental consent to use Google.

37. Regardless of whether a Child uses a regular TikTok account or a Kids Mode account, TikTok violates the COPPA Rule by collecting and using their Personal Information without parental notice and consent.

38. TikTok's insufficient age verification policies resulted in millions of Children gaining access to regular TikTok accounts and to the adult content and features of a regular TikTok account.

39. For Children with regular TikTok accounts, TikTok collects Personal Information about them, including first and last name, age, email address, phone number, persistent identifiers for the device(s) used to access TikTok, social media

account information, and profile image(s), as well as photographs, videos, and audio files containing the user's image and voice and the metadata associated with such media (such as when, where, and by whom the content was created), usage information, device information, location data, image and audio information, metadata, and data from cookies and similar technologies that track users across different websites and platforms.

40. For Children with Kids Mode accounts, TikTok still collects Personal Information about them, including several types of persistent identifiers, including IP address and unique device identifiers. TikTok also collects app activity data, device information, mobile carrier information, and app information from Children using Kids Mode accounts—which it combines with persistent identifiers and uses to amass profiles on children.

41. In August 2024, the Department of Justice filed a new complaint alleging that TikTok violated COPPA and the COPPA Rule, including by (1) knowingly creating accounts for children and collecting data from those children without first notifying their parents and obtaining verifiable parental consent; (2) failing to honor parents' requests to delete their children's accounts and information; and (3) failing to delete the accounts and information of users it knows are children.

D. TikTok Generates Revenue from Its Unlawful Conduct by Advertising to Children.

42. TikTok is a short-form video social media platform.

43. In January 2024, TikTok reported that it had approximately 170 million monthly active users in the United States.

44. TikTok earns a substantial amount of its revenue from advertising.

45. TikTok reported that it earned \$16 billion in revenue in the United States in 2023.

46. TikTok uses the Personal Information collected from children (under the age of 13) to target them with advertising.

47. TikTok targets users with specific advertisements by collecting persistent identifiers about the users and combining the identifiers with other information about the users.

48. In other words, TikTok targets specific advertisements to children (under the age of 13) by violating COPPA. Thus, a substantial portion of the revenue that TikTok earns from advertisements that are served on children (under the age of 13) is a direct and proximate result of TikTok's violation of COPPA.

49. TikTok's algorithm is trained on data collected from users via the TikTok platform and from third-party sources. Such data include videos viewed, "liked," or shared, accounts followed, comments, content created, video captions, sounds, and hashtags, as well as device and account settings such as language preference, country setting, and device type.

50. TikTok combines this collected data with children's persistent identifiers. The collected data is thus Personal Information. Section 312.2 of COPPA Rule, 16 C.F.R. § 312.2.

51. TikTok also provides targeting options to advertisers that are based on this collected Personal Information.

52. For example, for behavioral targeting, TikTok targets users based on their interactions with organic and paid content, including the types of videos the user viewed.

53. For interest targeting, TikTok's algorithm analyzes users' long-term platform activities.

E. Defendants Operate Under a Common Enterprise.

54. Defendants are a series of interconnected companies that operate the TikTok social media platform. Defendant ByteDance Ltd. is the parent and owner of Defendants ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns Defendants TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok Inc., which owns Defendant TikTok U.S. Data Security Inc.

55. Upon information and belief, a group of ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Penyuan, and Zhu Wenjia, direct and control TikTok's core features and development. Since 2019, ByteDance Ltd. and TikTok Inc. have promoted TikTok in the United States,

spending hundreds of millions of dollars on advertising, employing U.S.-based staff and executives, and developing and distributing TikTok to run on Apple and Android devices.

56. ByteDance Inc. and TikTok Inc. have responsibilities for developing, providing, and supporting TikTok in the United States.

57. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the Apple App Store and Google Play Store.

58. TikTok Ltd. identifies itself as the developer of TikTok in the Apple App Store, and TikTok Pte. Ltd. identifies itself as the developer of TikTok in the Google Play Store. The tiktok.com domain is registered to TikTok Ltd.

59. Beginning in 2023, TikTok Inc. transferred Personal Information of children to TikTok U.S. Data Security Inc., which has maintained that data without notice to those children's parents or parental consent.

60. Defendants share officers and directors. For example, TikTok Inc.'s chief executive officers between 2020 and the present (Kevin Mayer, V Pappas, and Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd., and ByteDance Ltd.'s chief executive officers (Zhang Yiming and Liang Rubo) have simultaneously served as directors of TikTok Ltd. TikTok Inc.'s Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data security support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.'s officers and directors

have also overlapped with each other, and with officers and directors of TikTok Inc. Defendants intertwine their finances; for example, ByteDance Ltd. provides compensation and benefits to TikTok Inc.’s CEO, and TikTok Inc. employees participate in ByteDance Ltd.’s stock option plan.

61. Defendants have one centralized bank account for ByteDance Ltd.’s more than a dozen products, including TikTok. Defendants operate on a “shared services” model in which ByteDance Ltd. provides legal, safety, and privacy resources, including personnel. ByteDance’s largest shareholder, Zhang Yiming, signed the 2019 consent order with the United States on behalf of Musical.ly, TikTok Ltd.’s predecessor company.

62. Defendants have operated as a common enterprise while engaging in the unlawful acts and practices alleged below.

JURISDICTION & VENUE

63. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. §1332(d)(2), because this is a class action wherein the amount in controversy exceeds the sum or value of \$5,000,000.00, exclusive of interest and costs, there are more than 100 members in the proposed class, and at least one member of the class is a citizen of a state different from each Defendants

64. Defendants are each subject to personal jurisdiction in this district because they have substantial aggregate contacts throughout the United States and the state of New Jersey. Defendants have engaged, and continue to engage, in conduct that has a direct, substantial, reasonably foreseeable, and intended effect of causing injury to persons throughout the United States, and the state of New Jersey, and this District, and it purposely availed itself of the laws of the United States and the State of New Jersey.

65. Defendants are each subject to personal jurisdiction in this District because they purposely avail themselves of the privilege of conducting activities in the United States and the State of New Jersey and direct business activities toward consumers throughout the United States and the State of New Jersey. Furthermore, Defendants engaged and continue to engage in conduct that has a foreseeable, substantial effect throughout the United States and the State of New Jersey, connected with its unlawful acts.

66. Venue is proper in this District under 28 U.S.C §1391(b) because Plaintiff and thousands of potential Class Members reside in this District; Defendants transact business in this District; and Defendants intentionally avails itself of the laws within this District.

PARTIES

67. **Plaintiff KATHLEEN LANSER** is the mother of A.L., a 14-year-old minor who used TikTok. Plaintiff is a citizen of the state of New Jersey. At all relevant times, Plaintiff has been a resident of Dumont, New Jersey.

68. This action is brought on minor child A.L.'s behalf by Plaintiff Kathleen Lanser.

69. During the Class Period, A.L. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

70. A.L. created a TikTok account at approximately 12 years old.

71. During the Class Period, Defendants collected A.L.'s Personal Information for the purpose of tracking A.L.'s activity and utilizing targeted advertisements.

72. Defendants never obtained consent from nor notified B.L.'s parent and legal guardian, Kathleen Lanser, at any point prior to or during its collection and use of A.L.'s Personal Information.

73. Defendants were bound by the 2019 Permanent Injunction that prohibited Defendants from collecting Personal Information from children under the age of 13, and therefore this conduct could not have reasonably been discovered earlier through investigation.

74. **Defendant TikTok Inc.** is a California corporation with its principal place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230. TikTok Inc. transacts or has transacted business in this District and throughout the United States.

75. **Defendant TikTok U.S. Data Security Inc.** is a Delaware corporation with its principal place of business shared with TikTok Inc. TikTok U.S. Data Security Inc. transacts or has transacted business in this District and throughout the United States.

76. **Defendant ByteDance Ltd.** is a Cayman Islands company. It has had offices in the United States and in other countries. ByteDance Ltd. transacts or has transacted business in this District and throughout the United States.

77. **Defendant ByteDance Inc.** is a Delaware corporation with its principal place of business at 250 Bryant Street, Mountain View, California, 94041. ByteDance Inc. transacts or has transacted business in this District and throughout the United States.

78. **Defendant TikTok Pte. Ltd.** is a Singapore company with its principal place of business at 8 Marina View Level 43 Asia Square Tower 1, Singapore, 018960. TikTok Pte. Ltd. transacts or has transacted business in this District and throughout the United States.

79. **Defendant TikTok Ltd.** is a Cayman Islands company with its principal place of business in Singapore or Beijing, China. TikTok Ltd. Transacts or has transacted business in this District and throughout the United States.

CLASS ALLEGATIONS

80. Plaintiff brings this nationwide class action individually, and on behalf of all similarly situated individuals, pursuant to Rule 23(b)(2), 23(b)(3), and 23(c)(4) of the Federal Rules of Civil Procedure.

81. The Classes that Plaintiff seek to represent are defined as follows:

Nationwide Class

All United States residents (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying their parents and obtaining verifiable parental consent beforehand (the “Class”).

New Jersey Subclass

All New Jersey residents (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Personal Information during the Class Period without notifying their parents and obtaining verifiable parental consent beforehand (the “New Jersey Subclass”).

82. Collectively, the Class and New Jersey Subclass are referred to as the “Classes” or “Class Members.”

83. Excluded from the Classes are the following individuals and/or entities: Defendants and Defendants’ parents, subsidiaries, affiliates, officers and directors, and any entity in which Defendants has a controlling interest; all individuals who make a timely election to be excluded from this proceeding using the correct protocol

for opting out; and all judges assigned to hear any aspect of this litigation, as well as their immediate family members.

84. Plaintiff reserves the right to amend the definitions of the Classes or add a Class or Subclass if further information and discovery indicate that the definitions of the Classes should be narrowed, expanded, or otherwise modified.

85. Numerosity: The members of the Classes are so numerous that joinder of all members is impracticable, if not completely impossible. The members of the Classes are so numerous that joinder of all of them is impracticable. While the exact number of Class Members is unknown to Plaintiff at this time and such number is exclusively in the possession of Defendant, upon information and belief, millions of minor individuals are implicated.

86. Common questions of law and fact exist as to all members of the Classes and predominate over any questions affecting solely individual members of the Classes. The questions of law and fact common to the Classes that predominate over questions which may affect individual Class Members, includes the following:

- a. Whether TikTok has or had a practice of collecting Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;
- b. Whether TikTok has or had a practice of using Personal Information from children who were younger than 13 years old without notifying their parents and obtaining verifiable parental consent beforehand;

- c. Whether TikTok’s practices violate the Children’s Online Privacy Protection Act of 1998 (“COPPA”) and the Children’s Online Privacy Protection Rule (“COPPA Rule”);
- d. Whether TikTok engaged in unlawful business practices;
- e. Whether TikTok engaged in unfair business practices;
- f. Whether TikTok has unjustly received and retained monetary benefits from Plaintiff’s minor child and Class Members by profiting off the use of their Personal Information; and
- g. Whether Class Members are entitled to damages and/or restitution, and if so, the method of computing damages and/or restitution.

87. Typicality: Plaintiff’s claims are typical of those of the other members of the Classes because Plaintiff’s minor child, like every other Class Member, was exposed to virtually identical conduct and now suffers from the same violations of the law as each other member of the Classes.

88. Policies Generally Applicable to the Class: This class action is also appropriate for certification because Defendants acted or refused to act on grounds generally applicable to the Classes, thereby requiring the Court’s imposition of uniform relief to ensure compatible standards of conduct toward the Class Members and making final injunctive relief appropriate with respect to the Classes as a whole. Defendants’ policies challenged herein apply to and affect Class Members uniformly and Plaintiff’s challenges of these policies hinges on Defendants’ conduct with respect to the Classes as a whole, not on facts or law applicable only to Plaintiff.

89. Adequacy: Plaintiff will fairly and adequately represent and protect the interests of the Class Members in that Plaintiff has no disabling conflicts of interest that would be antagonistic to those of the other Class Members. Plaintiff seeks no relief that is antagonistic or adverse to the Class Members and the infringement of the rights and the damages suffered are typical of other Class Members. Plaintiff has retained counsel experienced in complex class action and data breach litigation, and Plaintiff intends to prosecute this action vigorously.

90. Superiority and Manageability: The class litigation is an appropriate method for fair and efficient adjudication of the claims involved. Class action treatment is superior to all other available methods for the fair and efficient adjudication of the controversy alleged herein; it will permit a large number of Class Members to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence, effort, and expense that hundreds of individual actions would require. Class action treatment will permit the adjudication of relatively modest claims by certain Class Members, who could not individually afford to litigate a complex claim against large corporations, like Defendants. Further, even for those Class Members who could afford to litigate such a claim, it would still be economically impractical and impose a burden on the courts.

91. The nature of this action and the nature of laws available to Plaintiff and Class Members make the use of the class action device a particularly efficient

and appropriate procedure to afford relief for the wrongs alleged because Defendants would necessarily gain an unconscionable advantage since Defendants would be able to exploit and overwhelm the limited resources of each individual Class Member with superior financial and legal resources; the costs of individual suits could unreasonably consume the amounts that would be recovered; proof of a common course of conduct to which Plaintiff was exposed is representative of that experienced by the Classes and will establish the right of each Class Member to recover on the cause of action alleged; and individual actions would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation.

92. The litigation of the claims brought herein is manageable. Defendants' uniform conduct, the consistent provisions of the relevant laws, and the ascertainable identities of Class Members demonstrates that there would be no significant manageability problems with prosecuting this lawsuit as a class action.

93. Adequate notice can be given to Class Members directly using information maintained in Defendants' records.

94. Unless a Class-wide injunction is issued, Defendants may continue to act unlawfully as set forth in this Complaint.

95. Further, Defendants have acted on grounds that apply generally to the Classes as a whole, so that class certification, injunctive relief, and corresponding declaratory relief are appropriate on a class-wide basis.

CAUSES OF ACTION

COUNT 1: UNJUST ENRICHMENT (*On behalf of Plaintiff and the Classes*)

96. Plaintiff re-alleges and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

97. By obtaining and reselling A.L. and Class Members' PII, Defendants received a monetary benefit. Defendants knew that it could sell the PII for financial gain and has retained that benefit.

98. Defendants have unjustly received and retained monetary benefits from A.L. and Class Members—minor children—by profiting off the use of their Personal Information under unjust circumstances such that inequity has resulted.

99. Defendants have knowingly obtained benefits from A.L. and Class Members as alleged herein under circumstances such that it would be inequitable and unjust for TikTok to retain them.

100. Defendants have been knowingly enriched by revenues and profits it received from unjustly and illegally collecting and using the Personal Information of children under the age of 13 to build profiles and target advertisements to those children.

101. Defendants have failed to obtain legally valid consent from A.L. and Class Members or their parents and guardians to collect and use these minor children's Personal Information.

102. Defendants will be unjustly enriched if they are permitted to retain the benefits derived from the illegal collection and usage of A.L. and Class Members' Personal Information.

103. Plaintiff and Class Members are therefore entitled to relief, including disgorgement of all revenues and profits that TikTok earned as a result of its unlawful and wrongful conduct.

COUNT 2: INVASION OF PRIVACY
(On behalf of Plaintiff and the Classes)

104. Plaintiff re-alleges and incorporates by reference all the allegations contained in the foregoing paragraphs as if fully set forth herein.

105. As minor children, A.L. and Class Members had a legitimate expectation of privacy in their Personal Information. A.L. and Class Members were entitled to the protection of this information from disclosure to unauthorized third parties.

106. Defendants intentionally and unreasonably intruded upon the seclusion of minor children, A.L. and Class Members, without the consent of A.L. and Class members, who were minors, or their parents or guardians.

107. As set forth above, Defendants collected and sold the Personal Information millions of minor children, without the consent of the minors or their parents, including, but not limited to: name, age, profile image, password, email, phone number, address, "approximate" location, social media account information,

phone and social media contacts, messages sent to and received from other TikTok users, information in the clipboard of a user's device, and payment card number

108. Defendants intruded on private activities and information of minor children.

109. Defendants' intrusion was highly offensive to a reasonable person.

110. Defendants owed a duty to Plaintiff and Class Members to keep their Personal Information confidential.

111. Defendants permitted the public disclosure of A.L. and Class Members' Personal Information to unauthorized third parties.

112. The Personal Information that was collected and disclosed without the Plaintiff's and Class Members' authorization was highly sensitive, private, and confidential. The public disclosure of the type of Personal Information at issue here would be highly offensive to a reasonable person of ordinary sensibilities.

113. By permitting the unauthorized collection and disclosure, Defendants acted with reckless disregard for A.L. and Class Members' privacy, and with knowledge that such disclosure would be highly offensive to a reasonable person. Furthermore, the disclosure of the Personal Information at issue was not newsworthy or of any service to the public interest.

114. Defendants acted with such reckless disregard as to the safety of A.L. and Class Members' Personal Information to rise to the level of intentionally

allowing the intrusion upon the seclusion, private affairs, or concerns of A.L. and Class Members.

115. Plaintiff and Class Members have been damaged by the invasion of their privacy in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other members of the Classes alleged herein, respectfully requests that the Court enter judgment as follows:

- A. For an order certifying the Class under Rule 23 of the Federal Rules of Civil Procedure and naming Plaintiff as the representative for the Classes and counsel for Plaintiff as Class Counsel;
- B. For an order declaring the Defendants' conduct violates the causes of action referenced herein;
- C. For an order finding in favor of Plaintiff and Class Members on all counts asserted herein;
- D. For an order requiring Defendants to pay for lifetime credit monitoring and dark web scanning services for Plaintiff and the Classes;
- E. For compensatory, statutory, and punitive damages in amounts to be determined by the Court and/or jury;
- F. For prejudgment interest on all amounts awarded;
- G. For an order of restitution and all other forms of equitable monetary relief requiring the disgorgement of the revenues wrongfully retained as a result of the Defendants' conduct;
- H. For injunctive relief as pleaded or as the Court may deem proper; and

- I. For an order awarding Plaintiff and Class Members their reasonable attorneys' fees and expenses and costs of suit, and any other expense, including expert witness fees; and
- J. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of all claims in this Complaint and of all issues in this action so triable as of right.

Dated: November 27, 2024

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**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

**IN RE: TIKTOK MINOR PRIVACY
LITIGATION**

MDL DOCKET NO.

CERTIFICATE OF SERVICE

In compliance with Rule 4.1(a)-(b) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that copies of the foregoing Motion for Transfer, Brief in Support of the Motion for Transfer, and Schedule of Actions, as well as copies of this Proof of Service, were served by email, overnight delivery or mailed via Certified Mail December 5, 2024 on the following:

Clerks of Courts Served via U.S.P.S. Priority Mail

Clerk of Court
Northern District of California (San Francisco)
Phillip Burton Federal Building
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San Francisco, CA 94102

Clerk of Court
U.S. District Court Western District of Missouri, Kansas City Division
Charles Evans Whittaker U.S. Courthouse
400 E. 9th Street
Kansas City, MO 64106

Clerk of Court
U.S. District Court Central District of California (Western Division - Los Angeles)
350 W 1st Street, Suite 4311
Los Angeles, CA 90012-4565

Clerk of Court
U.S. District Court Northern District of Florida (Panama City)
“Closed until further notice”
c/o U.S. District Court Northern District of Florida (Pensacola)
1 N Palafox St.
Pensacola, FL 32502

Clerk of Court
U.S. District Court District of New Jersey (Newark)
Martin Luther King Building & U.S. Courthouse
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Christina Middleton, a guardian and next of kin on behalf of A.B., a minor, individually and on behalf of all others similarly situated v. Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.
USDC, Western District of Missouri (Kansas City)
Case No. 4:24-cv-00742-FJG

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v. Bytedance LTD, Bytedance, Inc.; TikTok LTD, TikTok Inc., TikTok PTE LTD, and TikTok U.S. Data Security Inc
U.S. District Court Central District of California
2:24-cv-06784-ODW-RAO

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U.S. District Court Northern District of Florida

Case No. 5:24-cv-00236-MW-MJ

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U.S. District Court Central District of California

Case No. 2:24-cv-06535-ODW-RAO

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U.S. District Court Central District of California
Case No. 2:24-cv-07922-ODW-RAO

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U.S. District Court District of New Jersey (Newark)

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Northern District of Florida

Case No. 5:24-cv-00236-MW-MJF

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USDC, Western District of Missouri (Kansas City)

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2:24-cv-06784-ODW-RAO

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United States of America v. Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.

U.S. District Court Central District of California
Case No. 2:24-cv-06535-ODW-RAO

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U.S. District Court Central District of California
Case No. 2:24-cv-07922-ODW-RAO

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U.S. District Court Northern District of California (San Francisco)
Case No. 3:24-cv-08051-AGT

Defendants, Bytedance, Inc.; Bytedance, Ltd.; TikTok, Ltd.; TikTok, Inc.; TikTok PTE. Ltd.; and TikTok U.S. Data Security, Inc.

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U.S. District Court District of New Jersey (Newark)
Case No. 2:24-cv-10818-SDW-AME

Dated: December 5, 2024

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