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

IN RE: TIKTOK, INC., MINOR PRIVACY
LITIGATION

MDL NO. 3144

2:25-ml-03144-GW-RAO

CLASS ACTION

**AMENDED CONSOLIDATED CLASS
ACTION COMPLAINT**

DEMAND FOR JURY TRIAL

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1 Plaintiffs G.K. and D.K., minors, by and through their parent, Karin Robinson;
2 A.J., a minor, by and through their parent and guardian ad litem, Alexis Douglas; B.M.,
3 a minor, by and through their parent and guardian ad litem, Marcelo Muto; S.T., a
4 minor, by and through their parent Samuel Tsou; J.C., a minor, by and through their
5 parent and guardian ad litem, Jody Villanueva; L.F., a minor, by and through their
6 parent and guardian ad litem, Heather Bresette; D.G., a minor, by and through their
7 parent, Kristy Bradley; D.M., a minor, by and through their parent and guardian ad
8 litem, Darryl Maulsby; E.B., a minor, by and through their parent, Ebony Baker; A.K.,
9 a minor, by and through their parent, Katherine Knight; J.S., a minor, by and through
10 their parent, Kiara Dennis; T.W., a minor, by and through their parent, Rachel Smith;
11 G.A., a minor, by and through their parent, Leyna Midkiff; C.H., a minor, by and
12 through their parent, Arthur Henry; M.B., a minor, by and through their parent, Lynette
13 Bouie; J.H., a minor, by and through their parent, Tranay Holloway; A.A.A., A.B.A.,
14 and E.A., minors, by and through their parent, Kelly Lynn Addis; K.M., a minor, by and
15 through their parent, Dakota Moody; A.L., a minor, by and through their parent, Tatum
16 Dunne; A.B., a minor, by and through their parent, Christina Middleton; H.J. and N.J.,
17 minors, by and through their parent, Amatullah Allen; I.T., a minor, by and through
18 their parent, Yeni Castro; M.G., a minor, by and through their parent and guardian ad
19 litem, Valerie Gates; V.M., a minor, by and through their parent, Ebony Nielsen; D.P., a
20 minor, by and through their parent, Tammy Padgett; P.B., J.S., and J.F., minors, by and
21 through their parent, Brittany Santisi; Z.B. and I.B., minors, by and through their parent,
22 Steven Burda; E.J., a minor, by and through their parent, Elizabeth Jacob; R.C., B.L.J.,
23 and B.R.J., minors, by and through their grandparent and guardian, Shirley Reed-
24 Stallings; K.F., a minor, by and through their parent and guardian ad litem, Angela
25 Faucett; and J.W., a minor, by and through their parent and guardian ad litem, Kayla
26 Jaramillo, individually, and on behalf of all others similarly situated, hereby file suit
27 against the Defendants listed below and allege the following based on personal
28 knowledge, information and belief, the investigation of counsel, and public sources:

I. NATURE OF THE ACTION

1. This action arises out of Defendants’ invasion of privacy and unfair business practices directed toward millions of children in the United States under the age of 13 in violation of the law and societal norms. Specifically, from March 28, 2019 to the present (the “Class Period”), Defendants have knowingly permitted and encouraged children under the age of 13 to create user accounts on the TikTok full access platform (“Full Access Platform”)¹ for the purpose of collecting intimate, deeply intrusive data points about them and their online behavior without notice and parental consent. TikTok collects information from users that it knows are under 13, including name, age, email address, phone number, persistent identifiers² for the device(s) used to access TikTok, social media account information, profile image, 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 user across different websites and platforms (collectively, as set forth in ¶ 75, “Private Information”).³ Defendants use this unlawfully collected Private Information to increase their profits by providing personally curated content that increases user engagement, to target and serve copious amounts of behavioral advertising, and/or to share users’ information with third parties for advertising and other purposes. Defendants engaged in this unlawful behavior for one reason—profit.

2. Indeed, children are so integral to Defendants’ profitability, that

¹ Colloquially, the “Full Access Platform” is often referred to as the main TikTok app or the Platform.

² A “persistent identifier” is a piece of information “that can be used to recognize a user over time and across different web sites or online services,” such as “a cookie, an internet protocol (IP) address, a processor or device serial number, or unique device identifier.” 16 C.F.R. 312.2.

³ *Privacy Policy*, TikTok, <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last updated Aug. 19, 2024).

1 Defendants were unwilling to cease their unlawful business practices despite a
2 Permanent Injunction, entered into with the United States Government on March 27,
3 2019 (the “2019 Permanent Injunction”).⁴ The 2019 Permanent Injunction enjoined
4 TikTok from, among other things, violating the Commission’s Children’s Online
5 Privacy Protection Act Rule (“COPPA Rule”)⁵ —prohibiting Defendants from their
6 continued collection and use of the Private Information of children under the age of 13
7 without notice and verifiable parental consent.

8 3. In addition to directing its Full Access Platform to, among others, children
9 under the age of 13, TikTok provides a modified platform purportedly for children
10 under the age of 13, called “Kids Mode.” This platform restricts user activity and
11 prevents users from posting, messaging, or using features like commenting or sharing.
12 But TikTok knows that children under the age of 13 can and routinely gain access to the
13 Full Access Platform by merely indicating they are over age 13 when they create an
14 account. TikTok could use effective age-gating, but, here, as well, they are driven by
15 profit. They collect more data and earn more money by knowingly allowing children
16 under the age of 13 on the Full Access Platform.

17 4. Defendants ByteDance Ltd., ByteDance, Inc.; TikTok Inc., TikTok LLC,
18 TikTok Ltd., TikTok Pte Ltd., and TikTok U.S. Data Security Inc. (collectively,
19 “TikTok”) operate one of the world’s largest social media platforms that reaches
20 millions of Americans under the age of 13.

21 5. TikTok’s user base is disproportionately made up of children. From the
22 outset, Defendants considered U.S. teens a “golden audience.”⁶

23 6. Defendants know that TikTok is an attractive social media destination for
24

25 ⁴ Stipulated Order Civil Penalties, Permanent Inj., & Other Relief, *United States v.*
26 *Musical.ly*, No. 19-cv-01439 (C.D. Cal. Mar. 27, 2019), ECF No. 10.

26 ⁵ 16 C.F.R. Part 312.

27 ⁶ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere*
28 *Else*, N.Y. Times (Aug. 9, 2016),
<https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

1 children. Nonetheless, Defendants have a history of knowingly allowing children under
2 13 years of age to create and use TikTok accounts without their parents' knowledge or
3 consent, collecting extensive data from those children, and failing to comply with
4 parents' requests to delete their children's accounts and personal information.

5 7. On February 27, 2019, the United States filed a Complaint against
6 Musical.ly and Musical.ly, Inc., companies that had been acquired by TikTok in 2017⁷,
7 alleging that Defendants were unlawfully collecting and using the personal information
8 of children, as defined by Children's Online Privacy Protection Act ("COPPA"),⁸ in the
9 operation of their free online video-sharing app.⁹

10 8. One month later, on March 27, 2019, the 2019 Permanent Injunction was
11 entered and imposed a then record \$5.7 million civil penalty for violations of COPPA
12 Rule, 16 C.F.R. Part 312, and Section 5 of the Federal Trade Commission Act ("FTC
13 Act"), 15 U.S.C. § 45; required Defendants to destroy personal information of users
14 under the age of 13; required Defendants to remove accounts of users whose age could
15 not be identified; enjoined Defendants from violating the COPPA Rule; and required
16 Defendants to retain certain records related to compliance with the COPPA Rule and the
17 2019 Permanent Injunction.¹⁰

18 9. When the United States brought its Complaint against Musical.ly in 2019,
19 it alleged that the app had 65 million registered accounts in the United States.¹¹ As of
20 2024, there are more than 170 million TikTok users in the United States.¹² TikTok
21

22 ⁷ Musical.ly and Musical.ly, Inc., (respectively renamed TikTok Ltd. and TikTok Inc. in
23 April 2019).

24 ⁸ 15 U.S.C. §§ 6502(c) and 6505(d).

25 ⁹ Compl., *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019), ECF
26 No. 1.

27 ¹⁰ Stipulated Order Civil Penalties, Permanent Inj., & Other Relief, *United States v.*
28 *Musical.ly*, No. 19-cv-01439 (C.D. Cal. Mar. 27, 2019), ECF No. 10.

¹¹ Compl. at 5, *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019),
ECF No. 1.

¹² *Year on TikTok 2024: A little creativity sparks a lot of impact*, TikTok (Dec. 4, 2024),
<https://newsroom.tiktok.com/en-us/year-on-tiktok-2024/?ref=tos.gg>.

continues to grow.¹³

10. More specifically, TikTok continues to grow its audience of children. In July 2020, TikTok estimated that more than one-third of its 49 million daily users in the United States were 14 or younger.¹⁴

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

12. As a result of its continued violations of COPPA and its failure to abide by the terms of the 2019 Permanent Injunction, the United States Department of Justice (“DOJ”) filed a complaint on August 2, 2024 against TikTok, complaining of TikTok’s continued wrongful collection and misuse of the personal information (as defined by COPPA) of children under 13 without parental consent in violation of COPPA and its obligations under the 2019 Permanent Injunction.¹⁵

13. The DOJ Complaint alleges that throughout the Class Period, Defendants have: (1) provided services directed to children that collect personal information from their users; (2) knowingly created accounts for children and collected data from those children without first notifying their parents and obtaining verifiable parental consent; (3) failed to honor parents’ requests to delete their children’s accounts and information; and (4) failed to delete the accounts and information of users they know are children.¹⁶ The DOJ Complaint further alleges that its ability to assess the precise magnitude of

¹³ Erin Griffith, *U.S. Ban of TikTok Is Set to Deal a Major Blow to ByteDance, Its Chinese Owner*, N.Y. Times (Jan. 17, 2025), <https://www.nytimes.com/2025/01/17/technology/tiktok-ban-bytedance.html>.

¹⁴ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020), <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

¹⁵ Compl. Permanent Inj., Civil Penalty J., & Other Relief (“DOJ Complaint”) at ¶¶ 37-38, *United States v. ByteDance Ltd.*, No. 2:24-cv-06535 (C.D. Cal. Aug. 2, 2024), ECF No. 1.

¹⁶ *Id.* ¶¶ 39-96.

Defendants' violations has been stymied by Defendants' failure to keep records demonstrating its COPPA compliance, as required by the terms of the 2019 Permanent Injunction.¹⁷

14. The Children's Online Privacy Protection Act ("COPPA"), 15 U.S.C. §6501 *et seq.*, protects children under 13 years old from having their personal information (as defined in 16 C.F.R. § 312.2) collected by operators of websites or online services directed to children, or operators with actual knowledge that they are collecting personal information online from children under 13 years old, unless their parent has first given verifiable consent. Each time Defendants have collected a child's personal information without parental notice or verifiable consent or have failed to delete that information at the request of the child's parents or upon learning it was collected from a child whose parents were not notified or did not provide verifiable consent, Defendants violated COPPA.

15. COPPA violations "shall be treated as a violation of a rule defining an unfair . . . act or practice prescribed under section 57a(a)(1)(B) of [FTC Act]."¹⁸ In other words, a violation of COPPA constitutes an unfair trade practice under Section 5 of the FTC Act. 15 U.S.C. § 45(a).

16. A majority of states, including but not limited to California, Connecticut, Florida, Georgia, Missouri, Pennsylvania and Washington, have enacted laws prohibiting unfair and/or unlawful business practices that are modeled after the FTC Act. These state laws take interpretive guidance from the FTC Act. Defendants, by their unlawful collection and use of the personal information of children under the age of 13 without parental notice or consent have violated these state laws.

17. Additionally, the conduct of TikTok constitutes unwarranted invasions of privacy in violation of the substantial protections that numerous states, including but not limited to, California, Connecticut, Georgia, Missouri, Pennsylvania, and Washington

¹⁷ *Id.* ¶ 38.

¹⁸ 15 U.S.C. § 6502(c).

1 provide to their citizens. These states recognize the common law right to be free from
2 intrusion upon seclusion, as formulated by § 652B of the Restatement (Second) of Torts,
3 which prohibits intentional intrusion upon the solitude or seclusion of another or his or
4 her private affairs or concerns. In addition, the California Constitution provides
5 California citizens and residents an enumerated right to privacy.

6 18. Further, Defendants conduct has resulted in unjust enrichment under the
7 law of various states, including but not limited to, California, Connecticut, Florida,
8 Georgia, Missouri, New York, Pennsylvania and Washington.

9 19. Moreover, Defendants conduct constitutes negligence under the common
10 of numerous states including California, Connecticut, Florida, Georgia, Missouri, New
11 York, Pennsylvania, and Washington.

12 20. Defendants' conduct (a) violates the Unfair Business Practices Acts of
13 California, Connecticut, Florida, Georgia, Missouri, Pennsylvania, and Washington, as
14 well as numerous other states with materially similar consumer protection laws; (b)
15 violates the common law right to be free from intrusion upon seclusion in California,
16 Connecticut, Georgia, Missouri, Pennsylvania, and Washington, as well as New York
17 Civil Rights Law §§ 50-51 and numerous other states with materially similar common
18 law; (c); has resulted in Defendants' unjust enrichment at the expense of minor children
19 in California, Connecticut, Florida, Georgia, Missouri, New York, Pennsylvania and
20 Washington, and numerous other states with materially similar unjust enrichment
21 common law; (d) constitutes negligence under the laws of California, Connecticut,
22 Florida, Georgia, Missouri, New York, Pennsylvania, and Washington; and (e) violates
23 the right to privacy enumerated in the California Constitution.

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

II. PARTIES

A. Plaintiffs

22. Plaintiffs G.K. and D.K., minors, by and through their parent, Karin Robinson. Plaintiffs G.K., D.K., and Karin Robinson are natural persons and residents of the State of Arizona. During the Class Period, G.K. and D.K. created and used a TikTok account (while under the age of 13) and regularly viewed content on the TikTok platform.

23. Plaintiff A.J., a minor, by and through their parent and guardian ad litem, Alexis Douglas. Plaintiff A.J. and Alexis Douglas are natural persons and residents and citizens of the State of California. During the Class Period A.J. created and used a TikTok account (while under the age of 13) and regularly viewed content on the TikTok platform.

24. Plaintiff B.M., a minor, by and through their parent and guardian ad litem, Marcelo Muto. Plaintiff B.M. and Marcelo Muto are natural persons and are residents and citizens of the State of California. During the Class Period, B.M. created and used a Musical.ly account and TikTok account (while under the age of 13) and regularly viewed content on the TikTok platform.

25. Plaintiff S.T., a minor, by and through their parent, Samuel Tsou. Plaintiff S.T. and Samuel Tsou are natural persons and residents of the State of California. During the Class Period, S.T. created and used a Kids Mode account (while under the age of 13) and regularly viewed content on the TikTok platform.

26. Plaintiff J.C., a minor, by and through their parent and guardian ad litem, Jody Villanueva. Plaintiff J.C. and Jody Villanueva are residents and citizens of the State of California and natural persons. During the Class Period, J.C. created and used TikTok accounts (while under the age of 13) and regularly viewed content on the TikTok platform.

27. Plaintiff L.F., a minor, by and through their parent and guardian ad litem, Heather Bresette. Plaintiff L.F. and Heather Bresette are natural persons and residents

1 and citizens of the State of Connecticut. During the Class Period, L.F. created and used
2 a TikTok account (while under the age of 13) and regularly viewed content on the
3 TikTok platform.

4 28. Plaintiff D.G., a minor, by and through their parent, Kristy Bradley.
5 Plaintiff D.G. and Kristy Bradley are natural persons and residents and citizens of the
6 State of Florida. During the Class Period, D.G. created and used a TikTok account
7 (while under the age of 13) and regularly viewed content on the TikTok platform.

8 29. Plaintiff D.M., a minor, by and through their parent and guardian ad litem,
9 Darryl Maulsby. Plaintiff D.M. and Darryl Maulsby are natural persons and residents
10 and citizens of the State of Florida. During the Class Period, D.M. created and used a
11 TikTok account (while under the age of 13) and regularly viewed content on the TikTok
12 platform.

13 30. Plaintiff E.B., a minor by and through their parent, Ebony Baker. Plaintiff
14 E.B. and Ebony Baker are natural persons and residents of the State of Georgia. During
15 the Class Period, E.B. created and used a TikTok account (while under the age of 13)
16 and regularly viewed content on the TikTok platform.

17 31. Plaintiff A.K., a minor, by and through their parent, Katherine Knight.
18 Plaintiff A.K. and Katherine Knight are natural persons and residents of the State of
19 Georgia. During the Class Period, A.K. created and used a TikTok account (while under
20 the age of 13) and regularly viewed content on the TikTok platform.

21 32. Plaintiff J.S., a minor, by and through their parent, Kiara Dennis. Plaintiff
22 J.S. and Kiara Dennis are natural persons and residents of the State of Illinois. During
23 the Class Period, J.S. created and used a TikTok account (while under the age of 13) and
24 regularly viewed content on the TikTok platform.

25 33. Plaintiff T.W., a minor, by and through their parent, Rachel Smith. Plaintiff
26 T.W. and Rachel Smith are natural persons and residents of the State of Illinois. During
27 the Class Period, T.W. created and used a TikTok account (while under the age of 13)
28 and regularly viewed content on the TikTok platform.

1 34. Plaintiff G.A., a minor, by and through their parent, Leyna Midkiff.
2 Plaintiff G.A. and Leyna Midkiff are natural persons and residents of the State of
3 Indiana. During the Class Period, G.A. created and used a TikTok account (while under
4 the age of 13) and regularly viewed content on the TikTok platform.

5 35. Plaintiff C.H., a minor, by and through their parent, Arthur Henry. Plaintiff
6 C.H. and Arthur Henry are natural persons and residents of the State of Louisiana.
7 During the Class Period, C.H. created and used a TikTok account (while under the age
8 of 13) and regularly viewed content on the TikTok platform.

9 36. Plaintiff M.B., a minor, by and through their parent, Lynette Bouie.
10 Plaintiff M.B. and Lynette Bouie are natural persons and residents of the State of
11 Maryland. During the Class Period, M.B. created and used a TikTok account (while
12 under the age of 13) and regularly viewed content on the TikTok platform.

13 37. Plaintiff J.H., a minor, by and through their parent, Tranay Holloway.
14 Plaintiff J.H. and Tranay Holloway are natural persons and residents of the State of
15 Massachusetts. During the Class Period, J.H. created and used a TikTok account (while
16 under the age of 13) and regularly viewed content on the TikTok platform.

17 38. Plaintiffs A.A.A., A.B.A., and E.A., minors, by and through their parent,
18 Kelly Lynn Addis. Plaintiffs A.A.A., A.B.A., E.A., and Kelly Lynn Addis are natural
19 persons and residents of the State of Michigan. During the Class Period, A.A.A.,
20 A.B.A., and E.A. created and used a TikTok account (while under the age of 13) and
21 regularly viewed content on the TikTok platform.

22 39. Plaintiff K.M., a minor, by and through their parent, Dakota Moody.
23 Plaintiff K.M. and Dakota Moody are natural persons and residents of the State of
24 Minnesota. During the Class Period, K.M. created and used a TikTok account (while
25 under the age of 13) and regularly viewed content on the TikTok platform.

26 40. Plaintiff A.L., a minor, by and through their parent, Tatum Dunne. Plaintiff
27 A.L. and Tatum Dunne are natural persons and residents and citizens of the State of
28 Missouri. During the Class Period, A.L. created and used a TikTok account (while

1 under the age of 13) and regularly viewed content on the TikTok platform.

2 41. Plaintiff A.B., a minor, by and through their parent, Christina Middleton.
3 Plaintiff A.B. and Christina Middleton are natural persons and residents and citizens of
4 the State of Missouri. During the Class Period, A.B. created and used a TikTok account
5 (while under the age of 13) and regularly viewed content on the TikTok platform.

6 42. Plaintiff H.J. and N.J., minors, by and through their parent, Amatullah
7 Allen. Plaintiffs H.J., N.J., and Amatullah Allen are natural persons and residents of the
8 State of New Jersey. During the Class Period, H.J. and N.J. created and used a TikTok
9 account (while under the age of 13) and regularly viewed content on the TikTok
10 platform.

11 43. Plaintiff I.T., a minor, by and through their parent, Yeni Castro. Plaintiff
12 I.T. and Yeni Castro are natural persons and residents of the State of New York. During
13 the Class Period, I.T. created and used a TikTok account (while under the age of 13) and
14 regularly viewed content on the TikTok platform.

15 44. Plaintiff M.G., a minor, by and through their parent and guardian ad litem,
16 Valerie Gates. Plaintiff M.G. and Valerie Gates are natural persons and residents and
17 citizens of the State of New York. During the Class Period, M.G. created and used a
18 TikTok account (while under the age of 13) and regularly viewed content on the TikTok
19 platform.

20 45. Plaintiff V.M., a minor, by and through their parent, Ebony Nielsen.
21 Plaintiff V.M. and Ebony Nielsen are natural persons and residents and citizens of the
22 State of New York. During the Class Period, V.M. created and used a TikTok account
23 (while under the age of 13) and regularly viewed content on the TikTok platform.

24 46. Plaintiff D.P., a minor, by and through their parent, Tammy Padgett.
25 Plaintiff D.P. and Tammy Padgett are natural persons and residents of the State of North
26 Carolina. During the Class Period, D.P. created and used a TikTok account (while under
27 the age of 13) and regularly viewed content on the TikTok platform.

28 47. Plaintiffs P.B., J.S., and J.F., minors, by and through their parent, Brittany

1 Santisi. Plaintiffs P.B., J.S., J.F., and Brittany Santisi are natural persons and residents
2 of the State of Ohio. During the Class Period, P.B., J.S., and J.F. created and used a
3 TikTok account (while under the age of 13) and regularly viewed content on the TikTok
4 platform.

5 48. Plaintiffs Z.B. and I.B., minors, by and through their parent, Steven Burda.
6 Plaintiffs Z.B., I.B., and Steven Burda are natural persons and residents and citizens of
7 the State of Pennsylvania. During the Class Period, Z.B. and I.B. created and used a
8 TikTok account (while under the age of 13) and regularly viewed content on the TikTok
9 platform.

10 49. Plaintiff E.J., a minor, by and through their parent, Elizabeth Jacob.
11 Plaintiff E.J. and Elizabeth Jacob are natural persons and residents of the State of
12 Tennessee. During the Class Period, E.J. created and used a TikTok account (while
13 under the age of 13) and regularly viewed content on the TikTok platform.

14 50. Plaintiffs R.C., B.L.J., and B.R.J., minors, by and through their grandparent
15 and guardian, Shirley Reed-Stallings. Plaintiffs R.C., B.L.J., B.R.J., and Shirley Reed-
16 Stallings are natural persons and residents of the State of Texas. During the Class
17 Period, R.C., B.L.J., and B.R.J. created and used a TikTok account (while under the age
18 of 13) and regularly viewed content on the TikTok platform.

19 51. Plaintiff K.F., a minor, by and through their parent and guardian ad litem,
20 Angela Faucett. Plaintiff K.F. and Angela Faucett are natural persons and residents and
21 citizens of the State of Washington. During the Class Period, K.F. created and used a
22 TikTok account (while under the age of 13) and regularly viewed content on the TikTok
23 platform.

24 52. Plaintiff J.W., a minor, by and through their parent and guardian ad litem,
25 Kayla Jaramillo. Plaintiff J.W. and Kayla Jaramillo are natural persons and residents
26 and citizens of the State of Washington. During the Class Period J.W. created and used
27 a TikTok account (while under the age of 13) and regularly viewed content on the
28 TikTok platform.

B. Defendants

53. 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.

54. Defendant TikTok LLC is a Delaware limited liability company with its headquarters at 5800 Bristol Parkway, Culver City, California 90230. TikTok LLC wholly owns TikTok Inc.

55. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation with its principal place of business shared with TikTok Inc and TikTok LLC. Tik Tok U.S. Data Security Inc. is a subsidiary TikTok Inc. and is described as the entity that “controls access to protected U.S. user data, content recommendation, and moderation systems” for U.S. consumers on the TikTok platform. As such, TikTok U.S. Data Security Inc. transacts or has transacted business in this District and throughout the United States.

56. Defendant ByteDance Ltd. is a Cayman Islands company with its headquarters in Beijing, China. ByteDance Ltd. created and owns the proprietary algorithm that underlies TikTok’s “For You” feed. 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.

57. Defendant ByteDance Inc. is a Delaware corporation with its principal place of business at 1199 Coleman Avenue, San Jose, California 95110. ByteDance, Inc. is wholly owned by ByteDance, Ltd. ByteDance Inc. transacts or has transacted business in this District and throughout the United States.

58. Defendant TikTok Pte. Ltd. is a Singapore company with its principal place of business at 1 Raffles Quay, #26-10, South Singapore 04583. Tik Tok Pte Ltd. Is the listed “seller” of the Tik Tok app in the Apple App Store, the Google Play Store and the Microsoft Store. A such, TikTok Pte. Ltd. transacts or has transacted business in this

1 District and throughout the United States.

2 59. Defendant TikTok Ltd. is a Cayman Islands company with its principal
3 place of business in Singapore or Shanghai, China. TikTok Ltd. wholly owns TikTok
4 LLC and TikTok Pte. Ltd. and is listed in the Apple App Store as the “developer” of the
5 TikTok app. TikTok Ltd. transacts or has transacted business in this District and
6 throughout the United States.

7 60. Collectively, Plaintiffs refer to Defendants TikTok Inc., TikTok LLC,
8 TikTok U.S. Data Security Inc., TikTok Pte. Ltd., TikTok Ltd., ByteDance Ltd., and
9 ByteDance Inc., as “Defendants’ or “TikTok”.

10 **C. Common Enterprise**

11 61. Defendant ByteDance Ltd. is the parent and owner of ByteDance, Inc. and
12 TikTok, Ltd. TikTok Ltd. owns TikTok LLC and TikTok Pte. Ltd. TikTok LLC owns
13 TikTok Inc., which owns TikTok U.S. Data Security, Inc.

14 62. ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming,
15 Liang Rubo, Zhao Pengyuan, and Zhu Wenjia, direct and control the company. Since
16 2019, ByteDance Ltd. and TikTok Inc. have supported and marketed the app in
17 California and throughout the United States, including through the Apple App Store and
18 the Google Play Store.

19 63. TikTok Pte. Ltd. serves the U.S. distributor of TikTok through the Apple
20 App Store and the Google Play Store. TikTok, Ltd. is listed as the developer of the app
21 in the Apple App Store and TikTok Pte. Ltd. is listed as the developer of the app in the
22 Google Play Store.

23 64. ByteDance Ltd. created the algorithm that drives the video
24 recommendation engine on TikTok and maintains ownership of it.

25 65. The TikTok website is accessed through the tiktok.com domain, which is
26 registered to TikTok, Ltd.

27 66. Since 2023, TikTok Inc. has transferred Private Information and Kids
28 Mode Private Information of children under 13 to TikTok U.S. Data Security, Inc.,

1 which has maintained that data.

2 67. TikTok Inc.’s Chief Executive Officers (“CEOs” or “CEO”) between 2020
3 and the present (Kevin Mayer, V. Pappas, and Shou Zi Chew), have simultaneously held
4 senior positions at ByteDance Ltd., and ByteDance Ltd.’s CEOs (Zhang Yiming and
5 Liang Rubo) have simultaneously served as directors of TikTok, Ltd. TikTok Inc.’s
6 Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data
7 security 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.

10 68. In April 2021, when Shou Chew was named CEO of TikTok Inc., he was
11 serving as Chief Financial Officer of ByteDance Ltd. As CEO of TikTok Inc., Chew
12 reports to the CEO of ByteDance Ltd. and is also paid by ByteDance Ltd. ByteDance
13 Ltd. provides compensation and benefits to TikTok Inc.’s CEO and TikTok Inc.
14 employees participate in ByteDance Ltd.’s stock option plan.

15 69. ByteDance Ltd. and TikTok, Ltd. retain authority to approve or deny
16 implementation of TikTok’s “safety features.” ByteDance Ltd. and TikTok, Ltd.
17 employees also routinely sign contracts on behalf of TikTok Inc. ByteDance Ltd.
18 controls TikTok Inc.’s e-commerce operations, and the leaders of TikTok Inc.’s e-
19 commerce operations report directly to ByteDance Ltd.’s executives rather than TikTok
20 Inc.’s own CEO. Further, TikTok Inc.’s head of human resources reports to ByteDance
21 Ltd.’s head of human resources.

22 70. Prominent leaders of TikTok Inc. even state on their public LinkedIn
23 profiles that they are employed by “ByteDance/TikTok.”¹⁹

24 71. Upon information and belief, TikTok operates on a “shared services”
25 model in which ByteDance Ltd. provides legal, safety, and privacy resources, including
26

27 ¹⁹ Rachel Lee *et al.*, *TikTok, ByteDance, and their ties to the Chinese Communist Party: Submission to the Senate Select Committee on Foreign Interference through Social Media* [Submission 34] at 43, Austl. S. Select Comm. on Foreign Interference Through Soc. Media (Mar. 14, 2023), <https://t.co/ROPtMMud89>.
28

1 personnel. For instance, ByteDance Ltd. controls legal compliance and oversight at
2 TikTok Inc. ByteDance Ltd.’s Global General Counsel, who reports to ByteDance
3 Ltd.’s CEO, also oversees TikTok Inc.’s legal issues.²⁰ ByteDance Ltd.’s Director of
4 Legal Affairs was designated as the point of contact along with outside counsel for the
5 Federal Trade Commission (“FTC”) to communicate with TikTok Ltd. and/or TikTok
6 Inc. regarding TikTok’s compliance with the 2019 Permanent Injunction, involving the
7 app that later became TikTok.

8 72. Further, all of Defendants’ employees use a shared internal messaging
9 system, Lark, where they can engage in chats and group chats with each other regardless
10 of their formal company affiliation.

11 73. TikTok Inc. CEO Chew stated to Congress on March 23, 2023, that
12 employees of ByteDance Ltd. work on the TikTok platform and that he personally uses
13 Lark to communicate “with employees at ByteDance [Ltd.]”²¹

14 74. According to a 2023 report prepared for the Australian Select Committee
15 on Foreign Interference through Social Media, one ByteDance Ltd. insider has
16 described TikTok Inc. as “not developed enough to be a self-contained business unit.
17 Therefore, . . . TikTok draws on personnel, experience, and methods of ByteDance’s
18 Douyin app, software, and commercial model to achieve ‘technology accumulation and
19 business breakthroughs.’”²²

20 75. This same report gives examples of cross-hiring and concludes that
21

22 ²⁰ *ByteDance Appoints John Rogovin as Global General Counsel*, TikTok (June 3,
23 2024), <https://newsroom.tiktok.com/en-us/bytedance-appoints-john-rogovin-as-global-general-counsel>.

24 ²¹ *See TikTok: How Congress Can Safeguard American Data Privacy and Protect*
25 *Children from Online Harms: Hearing Before H. Comm. on Energy & Com*, 118th
26 Cong. 1, 96 (2023), <https://www.congress.gov/118/chrg/CHRG-118hrg53839/CHRG-118hrg53839.pdf> (testimony of Shou Chew, CEO, TikTok, Inc.).

27 ²² Rachel Lee *et al.*, *TikTok, ByteDance, and their ties to the Chinese Communist Party: Submission to the Senate Select Committee on Foreign Interference through Social Media* [Submission 34] at 42, Austl. S. Select Comm. on Foreign Interference through Soc. Media (Mar. 14, 2023), <https://t.co/ROPtMMud89>.
28

ByteDance Ltd. Management considers TikTok to be interchangeable.²³

76. Upon information and belief, TikTok maintains one centralized bank account for ByteDance Ltd.'s products, including TikTok.

77. At all relevant times, each Defendant acted individually and jointly with every other named Defendant committing all acts alleged in this Consolidated Class Action Complaint. At all relevant times, each Defendant acted: (a) as a principal; (b) under express or implied agency; and/or (c) with actual or ostensible authority to perform the acts alleged in this Consolidated Class Action Complaint on behalf of every other named Defendant.

78. Each Defendant knew, or should have known, that the other Defendants were engaging in or planned to engage in the violations of law alleged in this Consolidated Class Action Complaint; facilitated the commission of those unlawful acts; and intended to and did encourage, facilitate, or assist in the commission of the unlawful acts, and thereby aided and abetted the other Defendants in the unlawful conduct.

79. Defendants have engaged in a conspiracy, common enterprise, and common course of conduct, the purpose of which is and was to engage in the violations of law alleged in this Consolidated Class Action Complaint. The conspiracy, common enterprise, and common course of conduct continue to the present.

III. JURISDICTION AND VENUE

80. This Court has general personal jurisdiction over Defendants TikTok, Inc., TikTok LLC, TikTok U.S. Data Security, Inc., and ByteDance, Inc. because their principal places of business are in California and because a substantial part of the events and conduct giving rise to Plaintiffs' claims occurred in this State.

81. TikTok carries out business activities and operations that are relevant to the conduct alleged in this Consolidated Class Action Complaint within California. Over the course of the Class Period, TikTok has held out its operations in Los Angeles as both its global headquarters and its headquarters for operations in the United States.

²³ *Id.*

1 82. As of March 2024, 16 million people and 890,000 businesses in California
2 actively use TikTok.²⁴

3 83. Each of the Defendants, while pursuing a common course of conduct and
4 enterprise, has jointly engaged in actionable conduct in the State of California
5 throughout the Class Period including, *inter alia*:

- 6 a. The conduct alleged in this Consolidated Class Action Complaint was
7 developed and emanated from the Central District of California;
- 8 b. Los Angeles is one of TikTok's dual global headquarters;
- 9 c. Defendants TikTok Inc. and TikTok LLC are California corporations with
10 their principal place of business at 5800 Bristol Parkway, Suite 100, Culver
11 City, California 90230.
- 12 d. TikTok's Chief Operating Officer, who was responsible for the content,
13 marketing, business intelligence, distribution partnerships, and user operations
14 during most of the Class Period, was based in TikTok's Culver City,
15 California office;²⁵
- 16 e. Defendants have marketed and promoted the TikTok app and platform to
17 residents of California who are under 13 years of age, and continue to do so;
- 18 f. Defendants have exploited the data of residents of California who are under 13
19 years of age, to sell advertising and increase revenue, and continue to do so;
- 20 g. Defendants have sold and continue to serve ads on residents of California who
21 are under 13 years of age, based on data Defendants unlawfully collected, and
22 continue to do so;

23 ²⁴ *TikTok: THE VALUE OF THE APP FOR CONSUMERS AND BUSINESS LEADERS*
24 *IN CALIFORNIA*, Oxford Econ. (Mar. 2024), [https://a-](https://a-us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok_factsheet_ca.pdf)
25 [us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok_factsheet_ca.pdf](https://a-us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok_factsheet_ca.pdf).

26 ²⁵ Dolores Quintana, *TikTok's Soaring Ambitions: Expanding Culver City HQ Amidst*
27 *Global Growth*, WestsideToday (Aug. 13, 2023),
28 [https://westsidetoday.com/2023/08/13/tiktoks-soaring-ambitions-expanding-culver-](https://westsidetoday.com/2023/08/13/tiktoks-soaring-ambitions-expanding-culver-city-hq-amidst-global-growth/)
[city-hq-amidst-global-growth/](https://westsidetoday.com/2023/08/13/tiktoks-soaring-ambitions-expanding-culver-city-hq-amidst-global-growth/); *LA500 2023: Vanessa Pappas*, L.A. Bus. J. (June 5,
2023), [https://labusinessjournal.com/special-editions/la500/2023-la500/technology-](https://labusinessjournal.com/special-editions/la500/2023-la500/technology-2023/la500-2023-vanessa-pappas/)
[2023/la500-2023-vanessa-pappas/](https://labusinessjournal.com/special-editions/la500/2023-la500/technology-2023/la500-2023-vanessa-pappas/).

- 1 h. Defendants have made misrepresentations to residents of California who are
2 under 13 years of age about TikTok’s data collection including but not limited
3 to misrepresentations about “TikTok for Younger Users” or “Kids Mode”
4 (hereinafter, “Kids Mode”); and
5 i. Defendants have provided tools to California-based businesses to advertise
6 and market to children under 13 using behavioral advertising.

7 84. This Court has subject-matter jurisdiction over various constituent cases in
8 this multidistrict litigation pursuant to 28 U.S.C. § 1332(a) because Plaintiffs and
9 Defendants in such cases are residents of different states, and the amount in controversy
10 exceeds \$75,000.

11 85. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §1332(d)
12 under the Class Action Fairness Act (“CAFA”) because the amount in controversy
13 exceeds \$5,000,000, exclusive of interest and costs, there are more than 100 potential
14 Class Members, defined supra, and the class includes plaintiffs from different states
15 than Defendants.

16 86. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a
17 substantial portion of the conduct described in this Consolidated Class Action
18 Complaint was carried out in this District.

19 **IV. SUBSTANTIVE ALLEGATIONS**
20 **FACTUAL BACKGROUND**

21 **A. TikTok Collects and Exploits the Private Information and Kids Mode**
22 **Private Information of Children Under Age 13.**

23 **1. Private Information Defined.**

24 87. This case concerns the unlawful collection of personal information from
25 which TikTok is able to personally identify its users. COPPA, as discussed herein,
26 prohibits the collection of this information from children under the age of 13 without
27 appropriate notice and consent of parents.

28 88. COPPA generally defines personal information “as individually
identifiable information about an individual collected online.” 15 U.S.C. § 6501(8).

1 COPPA lists numerous categories of information that it “includes” in this definition. Id.
2 The list is not exclusive. The full list of personal information under COPPA is provided
3 in Para. 176, below.

4 89. The information collected by TikTok from under age 13 users on the Full
5 Access Platform includes these categories, as well as a plethora of other categories of
6 personally identifying information collected online, including the following:

- 7 a. Account and profile information: name, age, username, password, language,
8 email, phone number, social media account information, profile image;
- 9 b. User-generated content and metadata: comments, photos, livestreams, videos,
10 audio recordings, text, hashtags, virtual item videos, creation time/location,
11 and creator identity;
- 12 c. Pre-uploaded content: versions of content created or imported before posting,
13 including versions without effects;
- 14 d. Messages: message content, timestamps (sent, received, read), and participant
15 information;
- 16 e. Clipboard content (with user permission): text, images, and videos copied to
17 your device clipboard;
- 18 f. Purchase information: payment card details, third-party payment information
19 (e.g., PayPal), billing and shipping address, warranty info, purchase history
20 (purchase made, time, amount spent);
- 21 g. Phone and social network contacts (with user permission): names, phone
22 numbers, email addresses, public profile information of contacts;
- 23 h. Choices and communication preferences;
- 24 i. Unspecified information used to verify identity or age;
- 25 j. Correspondence: information shared when contacting TikTok;
- 26 k. Survey and promotion data: gender, age, likeness, preferences, and
27 participation details;
- 28 l. Third-party service data: public profile info, email, contact lists from

- 1 platforms like Facebook, Twitter, Instagram, Google;
- 2 m. Partner and advertiser data: activities on other websites/apps/stores, purchase
- 3 history, mobile ad IDs, hashed contact info, cookie IDs;
- 4 n. Affiliated entities data: activity on related platforms;
- 5 o. Information from others: mentions in User Content/messages, contact details
- 6 submitted by third parties;
- 7 p. Public and institutional sources: data from public sources, governments,
- 8 organizations, and charities;
- 9 q. Internet/network activity: IP address, geolocation, device identifiers,
- 10 browsing/search history, cookies;
- 11 r. Usage information: activity on the platform, content interactions;
- 12 s. Device information: device type/model, IP address, carrier, OS, screen
- 13 resolution, file/app types, keystroke patterns, audio settings, battery state,
- 14 advertising IDs;
- 15 t. Location data: approximate location via IP or SIM, location tags in content;
- 16 u. Image and audio analysis: object/scene detection, facial/body features, spoken
- 17 text, faceprints, voiceprints;
- 18 v. Metadata: timestamps, content creation details, content formatting, account
- 19 links, hashtags, captions;
- 20 w. Cookies and tracking technologies: for analytics, functionality, advertising,
- 21 and cross-device tracking;
- 22 x. Linked identifiers: cross-device and cross-platform activity via account/device
- 23 info.²⁶

24 90. The above categories, together with the categories of personal information

25 listed in COPPA as set forth in ¶ 176 constitute “Private Information.”

26

27

28 ²⁶ TikTok Inc., Privacy Policy (U.S.) (Aug. 19, 2024),
<https://www.tiktok.com/legal/page/us/privacy-policy/en>.

1 **2. The TikTok Platform.**

2 91. TikTok's predecessor, Musical.ly, a social media platform where users
3 could create and share short lip-sync videos, was launched in 2014.

4 92. By 2016, it became apparent that many of Musical.ly's users where
5 children under 13 years old when the New York Times reported:

6 The app does not collect or show the age of its users, but some of its top-ranked
7 users, whose posts routinely collect millions of likes, called hearts, appear from
8 their videos and profile photos to be in grade-school. Until recently, the app had a
9 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.²⁷

10 93. The CEO of a social media advertising agency told the New York Times
11 that with Muscial.ly users, "you're talking about first, second, third grade."²⁸

12 94. By 2017, Musical.ly had 60 million users, most of whom were in the
13 United States.²⁹ Around that time, a significant portion of Muscial.ly's users were
14 children under the age of 13.³⁰

15 95. As Musical.ly was gaining popularity among elementary school kids in the
16 United States, Beijing-based ByteDance Ltd. created TikTok in 2017.

17 96. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1
18 billion. On August 2, 2018, TikTok merged with Muiscal.ly, consolidating the accounts
19 and data into one application.

20 97. The TikTok platform allows users to create, upload, and share shortform

21

²⁷ John Herrman, *Who's Too Young for an App? Musical.ly Tests the Limits*, N.Y. Times
22 (Sept. 16, 2016), [https://www.nytimes.com/2016/09/17/business/media/a-social-](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html)
23 [network-frequented-by-children-tests-the-limits-of-online-regulation.html](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html).

24 ²⁸ *Id.*

25 ²⁹ See Jon Russell & Katie Roof, *China's Bytedance is buying Musical.ly in a deal*
26 *worth \$800M-\$1B*, TechCrunch (Nov. 9, 2017, 6:54 PM),
27 [https://techcrunch.com/2017/11/09/chinas-toutiao-is-buying-musical-ly-in-a-deal-](https://techcrunch.com/2017/11/09/chinas-toutiao-is-buying-musical-ly-in-a-deal-worth-800m-1b/#:~:text=The%20deal%20is%20undisclosed%20but,are%20based%20in%20the%20U.S.)
28 [worth-800m-1b/#:~:text=The%20deal%20is%20undisclosed%20but,are%20based%20in%20the%20U.S.](https://techcrunch.com/2017/11/09/chinas-toutiao-is-buying-musical-ly-in-a-deal-worth-800m-1b/#:~:text=The%20deal%20is%20undisclosed%20but,are%20based%20in%20the%20U.S.)

³⁰ Compl. ¶ 19, *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019),
ECF No. 1.

1 videos. The TikTok app is free to download. It generates revenue for Defendants
2 through advertising and eCommerce, including through the TikTok for Business
3 platform, as well as in-app purchases of TikTok “coins” through the TikTok Shop.

4 98. TikTok primarily generates revenue by showing third-party advertisements
5 to users on its platform.³¹

6 99. TikTok targets users with specific advertisements by collecting persistent
7 identifiers about the users and combining those identifiers with other information about
8 the users.³² This information is comprised of data TikTok collects from its platform
9 including account and profile information, user-generated content, such as videos
10 viewed, videos “liked,” accounts followed, content viewed, content created, messages,
11 purchase information, usage information, as well as location data, device information,
12 image and audio information, metadata, and data from cookies and similar technologies
13 that track users across different websites and platforms.³³

14 100. Having more users on its platform enables TikTok to collect more data
15 which it can then use to more successfully target users with “relevant” advertising,
16 increasing TikTok’s revenue.³⁴

17 101. TikTok’s ability to exploit users on its platform for these purposes, by
18 using their Private Information, has been a resounding success. In 2023, TikTok
19
20
21

22 ³¹ See Lydia Kibet, *How Does TikTok Make Money?*, GoBankingRates (Apr. 23, 2021),
23 <https://www.gobankingrates.com/money/business/how-does-tiktok-make-money/>.

24 ³² See *About Ad Targeting in TikTok Ads Manager*, TikTok,
<https://ads.tiktok.com/help/article/ad-targeting?lang=en> (last updated May 2025).

25 ³³ *Privacy Policy*, TikTok, <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last
26 updated Aug. 19, 2024).

27 ³⁴ See Zheping Huang, *TikTok Has a Few Main Ingredients for Making Money*,
28 Bloomberg (June 28, 2022, 3:45 AM),
[https://www.bloomberg.com/news/newsletters/2022-06-28/how-does-tiktok-make-
money-app-relies-on-a-few-main-ingredients](https://www.bloomberg.com/news/newsletters/2022-06-28/how-does-tiktok-make-money-app-relies-on-a-few-main-ingredients) (TikTok’s algorithm helps it serve better
targeted ads that have tripled its revenue).

1 reported record earnings of \$16 billion in the U.S.³⁵

2 102. This success has come at the expense of users who are children under 13.
3 Although TikTok intentionally obscures the amount of money it makes from the data it
4 collects from users under 13 by generally not providing statistics for that specific age
5 group, it is abundantly clear from the data that is publicly available that TikTok profits
6 enormously from children and many of those children are under age 13. For example,
7 researchers estimate that 35% of TikTok's 2022 U.S. ad revenue was derived from users
8 under age 18.³⁶

9 103. In January 2024, TikTok reported that it had more than 170 million
10 monthly active users in the United States—more than half the population of the United
11 States.³⁷

12 **3. TikTok Knowingly Promotes Content to Under 13 Users on Its Full**
13 **Access Platform**

14 104. As defined by COPPA, TikTok is an operator of a website and online
15 service that is directed in part at children.³⁸

16 105. TikTok was, at all times throughout the Class Period, aware that children
17 under age 13 accessed and engaged with the Full Access Platform and actively sought to
18 increase viewing and engagement by children under 13 through content directed at those
19 children, while publicly representing that such children were not permitted to access
20

21 ³⁵ *TikTok's US revenue hits \$16bln as Washington threatens ban, FT reports*, Reuters
22 (Mar. 15, 2024) [https://www.reuters.com/technology/tiktoks-us-revenue-hits-16-bln-](https://www.reuters.com/technology/tiktoks-us-revenue-hits-16-bln-washington-threatens-ban-ft-reports-2024-03-15/)
23 [washington-threatens-ban-ft-reports-2024-03-15/](https://www.reuters.com/technology/tiktoks-us-revenue-hits-16-bln-washington-threatens-ban-ft-reports-2024-03-15/).

24 ³⁶ Maya Brownstein, *Social media platforms generate billions in annual ad revenue*
25 *from U.S. youth*, Harv. T.H. Chan Sch. Pub. Health (Dec. 27, 2023),
26 [https://hsph.harvard.edu/news/social-media-platforms-generate-billions-in-annual-ad-](https://hsph.harvard.edu/news/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth)
27 [revenue-from-u-s-youth](https://hsph.harvard.edu/news/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth).

28 ³⁷ *Testimony Before the US Senate Committee on the Judiciary Written Statement of*
Shou Chew Chief Executive Officer, TikTok Inc. (Jan. 31 2024),
[https://www.judiciary.senate.gov/imo/media/doc/2024-01-31_-_testimony_-_](https://www.judiciary.senate.gov/imo/media/doc/2024-01-31_-_testimony_-_chew.pdf)
[chew.pdf](https://www.judiciary.senate.gov/imo/media/doc/2024-01-31_-_testimony_-_chew.pdf).

³⁸ See 16 C.F.R. § 312.2.

1 TikTok's Full Access Platform and were protected by TikTok Kid's Mode.

2 106. Over the past five years, multiple public reports, as well as TikTok's
3 internal metrics, demonstrate that young children are using the Full Access Platform.
4 According to TikTok, in 2020, more than one-third of its 49 million daily users in the
5 United States were under 14 years old.³⁹ As documented in a 2021 internal presentation,
6 TikTok estimated that 95 percent of smartphone users under 17 use the app.⁴⁰ Further, a
7 2022 Pew Research Center survey reported that 67 percent of American teenagers (ages
8 13 to 17) use TikTok, with most (58 percent) using the platform daily.⁴¹ According to a
9 survey conducted in the United States in 2022, 47 percent of respondents ages 11 to 12
10 years were using TikTok.⁴² Researchers estimate that in 2022, TikTok had over 3
11 million users ages 0-12 years old.⁴³ And a 2025 published study found that among the
12 nearly 70 percent of American children (ages 11 to 15) who have at least one social
13 media account, the most common platform was TikTok; and for the under 13 year olds
14 in that group, over 68 percent had TikTok accounts.⁴⁴

16 ³⁹ Raymond Zhong & Sheera Frenkel, *A Third of TikTok's U.S. Users May Be 14 or*
17 *Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020),
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

18 ⁴⁰ Bobby Allyn *et al.*, *TikTok executives know about app's effect on teens, lawsuit*
19 *documents allege*, NPR (Oct. 11, 2024, 5:30 AM), [https://www.npr.org/2024/10/11/g-](https://www.npr.org/2024/10/11/g-s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed)
20 [s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed](https://www.npr.org/2024/10/11/g-s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed).

21 ⁴¹ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr.
(Aug. 10, 2022), [https://www.pewresearch.org/internet/2022/08/10/teens-social-media-](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/)
22 [and-technology-2022/](https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/).

23 ⁴² Stacy Jo Dixon, *Social Media Usage of Pre-Teens in the United States as of*
24 *November 2022*, Statista (Dec. 4, 2023).

25 ⁴³ Amanda Raffoul *et al.*, *Social media platforms generate billions of dollars in revenue*
26 *from U.S. youth: Findings from a simulated revenue model*, 18 PLOS One e0295337, 4
tbl. 1 (2023), <https://doi.org/10.1371/journal.pone.0295337> (estimating the 2022 total
number of U.S.-based youth users of TikTok ages 0-12 years old to be 3,041,000, with
a range of 2,860,000–3,221,000).

27 ⁴⁴ See generally Jason M. Nagata *et al.*, *Prevalence and Patterns of Social Media Use in*
28 *Early Adolescents*, 25 Acad. Pediatrics 102784, 1 (May–June 2025),
[https://www.academicpedsjnl.net/action/showPdf?pii=S1876-2859%2825%2900009-](https://www.academicpedsjnl.net/action/showPdf?pii=S1876-2859%2825%2900009-9)
9.

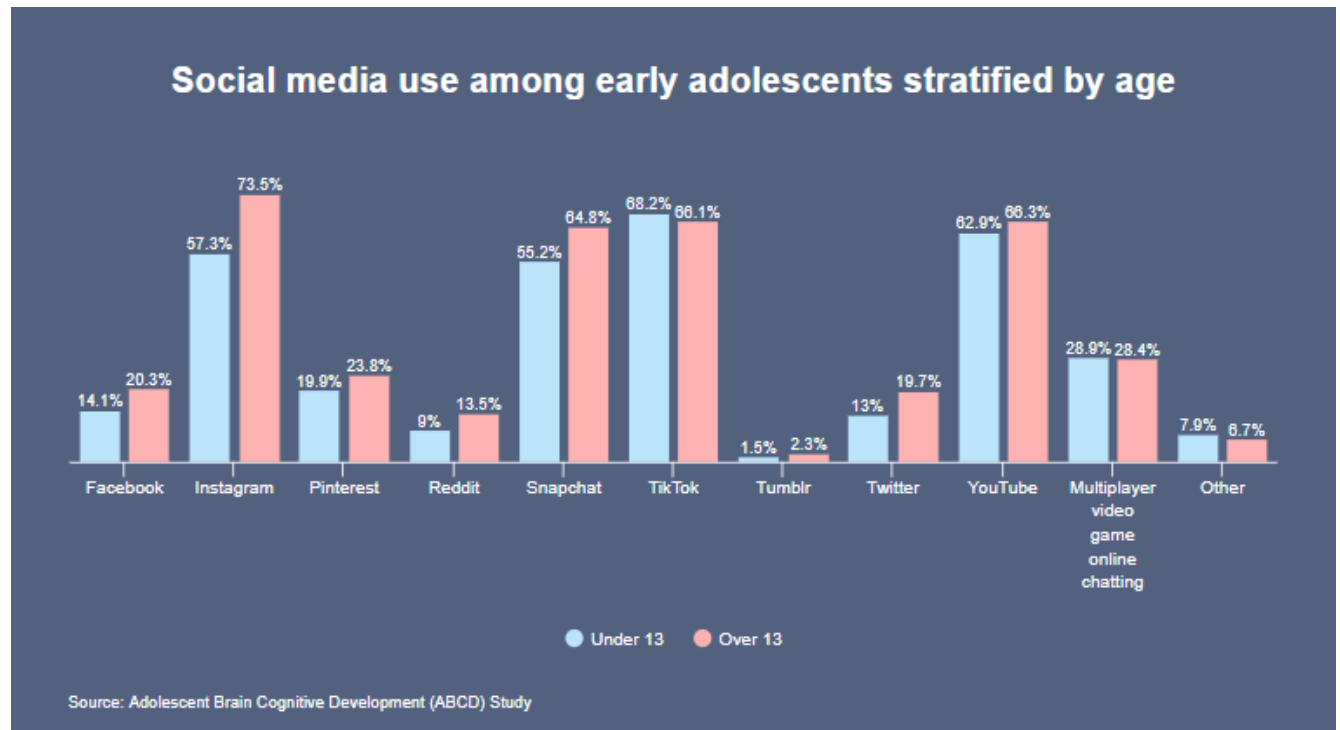


Figure 1⁴⁵

107. TikTok’s child audience is something the company has worked diligently to grow by publicly hosting thousands of accounts that feature content from well-known children’s brands such as My Little Pony, Pokémon, Cartoon Network, Bluey, and Kidzbp. Each of these accounts contains subject matter, characters, activities, music and other content knowingly and purposefully directed at children.

108. For example, the My Little Pony TikTok account includes videos featuring animated ponies in bright colors interacting with other characters in ways that are designed to appeal to children. The account proclaims that “[e]very pony is encouraged to share [t]heir sparkle.”⁴⁶ Other videos have pony dolls that play with each other, often with “My Little Pony” songs playing in the background. Given these elements, it is clear that the primary intended audience of child content engagement campaigns like this is children is under 13 audience. Thus, TikTok is operating a website and online

⁴⁵ Jared Marsh, *How Many Children Use TikTok Against the Rules? Most, Study Finds*, Univ. Cal. S.F. (Jan. 10, 2025), <https://www.ucsf.edu/news/2025/01/429296/many-children-use-tiktok-against-rules>.

⁴⁶ My Little Pony (Mylittlepony.us:), TikTok, <https://www.tiktok.com/@mylittlepony.us> (last visited July 10, 2025).

1 service that, in this respect, is directed to children.

2 109. TikTok also works to grow its child audience by hosting, maintaining, and
3 promoting thousands of accounts on TikTok that are dedicated to child models,
4 celebrities and influencers. For example, TikTok currently hosts an account for Eva
5 Diana Kidisyuk, a 10-year-old child influencer.⁴⁷ Her videos feature herself and her
6 brother and include children's songs and unboxing videos. This content is intended for
7 and directed at an under 13 audience.

8 110. TikTok knows that child-directed content, as described above and much
9 more, is on its platform. Each of the TikTok accounts described above is a "verified"
10 account, which means that TikTok independently reviewed the account upon receipt of
11 an application, determined the account to be "[n]otable," and "confirmed the account
12 belongs to the person or brand it represents."⁴⁸

13 **4. TikTok Amasses Data to Build Profiles and Target Advertising to**
14 **Under 13 Users**

15 111. TikTok's Full Access Platform collects an enormous amount of data from
16 each user, both from on and off its platform, including:

- 17 • User Provided Information:
- 18 ○ Account and profile information, such as name, age, username, password,
19 language, email, phone number, social media account information, and
20 profile image.
 - 21 ○ User-generated content, including comments, photographs, livestreams,
22 audio recordings, videos, text, hashtags, and virtual item videos that a user
23 creates or uploads ("User Content") and the associated metadata, such as
24 when, where, and by whom the content was created.

25
26 ⁴⁷ See Kids Diana Show (Mylittlepony.us), TikTok,
27 <https://www.tiktok.com/@kids.diana.show?lang=en> (last visited July 10, 2025).

28 ⁴⁸ *Verified accounts on TikTok*, TikTok, <https://support.tiktok.com/en/using-tiktok/growing-your-audience/how-to-tell-if-an-account-is-verified-on-tiktok> (last visited July 10, 2025).

- Messages, which include information provided when users compose, send, or receive messages through TikTok's messaging functionalities, through the chat functionality when communicating with sellers, or through use of virtual assistants when purchasing items via TikTok. That information includes the content of the message and information about the message, such as when it was sent, received, or read, and message participants.
- Information, including text, images, and videos, found in a user's device's clipboard, with user permission.
- Purchase information, including payment card numbers or other third-party payment information (such as PayPal) where required for the purpose of payment, and billing and shipping address.
- Phone and social network contacts, with a user's permission.
- Choices and communication preferences.
- Information to verify an account such as proof of identity or age.
- Information shared through surveys or participation in challenges, research, promotions, marketing campaigns, events, or contests such as your gender, age, likeness, and preferences.
- Device Information:
 - IP address, user agent, mobile carrier, time zone settings, identifiers for advertising purposes, model of device, the device system, network type, device IDs, screen resolution and operating system, app and file names and types, keystroke patterns or rhythms, battery state, audio settings and connected audio devices.
 - A device ID and user ID are automatically assigned such that if a user logs-in from multiple devices, TikTok can identify a user's activity across devices, including devices other than those the user uses to log-in to TikTok.
- Location Data:

- Approximate location, including location information based on user's SIM card and/or IP address.
- Location information (such as tourist attractions, shops, or other points of interest) if you added to User Content.
- Older versions allowed for collection of precise or approximate GPS information (last release in August 2020).
- Image and Audio Information:
 - Information about the videos, images and audio that are a part of User Content, such as identifying the objects and scenery that appear, the existence and location within an image of face and body features and attributes, the nature of the audio, and the text of the words spoken in your User Content. This information is collected to enable special video effects, for content moderation, for demographic classification, for content and ad recommendations, and for other non-personally-identifying operations.
 - Biometric identifiers and biometric information as defined under U.S. laws, such as faceprints and voiceprints, from your User Content, subject to any legal requirements for collection.
- Metadata:
 - When users upload or create User Content, certain metadata is automatically uploaded to the User Content. For example, metadata can describe how, when, where, and by whom the piece of User Content was created, collected, or modified and how that content is formatted. It also includes information, such as account name, that enables other users to trace back the User Content to a specific user account. Additionally, metadata includes data that users choose to provide with User Content, e.g., any hashtags used to mark keywords to the video and captions.
- Cookies:
 - TikTok, its service providers and business partners use cookies and other

1 similar technologies (e.g., web beacons, flash cookies, etc.) (“Cookies”) to
2 automatically collect information, measure and analyze how users use the
3 platform, including which pages are viewed most often and how users
4 interact with content, enhance user experience using the platform, improve
5 the platform, provide users with advertising, and measure the effectiveness
6 of advertisements and other content.

- 7 ○ TikTok and its partners also use Cookies to promote the platform on other
8 platforms and websites. Cookies enable the platform to provide certain
9 features and functionality. Web beacons are very small images or small
10 pieces of data embedded in images, also known as “pixel tags” or “clear
11 GIFs,” that can recognize Cookies, the time and date a page is viewed, a
12 description of the page where the pixel tag is placed, and similar
13 information from your computer or device.

14 112. TikTok also collects information about its users from other sources,
15 including:

- 16 • If a user signs-up or logs-in to the platform using a third-party service such as
17 Facebook, Twitter, Instagram, or Google, or links a TikTok account to a third-
18 party service, information from that service is collected including a user’s
19 public profile information (such as nickname), email, and contact list.
20 • Advertisers, measurement and other partners share information with TikTok
21 about users and the actions users have taken outside of the platform, such as
22 user activities on other websites and apps or in stores, including the products
23 or services users have purchased, online or in person. These partners also
24 share information with TikTok, such as mobile identifiers for advertising,
25 hashed email addresses and phone numbers, and cookie identifiers, which are
26 used to help match users and users’ actions outside of the platform with their
27 TikTok accounts. Some of advertisers and other partners enable TikTok to
28

collect similar information directly from websites or apps by integrating TikTok Advertiser Tools (such as TikTok Pixel).

- TikTok may obtain information about users from certain affiliated entities within TikTok’s corporate group, including about activities on other platforms.
- TikTok may receive information about users from others, including where users are included or mentioned in User Content, direct messages, in a complaint, appeal, request or feedback submitted to TikTok, or if user’s contact information is provided to TikTok.
- TikTok may also collect or receive information about users from organizations, businesses, people, and others, including, for example, publicly available sources, government authorities, professional organizations, and charity groups.⁴⁹

113. Defendants provide all users the option to download data associated with their TikTok account in what is known as a “Download your data” (“DYD”) file.⁵⁰ This DYD file contains part, but not all, of the information that TikTok collects about each user.

114. TikTok uses the copious amounts of data it collects from users via the platform and third-party sources to: (1) amass profiles of its users and feed them targeted, behavioral advertisements; and (2) train its powerful algorithm⁵¹ to learn users’ preferences and provide a personalized curated content feed that extends users’ time on the platform. The vast quantity of data TikTok collects from its users provides it with extremely detailed information about the users, including their age. Indeed, TikTok is

⁴⁹ Privacy Policy, TikTok, <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last updated Aug. 19, 2024).

⁵⁰ See *Requesting your data*, TikTok, <https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/requesting-your-data> (last accessed July 10, 2025).

⁵¹ See *Privacy Policy*, TikTok, <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last updated Aug. 19, 2024) (explaining TikTok users user information to “train and improve our technology, such as our machine learning models and algorithms”).

1 able to and does factor age into account when determining what personalized content to
2 provide to users.

3 115. Therefore, TikTok collected personal information from users under the age
4 of 13 for the purpose of profiling the users and serving them age-based, behavioral
5 advertising and contextualized advertising targeted to children.

6 116. TikTok serves ads which are “tailored” to the user’s “interests, preferences,
7 and characteristics” based on the user’s data profile.⁵² Here, TikTok takes into account
8 the age of its users. For example, some of the advertisers and advertisements that are
9 shown on TikTok include advertisements that promote products and services for
10 children under 13 years old. For example, an advertisement promoting a theatrical
11 adaptation of the children’s show, Bluey, an advertisement promoting a videogame
12 adaption of the children’s animated television show, SpongeBob Square Pants, and an
13 advertisement for the video game Roblox, a game that is immensely popular among
14 children. As of April 2020, Roblox claimed that two-thirds of all U.S. children between
15 the ages of 9 and 12 years old played Roblox. TikTok knows this content is intended for
16 and directed at children under the age of 13.

17 117. Companies that sell media and merchandise to children are willing to pay
18 TikTok enormous sums of money to advertise on its platform because they know they
19 can effectively reach their target audience there. Indeed, TikTok estimates that 95% of
20 smartphone users under 17 use the app. Thus, it is not surprising that TikTok’s internal
21 research show that “across most engagement metrics, the younger the user, the better the
22 performance[.]”⁵³

23 **5. Defendants Knowingly Creates Accounts for Children Under 13 and**
24 **Collects Their Data without Parental Notice or Consent.**

25 118. Since at least March 2019, Defendants have required that users input a
26

27 ⁵² *Id.*

28 ⁵³ Bobby Allyn *et al.*, *TikTok executives know about app’s effect on teens, lawsuit documents allege*, NPR (Oct. 11, 2024, 5:30 AM), <https://www.npr.org/2024/10/11/g-s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed>.

1 birthdate (day, month, and year) when creating a TikTok account.

2 119. This is also known as an “age gate.” The purpose of an age gate is to direct
3 a user to the version and features of TikTok that are deemed appropriate for their age.

4 120. Children who self-identify as under the age of 13 in the United States are
5 offered Kids Mode.

6 121. In Kids Mode, a user can view videos, but cannot upload videos, post
7 information publicly, or message other users. Thus, young children have an incentive to
8 sign up as an adult, as it enables them to upload videos, post information publicly, or
9 send messages.⁵⁴ TikTok encourages this result by making available on the Full Access
10 Platform copious content intended for and directed at children under the age of 13.

11 122. Parents are neither notified nor asked to consent to the creation of a TikTok
12 account in Kids Mode. Further, TikTok does not use any method to verify that users
13 who acknowledge they are under 13 years old have the consent of their parents or legal
14 guardians to use the platform.

15 123. Children who are under 13 years old that want to use the Full Access
16 Platform can easily avoid TikTok’s age gating by using a birthdate that indicates they
17 are over 13. TikTok fails to take meaningful steps to verify a user’s age when the user
18 signs up for an account.

19 124. Despite the 2019 Permanent Injunction, TikTok implemented a particularly
20 flimsy age gate that ultimately continued to permit children to create full access TikTok
21 accounts. For instance, the age gate allowed children to make multiple attempts at
22 creating an account. Until at least late 2020, a child who input an age below 13 could
23 restart the account creation process to create a new account with a different age. Thus,
24 even though Defendants had actual knowledge of a child-user’s age based on prior

25
26 ⁵⁴ Research suggests that Kids Mode’s “lack of child-directed content” and “frequent
27 content repetition” may further “incentivize” children to abandon Kids Mode and sign
28 up as an adult. See Olivia Figueira *et al.*, *When Kids Mode Isn’t for Kids: Investigating
TikTok’s “Under 13” Experience*, arXiv:2507.00299v1 (2025),
<https://arxiv.org/html/2507.00299v1>.

1 attempts to create an account, Defendants permitted children to restart the account
2 process and create an account on the Full Access Platform.

3 125. TikTok and its employees have long known that children (including
4 children under 13 years old) misrepresent their age to bypass TikTok's age gate. TikTok
5 and its employees know that despite other purported efforts to remove children under 13
6 from the Full Access Platform, users who are children under 13 are ubiquitous.

7 126. In December 2016, one of TikTok's founders, Alex Zhi, confirmed the
8 company had knowledge that "a lot of users, especially top users, they are under 13."⁵⁵

9 127. TikTok's internal data confirms the young age of many of its users.
10 TikTok's records classified 18 million of its 49 million daily users in the U.S. in 2020 as
11 14 years or younger.⁵⁶

12 128. A former TikTok employee said although TikTok employees flagged
13 videos from children who appeared to be younger than 13, they were allowed to remain
14 on the Full Access Platform for weeks.⁵⁷

15 129. According to the DOJ Complaint, the existence of under 13 users on the
16 Full Access Platform is also known to TikTok's human moderators who review flagged
17 accounts that they suspect may belong to children under 13.⁵⁸

18 130. TikTok has other available methods to identify users who are under 13
19 years old and remove them from the Full Access Platform. According to allegations in
20

21 ⁵⁵ TechCrunch, *From Brush to Canvas with Alex Zhu of Musical.ly* at 8:58-11:12,
22 YouTube (Dec. 6, 2016) <https://www.youtube.com/watch?v=ey15v81pwII>; see also
23 Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M*
24 *MAUS*, TechCrunch (Dec. 6, 2016, 8:12 AM),
25 <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>.

26 ⁵⁶ Raymond Zhong & Sheera Frenkel, *A Third of TikTok's U.S. Users May be 14 or*
27 *Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020),
28 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

⁵⁷ *Id.*

⁵⁸ See also Bobby Allyn et al., *TikTok executives know about app's effect on teens,*
lawsuit documents allege, NPR (Oct. 11, 2024, 5:30 AM),
<https://www.npr.org/2024/10/11/g-s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed>.

1 the DOJ Complaint, TikTok has age-determining technology which can determine the
2 grade level of a user using an algorithm. The algorithm is based on a user's behavior
3 and other metrics. As such, this method does not rely solely on a user's self-reported age
4 but instead the user's observable behaviors. TikTok commonly uses this technology in
5 targeting advertising to certain age groups. Nonetheless, TikTok has intentionally
6 refused to use its age-prediction algorithm to identify children under 13 years old and
7 remove them from the Full Access Platform.

8 131. Defendants have actual knowledge of the age of users on its platform and
9 uses that knowledge to target under age 13 users with under age 13 content. But for
10 purposes of kicking under age 13 users off the platform, TikTok has historically detuned
11 its detection systems specifically to avoid identifying under age 13 users. For example,
12 as alleged in the DOJ Complaint, Defendants programmed the algorithm it used to
13 determine the age of users to identify users under age 15, rather than under age 13.
14 Defendants later revised this age cutoff so that the lowest age segment was under 16.

15 132. In some instances, TikTok allowed users to create accounts on the Full
16 Access Platform without ever inputting a birthdate. From March 2019 to at least May
17 2022, TikTok allowed users to avoid its age gate when creating an account by allowing
18 users to login in with credentials from third-party online services such as Instagram and
19 Google which also did not require them to provide a birthdate. As such, children under
20 13 years old were allowed to create TikTok accounts without entering their birthdate if
21 they used other login credentials.

22 133. Defendants internally identified these TikTok accounts created with third-
23 party login credentials as "age unknown." According to the DOJ Complaint, this
24 practice persisted until at least May 2022—more than three years after TikTok entered
25 into the 2019 Permanent Injunction designed to prevent its collection and use of the
26 personal information of children. As a result, millions of children gained access to the
27 Full Access Platform without making any representation about their age and Defendants
28 knowingly permitted this to occur.

134. Users may still sign up for TikTok through Instagram or Google but are now required to pass through an age gate via Instagram or Google.

135. Defendants' practice of allowing children to sign up for a TikTok account using third-party credentials allowed children to create a TikTok account, gaining access to the Full Access Platform without providing age information. Without parental notice or consent, Defendants then collected and maintained vast amounts of Private Information from the children who created and used these TikTok accounts.

136. TikTok's ineffective age-gating allows it to perpetuate the unlawful collection of Private Information from children without parental consent.

137. Over time, Defendants have collected substantial Private Information from these child-users, including user provided information, device information, location data, image and audio information, including metadata, and data from cookies and similar technologies that track users' online behavior across different websites and platforms as well as data from other third parties. Once collected, this information has been used by TikTok to earn substantial profits through targeted advertising, and other TikTok practices.

6. Defendants Collected Personal Information from "Kids Mode" Accounts.

138. Since at least March 2019, Defendants have offered in the United States Kids Mode to children who identify themselves as being under 13 years old when they create an account. When a child inputs a birthdate on the account creation screen that indicates that they are under 13 years old, the platform states that the user is "about to access a TikTok experience designed just for you," and a Kids Mode account is created.

139. Despite representing that Kids Mode is "designed" for children under 13 years old, Defendants collect and maintain a Kids Mode user's username, password, birthdate (day, month, and year), and in some instances email address.⁵⁹ TikTok may

⁵⁹ *Children's Privacy Policy*, TikTok, <https://www.tiktok.com/legal/page/global/privacy-policy-for-younger-users/en> (last updated Oct. 1, 2024).

1 also collect device information, including the type of device used, including IP address,
2 unique device identifiers such as device ID, web browser type and version, country-
3 level location, certain app activity information, such as videos watched, time on the
4 platform, and general usage information (collectively “Kids Mode Private
5 Information”).⁶⁰ Kids Mode Private Information is collected without notifying parents
6 or obtaining their consent.

7 140. In addition to using this information to support use of the platform, TikTok
8 uses Kids Mode Private Information to provide kids with personalized content, serve
9 contextualized advertising, as well as to perform analytics.⁶¹

10 141. The COPPA Rule permits operators to collect a persistent identifier from
11 children under certain circumstances without first obtaining verifiable parental consent,
12 but only if no other personal information is collected and the identifier is used for the
13 sole purpose of providing support for the online service’s internal operations. See 16
14 C.F.R. § 312.4(c)(1)(vi) and (vii). Defendants’ collection and use of persistent
15 identifiers from Kids Mode users did not comply with this provision and went well
16 beyond what was necessary to operate the platform.

17 142. During the Class Period, Defendants additionally collected dozens of other
18 types of information concerning child users with Kids Mode accounts—including app
19 activity data, device information, mobile carrier information, and app information—
20 which they combine with persistent identifiers and used to amass profiles on children.

21 143. Defendants shared Kids Mode Private Information they collected from
22 children under 13 in Kids Mode, including persistent identifiers, with third parties
23 without parental consent.

24 144. For example, according to the DOJ Complaint, Defendants shared this
25 information with Facebook and AppsFlyer, a marketing analytics firm, in part to
26 encourage existing Kids Mode users whose use had declined or ceased to use Kids
27

28 ⁶⁰ *Id.*

⁶¹ *Id.*

1 Mode more frequently.⁶² Defendants called this process “retargeting less active users.”⁶³
2 This practice used children’s personal information for reasons beyond support for the
3 internal operations of Kids Mode and thus was not permitted by the COPPA Rule.

4 145. Separately, users in Kids Mode can send feedback to TikTok using the “in-
5 app feedback form[.]”⁶⁴ When doing so, Defendants “collect the email address that the
6 [c]hild provides[.]”⁶⁵

7 146. According to the DOJ Complaint, between February 2019 and July 2022,
8 for example, Defendants collected over 300,000 problem reports from users in Kids
9 Mode that included children’s email addresses. And Defendants did not delete these
10 children’s email addresses after processing the reports, and thus retained these email
11 addresses longer than reasonably necessary to fulfill the purpose for which the
12 information was collected, in violation of the COPPA Rule. See 16 C.F.R. § 312.10.
13 Defendants did not notify parents of this ongoing practice.

14 **7. Defendants Ignored Parents’ Requests to Delete Child Users’ Data**

15 147. As alleged in the DOJ Complaint, despite regulations and the 2019
16 Permanent Injunction, which require Defendants to delete personal information
17 collected from children upon a parents’ request, in many instances Defendants have
18 obstructed parents’ ability to make such requests and have failed to comply with these
19 requests.

20 148. However, Defendants failed to create a straightforward process for parents
21 to submit a deletion request. For example, the word “delete” does not appear in many of
22
23

24 ⁶² Compl. Permanent Inj., Civil Penalty J., & Other Relief (“DOJ Complaint”) at ¶ 57,
25 *United States v. ByteDance Ltd.*, No. 2:24-cv-06535 (C.D. Cal. Aug. 2, 2024), ECF
26 No. 1.

⁶³ *Id.*

27 ⁶⁴ *Children’s Privacy Policy*, TikTok,
28 <https://www.tiktok.com/legal/page/global/privacy-policy-for-younger-users/en> (last
updated Oct. 1, 2024).

⁶⁵ *Id.*

1 Defendants' online parental guidance materials, such as TikTok's "Guardian's guide,"⁶⁶
2 the "Privacy and security on TikTok"⁶⁷ page, and TikTok's "New user guide."⁶⁸

3 149. Moreover, according to the DOJ Complaint, TikTok required parents to
4 navigate a byzantine process to request deletion of their child's account and
5 information. For example, as recently as 2023, a parent visiting tiktok.com to request
6 deletion of their child's TikTok account and information had to scroll through multiple
7 webpages to find and click on a series of links and menu options that gave no clear
8 indication they apply to such a request. Parents then had to explain in a text box that
9 they are a parent who wanted their child's account and data to be deleted.

10 150. At times, Defendants also directed parents to send their requests to delete
11 their children's accounts and personal information to an email address, then simply
12 failed to respond in a timely manner to these requests, or simply failed to respond to
13 them at all, per the DOJ Complaint.

14 151. Thus, according to the DOJ Complaint, even if a parent succeeded in
15 submitting a request to delete their child's account and information, Defendants often
16 did not honor that request. In response to each request, Defendants' staff would review
17 the account for "objective indicators" that the account holder was under 13 years old, or
18 "underage," based on the user's handle, biography or "bio." Under Defendants' policy,
19 an account would be identified as an underage account and deleted only if the reviewed
20 elements contained an explicit admission that the user was under 13 years old—for
21 example, "I am in first grade" or "I am 9 years old"—to determine whether a child was
22 younger than 13 years old.

23 152. The DOJ Complaint alleges that if the account failed to meet Defendants'
24 rigid criteria, Defendants' policy until recently was to require parents to complete and

25 ⁶⁶ *Guardian's guide*, TikTok (June 25, 2025),
26 <https://www.tiktok.com/safety/en/guardians-guide>.

27 ⁶⁷ *Privacy and security on TikTok*, TikTok (June 25, 2025),
28 <https://www.tiktok.com/safety/en/privacy-and-security-on-tiktok>.

⁶⁸ *New user guide*, TikTok (June 25, 2025), <https://www.tiktok.com/safety/en/new-user-guide>.

1 sign an additional form confirming their relationship to the child and certifying under
2 penalty of perjury that they were the parent or guardian of the account user. If this
3 secondary form was not completed, Defendants would not delete the child's data.

4 153. Defendants' policies and practices subverted parents' efforts to delete their
5 children's accounts and resulted in Defendants retaining children's account—and
6 personal information—even though parents had identified the account users as children
7 under 13 years of age and requested deletion of the accounts.

8 154. Defendants were aware that their flawed deletion process was resulting in
9 children's accounts remaining on the Full Access Platform despite actual knowledge
10 that the accounts users were children under age 13.

11 155. Despite Defendants' awareness that they were failing to respect parents'
12 deletion requests, Defendants continued using this flawed process through 2023.

13 156. Moreover, as alleged in the DOJ Complaint, Defendants in many cases did
14 not respond to parents' requests at all. As of late December 2020, Defendants had a
15 backlog of thousands of emails dating back months requesting that TikTok delete
16 individual children's accounts.

17 157. Defendants' inadequate policies and inaction led to numerous children
18 continuing to maintain TikTok accounts even though their parents had asked Defendants
19 to delete those accounts. As alleged in the DOJ Complaint, in a sample of
20 approximately 1,700 children's TikTok accounts about which Defendants received
21 complaints and deletion requests between March 21, 2019 and December 14, 2020,
22 approximately 500 (30%) remained active as of November 1, 2021. Several hundred of
23 these accounts are likely still active and represent only a small fraction of the thousands
24 of deletion requests Defendants received and failed to act on.

25 158. Compounding these problems, even when Defendants did delete a child's
26 account and personal information at their parent's request, at least until recently,
27 Defendants did nothing to prevent the same child from re-creating their account with the
28 same device, persistent identifiers, and email address or phone number as before. This

1 means that a child whose account has been removed could simply create a new account.

2 **8. Defendants Have Failed To Delete Children's Accounts and**
3 **Information Identified By Their Own Systems.**

4 159. Defendants purport to use technology, user reports, and human moderation
5 to identify children's TikTok accounts so that those accounts and the information
6 collected from them can be deleted. But Defendants know their processes and policies
7 are deficient, and they fail to delete accounts and information that even their own
8 employees and systems identify as belonging to children.

9 160. As alleged in the DOJ Complaint, since approximately 2020, Defendants
10 have used "keyword matching" purportedly to identify children's accounts for deletion.
11 Defendants' keyword matching process searches users' profiles for terms deemed likely
12 to correspond to child accounts—for example, "4th grade" and "9 years old"—and
13 submits accounts that include those terms for review and potential removal. Defendants'
14 keyword matching practices have proven woefully deficient.

15 161. Defendants' human content moderators review accounts flagged as
16 potentially belonging to children by the keyword matching process or by other methods.
17 Similar to Defendants' restrictive approach to parental deletion requests, the content
18 moderators who review accounts may delete them as belonging to children only if rigid
19 criteria are satisfied.

20 162. According to allegations in the DOJ Complaint, earlier versions of the
21 policy were even more restrictive. For example, to mark and delete an account as
22 underage, the policy between the spring of 2020 and early 2021 required an explicit
23 admission of age, regardless of what videos the account had posted.

24 163. Additionally, Defendants' content moderators are not told why an account
25 was flagged as possibly underage. If the policy's rigid criteria are not met, content
26 moderators have no discretion to designate an account as underage; they must allow any
27 such account to remain on the Full Access Platform even if they know the account
28 holder is in fact a child.

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

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

15 166. By adhering to these deficient policies, Defendants knowingly avoided
16 deleting the accounts of users they knew to be children under 13. Instead, Defendants
17 continue collecting and profiting from the personal information of children under 13.

18 **9. TikTok Had Actual Knowledge That It Was Collecting, Storing and**
19 **Using the Personal Information of Children Under the Age of 13.**

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

1 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”).

3 168. As alleged in the DOJ Complaint, during the Class Period, this process has
4 been effective. Despite Defendants’ moderators tagging specific videos as depicting a
5 child under 13 years old, the associated accounts were not actually referred to the team
6 authorized to delete the associated account. Instead, those accounts remained live, and
7 Defendants continued to collect and retain those children’s personal information and to
8 show them videos and messages from adult TikTok users.

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

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

20 171. As alleged in the DOJ Complaint, even where accounts that satisfied
21 Defendants’ rigid criteria were identified as belonging to children and were marked for
22 deletion, Defendants failed to delete many of the accounts.

23 172. As such, although Defendants were unquestionably aware of the problem
24 and the 2019 Permanent Injunction required them to keep records of their COPPA
25 compliance, they failed to do so.

26 173. In addition to Defendants’ unlawful collection and use of the personal
27 information of children under 13 years old, as alleged in the DOJ Complaint,
28 Defendants retain children’s personal information long after they identify an account as

1 belonging to a child and determine they should delete information related to the
2 account. For example, Defendants retain app activity log data related to children for 18
3 months.

4 174. As alleged in the DOJ Complaint, Defendants have retained children's
5 personal information in numerous database locations long after purportedly deleting
6 their accounts.

7 175. As alleged in the DOJ Complaint, Defendants retained profile photographs
8 of users that Defendants knew to be children. For example, TikTok allows users to
9 include in their videos another user's comment, which is displayed alongside the
10 commenter's photograph and username. When Defendants did "delete" the account of a
11 child, that child's comments remained in other users' posts, along with their photograph
12 and username. These images had unique identifiers that tied each child's photograph,
13 username, and comment to an account that Defendants knew had been deleted because
14 it belonged to a child.

15 176. As alleged in the DOJ Complaint, Defendants' internal analyses show that
16 millions of TikTok's U.S. users are children under the age of 13. For example, the
17 number of U.S. TikTok users that Defendants classified as age 14 or younger in 2020
18 was millions higher than the U.S. Census Bureau's estimate of the total number of 13
19 and 14 year olds in the United States, suggesting that many of those users were children
20 younger than 13.

21 177. Upon information and belief, Defendants only classify users as age 14 and
22 under in internal metrics, as noted above, to obscure from disclosure the number of
23 children under the age of 13 on TikTok.

24 178. TikTok had actual knowledge that children under 13 were and are using
25 TikTok yet did not obtain verifiable parental consent before collecting the personal
26 information of those children in violation of COPPA, the FTC Act, and the consumer
27 protection laws of many states. These acts also constituted an intrusion upon the
28 seclusion of children under 13 as well as a violation of their reasonable expectation of

1 privacy.

2 **B. Defendants Knowingly Collected and Exploited the Personal Information of**
3 **Children Without Parental Consent In Violation of COPPA.**

4 **1. The Children’s Online Privacy Protection Act of 1998.**

5 179. Congress passed COPPA, codified at 15 U.S.C. § 6501 *et seq.*, in 1998 in
6 response to concerns that children’s online activities were being tracked by operators of
7 websites and online services. COPPA is intended to “maintain the security of personally
8 identifiable information of children collected online” and to “protect children’s privacy
9 by limiting the collection of personal information from children without parental
10 consent.”⁶⁹ The standards in COPPA have given rise to, and correlate with, accepted
11 norms throughout society for defining the expectations of privacy for minor children.

12 180. COPPA “prohibits unfair... acts or practices in connection with the
13 collection, use, and/or disclosure of personal information from and about children on the
14 Internet.”⁷⁰

15 181. COPPA applies to any operator of a commercial website or online service
16 directed to children under 13 years of age that collects, uses, and/or discloses personal
17 information from children. Pursuant to COPPA, “Website or online service directed to
18 children means a commercial website or online service, or portion thereof, that is
19 targeted to children.” 6 C.F.R. § 312.2.

20 182. Operators of websites or online services directed to children that collect
21 personal information from their users must comply with COPPA regardless of whether
22 they have actual knowledge that a particular user is, in fact, a child. Accordingly, as a
23 practical matter, operators of child-directed sites and services must presume that all
24 users are children.⁷¹

25
26 ⁶⁹ 114 Cong. Rec. S125787 (daily ed. Oct. 21, 1998) (statement of Mr. Bryan).

27 ⁷⁰ 16 C.F.R. § 312.1.

28 ⁷¹ *Complying with COPPA: Frequently Asked Questions*, Federal Trade Commission,
<https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions> (last accessed Jul. 11, 2025).

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

3 [C]onsider [the website’s or online service’s] subject matter, visual content, use
4 of animated characters or child-oriented activities and incentives, music or other
5 audio content, age of models, presence of child celebrities or celebrities who
6 appeal to children, language or other characteristics of the Web site or online
7 service, as well as whether advertising promoting or appearing on the Web site or
8 online service is directed to children.⁷²

9 184. More specifically, as set forth in 16 C.F.R. § 312.2 (definition of “Web site
10 or online service directed to children,” paragraph (1)), factors indicating whether a
11 website or online service is directed to children include:

- 12 • the subject matter;
- 13 • visual content;
- 14 • the use of animated characters or child-oriented activities and incentives;
- 15 • music or other audio content;
- 16 • age of models;
- 17 • presence of child celebrities or celebrities who appeal to children;
- 18 • language or other characteristics of the website or online service;
- 19 • whether advertising promoting or appearing on the website or online service is
20 directed to children;
- 21 • competent and reliable empirical evidence regarding audience composition;
22 and
- 23 • evidence regarding the intended audience of the site or service.

24 185. COPPA also applies to “operators of websites or online services that have
25 actual knowledge that they are collecting personal information online from a child under
26 13 years of age.” 16 C.F.R. § 312.1. Thus, there are two types of websites or online
27 services defined as Operators under COPPA: operators that directed at children that
28 collect personal information about their users, and any other operator that has actual

⁷² 16 CFR § 312.2.

1 knowledge that the personal information they are collecting is from users under the age
2 of 13.

3 186. COPPA provides, in pertinent part, that:

4 It is unlawful for an operator of a website or online service directed to children, or
5 any operator that has actual knowledge that it is collecting personal information
6 from a child, to collect personal information from a child in a manner that violates
7 the regulations prescribed [by the FTC]. 15 U.S.C. § 6502(a).

8 187. COPPA thus prohibits, inter alia, the collection of persistent identifiers for
9 behavioral advertising absent notice and verifiable parental consent. 16 C.F.R. §§
10 312.5(c)(7), 312.2.

11 188. COPPA specifically requires an “operator” covered by COPPA to give
12 notice to parents and obtain their verifiable consent before collecting children’s personal
13 information online. 16 C.F.R. §§ 312.4 and 312.5. This includes but is not limited to:

- 14 • Posting a privacy policy on its website or online service providing clear,
15 understandable, and complete notice of its information practices, including
16 what information the website operator collects from children online, how it
17 uses such information, its disclosure practices for such information, and other
18 specific disclosures set forth by COPPA;
- 19 • Providing clear, understandable, and complete notice of its information
20 practices, including specific disclosures directly to parents; and
- 21 • Obtaining verifiable parental consent prior to collecting, using, and/or
22 disclosing personal information from children.

23 189. The FTC has interpreted “operators of website or online services directed
24 to children” and “operators with actual knowledge that they are collecting personal
25 information online from children under 13” “subject to strict liability for COPPA
26 violations.”⁷³

27 ⁷³ Statement of Joseph J. Simons & Christine S. Wilson, *Regarding FTC and People of*
28 *the State of New York v. Google LLC and YouTube, LLC*, Fed. Trade Comm’n (Sept. 4,
2019),

1 190. Websites or online services that collect personal information from users of
2 other child-directed websites or online services are deemed as “child-oriented” if the
3 website or online service “has actual knowledge that it is collecting personal
4 information directly from users of another website or online service directed to
5 children.” 16 C.F.R. § 312.2.

6 191. COPPA defines personal information “as individually identifiable
7 information about an individual collected online.” 15 U.S.C. § 6501(8). In 2013,
8 COPPA was enhanced (the “2013 COPPA Enhancement”) to provide further protection
9 for children against online tracking and to “giv[e] parents greater control over the online
10 collection of their children’s personal information.”⁷⁴ The 2013 enhancement widened
11 the definition of children’s personal information to include “persistent identifiers” such
12 as cookies that track a child’s activity online, geolocation information, photos, videos,
13 and audio recordings.

14 Thus, the COPPA Enhancement defines “personal information” to include:

- 15 1. A first and last name;
- 16 2. A home or other physical address including street name and name of a city
17 or town;
- 18 3. Online contact information as defined in this section;
- 19 4. A screen or user name where it functions in the same manner as online
20 contact information, as defined in this section;
- 21 5. A telephone number;
- 22 6. A Social Security number;
- 23 7. A persistent identifier that can be used to recognize a user over time and
24 across different Web sites or online services. Such persistent identifier

25

https://www.ftc.gov/system/files/documents/public_statements/1542922/simons_wilson_google_youtube_statement.pdf.

26 ⁷⁴ *Revised Children’s Online Privacy Protection Rules Goes Into Effect Today: FTC*
27 *Continues Safe Harbor Programs, Expands Business and Parental Education Efforts*,
28 Fed. Trade Comm’n, (July 1, 2013), <https://www.ftc.gov/news-events/news/press-releases/2013/07/revised-childrens-online-privacy-protection-rule-goes-effect-today>.

1 includes, but is not limited to, a customer number held in a cookie, an
2 Internet Protocol (IP) address, a processor or device serial number, or
3 unique device identifier;

4 8. A photograph, video, or audio file where such file contains a child's image
5 or voice;

6 9. Geolocation information sufficient to identify street name and name of a
7 city or town; or

8 10. Information concerning the child or the parents of that child that the
9 operator collects online from the child and combines with an identifier
10 described in this definition.”

11 COPPA Rule, 16 C.F.R. § 312.2.

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

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

20 **2. TikTok unlawfully collects personal information from under age 13**
21 **users on the Full Access and Kids Mode Platforms.**

22 194. TikTok, as an operator defined by COPPA, has for years violated COPPA
23 by collecting personal information without parental consent from children under the age
24 of 13 on the Full Access Platform that TikTok knows are under 13. These users include
25 Plaintiffs and the classes they seek to represent.

26 195. TikTok is directed to children, in part, as evident from the plethora of
27 child-related content that TikTok serves to children on the platform under the age of 13
28 through the users’ TikTok feeds, age-specific targeted advertising, and other content and

1 information intended to serve an under age 13 audience. TikTok purports to avoid
2 targeting children through its age-gating, however, these efforts have been knowingly
3 and intentionally ineffective.

4 196. In addition, TikTok has actual knowledge that it is collecting personal
5 information from users who are under the age of 13. The personally identifying
6 information collected online by TikTok from these users includes the categories of
7 information listed in COPPA's definition of personal information and categories of
8 Private Information collected online that also are personally identifying.

9 197. For users with a self-reported age of under 13 (on Kids Mode), TikTok
10 collects Kids Mode Private Information without obtaining, or even attempting to obtain,
11 prior parental permission.

12 198. TikTok uses Kids Mode Private Information to serve contextual
13 advertisements, even though TikTok has actual knowledge that millions of these users
14 are below the age of 13.

15 199. Some or all of the Kids Mode Private Information is "information
16 concerning [a] child"⁷⁵ regulated by the COPPA Rule. TikTok combines this Kids Mode
17 Private Information with at least one persistent identifier that it collects from that same
18 child.

19 200. Upon information and belief, to create a TikTok account, all TikTok users
20 (including Plaintiffs) provide TikTok with a phone number, e-mail address, Gmail
21 account identifier, Facebook account identifier, and/or Apple account identifier. All
22 TikTok users (including Plaintiffs) create a personal profile that includes a unique
23 username. TikTok collects and maintains this information.

24 201. Upon information and belief, for all TikTok users (including Plaintiffs),
25 immediately upon creating an account, TikTok collects and maintains the users' device
26 information including the type of device used, including IP address, unique device
27 identifiers such as device ID, web browser type and version, country-level location, app
28

⁷⁵ 16 C.F.R. § 312.2.

1 activity information, such as videos watched, time on the Platform, and general usage
2 information.

3 202. Upon information and belief, for all TikTok users (including Plaintiffs),
4 once a user signs in to the TikTok platform, TikTok immediately shows videos to the
5 user. TikTok collects and maintains which videos all TikTok users (including Plaintiffs)
6 watched, the time the user spent watching each video, and the users' time spent on the
7 TikTok platform.

8 203. Upon information and belief, for all TikTok users (including Plaintiffs),
9 TikTok combines the Personal Information that it collects from users with persistent
10 identifiers to create profiles about the users. Among the information that TikTok
11 combines with persistent identifiers to create profiles is which videos the user watched,
12 the time the user spent watching each video, and the users' time spent on the TikTok
13 platform.

14 204. Upon information and belief, for all TikTok users with Full Access
15 (including Plaintiffs with Full Access), TikTok serves targeted behavioral advertising to
16 the users based on the users' profile, their persistent identifiers, and the Personal
17 Information that TikTok has collected from them and that third parties have collected
18 from them, including which videos the user watched on TikTok, the time the user spent
19 watching each video on TikTok, and the users' time spent on the TikTok platform.

20 205. By combining this "information concerning [a] child" with a persistent
21 identifier collected by TikTok, that information becomes "personal information" under
22 the COPPA Rule, and that information must be treated in compliance with the COPPA
23 Rule. 16 C.F.R. § 312.3. In violation of COPPA, TikTok does not request or obtain
24 parental consent prior to collecting this personal information from users under the age of
25 13.

26 206. TikTok provides insufficient notice on its website and app about the
27 information it collects from children, how it uses that information, its disclosure
28 practices and parents' rights to review or delete their children's information.

207. Despite the fact that TikTok is “directed to children,” and TikTok’s “actual knowledge” that it is collecting personal information from users under the age of 13, TikTok does not obtain verifiable parental consent before collecting, using, or disclosing the personal information of its child users (including users in “Kids Mode” and the 13+ experience). This violates COPPA.

208. COPPA and the COPPA Rule enumerate the minimum methods by which TikTok is required to obtain verifiable consent. See 15 U.S.C. § 6501(9) and 16 C.F.R. § 312.5(b)(2).

209. TikTok adheres to none of the rules and requirements with respect to parental consent.

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

211. While COPPA does not itself provide a private right of action for individuals to seek redress for harms arising from COPPA violations, and contains a limited preemption clause barring the imposition of liability by states and local governments “inconsistent” with COPPA (15 U.S.C. § 6502(d)), the United States Court of Appeals for the Ninth Circuit has held that “COPPA’s preemption 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, 644 (9th Cir. 2023).

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

3. Defendants’ Actions Violated Class Members’ Reasonable Expectations of Privacy and Are Highly Offensive.

213. TikTok’s conduct in violating the privacy rights and reasonable expectations of privacy of Plaintiffs and Class Members by implementing a knowingly insufficient age-gating system is particularly egregious because TikTok agreed to cease

1 this behavior in the 2019 Permanent Injunction but failed to do so. Defendants’ actions
2 have violated norms and laws designed to protect children – a group that society has
3 long recognized is vulnerable to exploitation and manipulation.

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

8 215. Because children are more susceptible to exploitation than adults, society
9 has recognized the importance of providing added legal protections for children, often in
10 the form of parental consent requirements.

11 216. COPPA reflects this recognition. As a June 1998 report by the FTC
12 observed, “[t]he immediacy and ease with which personal information can be collected
13 from children online, combined with the limited capacity of children to understand fully
14 the potentially serious safety and privacy implications of providing that information,
15 have created deep concerns about current information practices involving children
16 online.”⁷⁶

17 217. Similarly, the FTC’s enhancements of COPPA in 2013 reflect a specific
18 concern with mobile app tracking and tracking internet users via persistent identifiers
19 and reflect the offensiveness with which society regards this behavior.

20 218. Almost every family with a child younger than eight in America has a
21 smartphone and/or tablet in the household.⁷⁷ Moreover, most children are given their
22 own devices by the age of four: “75 percent of children had their own tablet,
23

24
25 ⁷⁶ *Privacy Online: A Report to Congress, Federal Trade Commission* (1998) at 13.
26 [https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-](https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf)
27 [congress/priv-23a.pdf](https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf).

28 ⁷⁷ Victoria Rideout, *The Common Sense Census: Media Use By Kids Age Zero To Eight*
at 3, Common Sense Media (2017),
https://cdn.cnn.com/cnn/2017/images/11/07/csm_zerotoeight_full.report.final.2017.pdf
(last visited July 10, 2025).

1 smartphone, or iPod.”⁷⁸ And most children under 13 years of age use online apps,
2 including video streaming (64 percent), video gaming (58 percent) and show/movie
3 streaming (58 percent).⁷⁹

4 219. Polling also reveals that a majority of parents (80 percent) whose children
5 are under 13 years of age and use online apps say they worry about their children’s
6 privacy when using those apps,⁸⁰ with the top concern (69 percent) being data
7 tracking.⁸¹

8 220. Additionally, a survey conducted by the Center for Digital Democracy
9 (“CDD”) and Common Sense Media of more than 2,000 adults found overwhelming
10 support for the basic principles of privacy embedded in the California Constitution, state
11 common law, as well as federal law.⁸² The parents polled overwhelmingly responded
12 that they disagreed with advertisers collecting and tracking information about their
13 children online.

14 221. Given the proliferation of internet-connected device usage by children
15 under 13 years of age, coupled with parents’ privacy concerns for their children,
16 Defendants past acknowledgment of its failure to adequately protect children including
17 its Court Ordered promise to remediate its practices, renders Defendants’ conduct

18
19 ⁷⁸ Alexis C. Madrigal, *Raised By YouTube*, The Atlantic (Nov. 2018), (“[A] team of
20 pediatricians at Einstein Medical Center, in Philadelphia, found that YouTube was
21 popular among device-using children under the age of 2. Oh, and 97 percent of the kids
22 in the study had used a mobile device. By age 4, 75 percent of the children in the study
23 had their own tablet, smartphone, or iPod. And that was in 2015”).

24 ⁷⁹ *Pixalate’s Harris Poll Survey Recap: Children’s Privacy in Mobile Apps*, Pixalate
25 (Mar. 1, 2022, 4:30 PM), <https://www.pixalate.com/blog/childrens-online-privacy-harris-poll-recap>.

26 ⁸⁰ *Id.*

27 ⁸¹ *Children’s Privacy: Data tracking is a big concern for parents - and trust levels in
28 companies are low*, CDP Institute (Jan. 24, 2023),
<https://www.cdpinstitute.org/news/childrens-privacy-data-tracking-is-a-big-concern-for-parents-and-trust-levels-in-companies-are-low/>.

⁸² *Survey on Children and Online Privacy, Summary of Methods and Findings*, Center
for Digital Democracy, <https://democraticmedia.org/assets/resources/COPPA-Executive-Summary-and-Findings-1635879421.pdf> (last visited July 10, 2025).

1 highly offensive and an egregious breach of social norms.

2 222. By failing to (i) obtain parental consent, (ii) disclose to parents the nature
3 and purpose of their data collection practices (and use of that data), (iii) take other steps
4 to preclude the capture of children's personal information, and (iv) by manipulating and
5 exploiting the habits of children under 13 for their economic gain, Defendants have
6 breached the privacy rights and reasonable expectations of privacy of Plaintiffs' and the
7 millions of children in the Classes who have used TikTok's platform, in contravention
8 of privacy norms that are reflected in consumer surveys, centuries of common law, state
9 and federal statutes, legislative commentaries, industry standards and guidelines.

10 **4. Defendants' Actions Targeting Children in Violation of COPPA and**
11 **the 2019 Permanent Injunction Are Highly Offensive and Egregious.**

12 223. Defendants' abject and intentional failure to abide by the terms of the 2019
13 Permanent Injunction to ensure its compliance with COPPA has resulted in the
14 continued collection and exploitation of the personal information of children for profit
15 and represents a stark departure from long-standing societal and legal traditions that are
16 designed to protect children under 13 from exposure to harmful and addictive activities
17 and/or products. For decades, the United States has recognized the inherent vulnerability
18 of children and has instituted robust regulatory frameworks to shield them from the
19 harms associated with addictive substances and behaviors, such as tobacco, firearms,
20 alcohol, and gambling.

21 224. These protections include age restrictions on the use of addictive or
22 dangerous products such as tobacco, firearms, alcohol, and gambling and restrictions on
23 advertising directed towards young children concerning the same. This dual pronged
24 approach of restricting access/use and advertising is rooted in societal consensus that
25 children, by virtue of their developmental stage, require heightened safeguards to ensure
26 their health, well-being, and future potential.⁸³

27
28 ⁸³ See, e.g. *Family Smoking Prevention and Tobacco Control Act*, 21 U.S.C. §§ 387a-
387u (restricting manufacture, marketing, and distribution of tobacco products to

225. Defendants' conduct is egregious in that they knowingly and intentionally instituted an insufficient age-gating system that was designed to be readily by-passed by children under the age of 13, implemented policies and procedures that made it extremely difficult for parents to delete their children's personal information from TikTok, failed to use readily available tools to monitor the presence of underage users.

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

C. Plaintiffs and Members of the Classes Have Suffered Economic Injury While Defendants Have Been Enriched.

227. Plaintiffs and the Members of the Classes have suffered economic injuries which include, but are not limited to, loss of control over their own personal property which has a market value.

228. Plaintiffs and the Members of the Classes suffered economic injury when Defendants unlawfully took possession of and commercially exploited their Private Information and Kids Mode Private Information and were unjustly enriched by doing so, causing Plaintiffs and the Members of the Classes to suffer loss of control over their own information—property which has value to them.

229. Defendants' unlawful collection and exploitation of the Private Information and Kids Mode Private Information of Plaintiffs and the Members of the Classes have destroyed the private quality of the Private Information and Kids Mode Private Information and have deprived Plaintiffs and the Members of the Classes of the ability

protect the public health generally and to reduce tobacco use by minors); *Stop Tobacco Access to Kids Enforcement (STAKE) Act*, Cal. Bus. & Prof. Code § 22958 (West 2016) (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 to determine whether or not to keep their Private Information and Kids Mode Private
2 Information private and when or if to sell their Private Information and Kids Mode
3 Private Information —valuable aspects of their rights of ownership that were of
4 paramount importance to Plaintiffs and the Members of the Classes in this case – and,
5 thus, diminished the value of the Private Information and Kids Mode Private
6 Information.

7
8 **1. Private Information and Kids Mode Private Information Are Assets
That Have Economic Value.**

9 230. The Private Information and Kids Mode Private Information TikTok
10 collects and uses had, and continues to have, massive economic value. This value is well
11 understood in the e-commerce industry, and personal information is now viewed as a
12 form of currency.

13 231. Research on the market for personal information dates back well before the
14 Class Period,⁸⁴ and demonstrates a growing consensus that consumers’ sensitive and
15 valuable personal information would become the new frontier of financial exploit.

16 232. Professor Paul M. Schwartz noted in the Harvard Law Review:

17 Personal information is an important currency in the new millennium. The
18 monetary value of personal data is large and still growing, and corporate America
19 is moving quickly to profit from the trend. Companies view this information as a
20 corporate asset and have invested heavily in software that facilitates the collection
of consumer information.⁸⁵

21 233. Likewise, in The Wall Street Journal, former fellow at the Open Society
22 Institute (and current principal technologist at the ACLU) Christopher Soghoian noted:

23 The dirty secret of the Web is that the “free” content and services that consumers
24 enjoy come with a hidden price: their own private data. Many of the major online
25 advertising companies are not interested in the data that we knowingly and
26 willingly share. Instead, these parasitic firms covertly track our web-browsing

27 ⁸⁴ Kenneth C. Laudon, *Markets and Privacy*, Int’l Conf. on Info. System. (Revised Draft
Version July 1993), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1284878.

28 ⁸⁵ Paul M. Schwartz, *Property, Privacy and Personal Data*, 117 Harv. L. Rev. 2055,
2056–57 (2004).

activities, search behavior and geolocation information. Once collected, this mountain of data is analyzed to build digital dossiers on millions of consumers, in some cases identifying us by name, gender, age as well as the medical conditions and political issues we have researched online.⁸⁶

234. As the thirst has grown for personal information,⁸⁷ it has become apparent that the world's most valuable resource is no longer oil, but instead consumers' data in the form of their personal information.⁸⁸

235. The cash value of the personal information unlawfully collected by TikTok during the Class Period can be quantified. For example, in a study authored by Tim Morey, researchers studied the value that 180 internet users placed on keeping personal data secure.⁸⁹ Contact information of the sort that TikTok requires was valued by the study participants at approximately \$4.20 per year. Demographic information was valued at approximately \$3.00 per year. However, web browsing histories were valued at a much higher rate: \$52.00 per year. The chart below summarizes the findings:

⁸⁶ Julia Angwin, *How Much Should People Worry About the Loss of Online Privacy?*, Wall St. J. (Nov. 15, 2011), <https://www.wsj.com/articles/SB10001424052970204190704577024262567105738>.

⁸⁷ *Exploring the Economic of Personal Data: A Survey of Methodologies for Measuring Monetary Value* at 7, OECD Digital Economy Paper No. 220 (Apr. 2, 2013), <http://dx.doi.org/10.1787/5k486qtxldmq-en>; *Supporting Investment in Knowledge Capital, Growth and Innovation* at 319, OECD, (Oct. 10, 2013), <https://doi.org/10.1787/9789264193307-en>; Pauline Glickman & Nicolas Glady, *What's the Value of Your Data?*, TechCrunch (Oct. 13, 2015) <https://techcrunch.com/2015/10/13/whats-the-value-of-your-data/>; Paul Lewis & 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-kaiser-wants-to-stop-lies>; Shoshanna Zuboff, *The Age of Surveillance Capitalism, The Fight for a Human Future at the New Frontier of Power*, Hachette Book Group (2019).

⁸⁸ *The world's most valuable resource is no longer oil, but data: The data economy demands a new approach to antitrust rules*, The Economist (May 6, 2017), <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data>.

⁸⁹ Tim Morey, *What's Your Personal Data Worth?*, Design Mind (Jan. 18, 2011), <https://web.archive.org/web/20131206000037/http://designmind.frogdesign.com/blog/what039s-your-personal-data-worth.html>.



236. Similarly, another study employed a detailed methodology to understand how users value their personal information in exchange for internet-based services.⁹⁰ Participants installed a browser plugin that logged their web browsing activities, including the URLs visited and the time of access.⁹¹ 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.⁹² To calculate the value users placed on their personal information, the researchers 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.⁹³

237. The results of the study were the following personal information

⁹⁰ Juan Pablo Carrascal *et al.*, *Your browsing behavior for a Big Mac: Economics of Personal Information Online*, (Dec. 28, 2011), <https://arxiv.org/pdf/1112.6098>.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

1 valuations:

- 2 • Offline information (age address, economic stats): €25 (~\$29.44)
- 3 • Browsing History: €7 (~\$8.24)
- 4 • Interactions on social networks: €12 (~14.13)
- 5 • Search History: €2 (~\$2.36)
- 6 • Shopping Activity: €5 (~\$5.89)
- 7 • What these studies, and others⁹⁴ show is that individuals place an economic
- 8 value on their personal information and are willing to engage in economic
- 9 transactions in which they grant access to their personal information in
- 10 exchange for internet-based services. Defendants' unauthorized collection of
- 11 personal information of Plaintiffs and Members of the Classes deprived them
- 12 of this opportunity.

13 238. Similarly, BIGtoken “is a platform to own and earn from your data. You
14 can use the BIGtoken application to manage your digital data and identity and earn
15 rewards when your data is purchased.”⁹⁵

16 239. The Nielsen Company, famous for tracking the behavior of television
17 viewers' habits, has extended its reach to computers and mobile devices through the
18 Nielsen Computer and Mobile Panel. By installing the application on a consumer's
19 computer, phone, tablet, e-reader, or other mobile device, Nielsen tracks the user's
20 activity, enters that user into sweepstakes with monetary benefits, and allows the user to

21 ⁹⁴ Jacopo Staiano *et al.*, *Money walks: a human-centric study on the economics of*
22 *personal mobile data*, arXiv preprint arXiv:1407.0566 (Sept. 13, 2014),
23 <https://arxiv.org/abs/1407.0566> (finding that location information is the most valued
24 type of personal data, with a median value of approximately €25, and that participants
25 showed significant sensitivity towards monetizing their personal information collected
via mobile phones).

26 ⁹⁵ FAQ, BIGtoken,
27 <https://web.archive.org/web/20201230225507/https://bigtoken.com/faq> (Accessed
28 Dec. 16, 2024) (“Third-party applications and sites access BIGtoken to learn more
about their consumers and earn revenue from data sales made through their platforms.
Our BIG 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.”).

1 earn points worth up to \$50 per month.⁹⁶

2 240. Technology companies recognize the monetary value of users' personal
3 information, insofar as they encourage users to install applications explicitly for the
4 purpose of selling that information to technology companies in exchange for monetary
5 benefits.⁹⁷

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

15 **2. Defendants Have Been Enriched by Taking Possession of and Using**
16 **the Private Information and Kids Mode Private Information of**
17 **Plaintiffs and the Class.**

18 242. Defendants have unlawfully taken possession of and commercially
19 exploited the Private Information and Kids Mode Private Information of Plaintiffs and
20 Class Members without their permission and without compensating them for the use of

21 ⁹⁶ Kevin Mercandante, *10 Apps for Selling Your Data for Cash*, Best Wallet Hacks
22 (Nov. 18, 2023), <https://wallethacks.com/apps-for-selling-your-data/>.

23 ⁹⁷ Kari Paul, *Google launches app that will pay users for their data*, The Guardian (June
24 11, 2019), <https://www.theguardian.com/technology/2019/jun/11/facebook-user-data-app-privacy-study>;

25 Saheli Roy Choudhury & Ryan Browne, *Facebook pays teens to install an app that*
26 *could collect all kinds of data*, CNBC (Jan. 30, 2019),

27 <https://www.cnn.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*
28 *recordings*, The Verge (Feb. 20, 2020),

<https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-speech-recognition-viewpoints-pronunciations-app>.

1 their assets.

2 243. Defendants' illegal and improper collection, use and retention of Private
3 Information and Kids Mode Private Information of children under 13 also has given
4 them a significant economic benefit cannot be undone.

5 244. As alleged above, Plaintiffs and Class Members data has massive economic
6 value.

7 245. By collecting Plaintiffs and Class Members valuable data for free,
8 Defendants have been enriched.

9 246. As a result of TikTok's unlawful data collection, TikTok's algorithms now
10 incorporate ill-gotten valuable data from millions of children's accounts. The insights
11 Defendants glean from users' viewing sessions will enable TikTok to use the Private
12 Information and Kids Mode Private Information of children under 13 to target them for
13 potentially the duration of their lives and will solidify TikTok's market dominance in
14 providing child-directed content.

15 247. Further, Defendants use and will continue to use their trove of user data,
16 including Plaintiffs' and Class Members' data, to attract third party advertisers. In turn,
17 Defendants will profit from Plaintiffs' and Class Members' data by selling advertising
18 space to third parties and leveraging Plaintiffs' and Class Members' data for targeted
19 advertisements.

20 248. The economic value of the Private Information and Kids Mode Private
21 Information has been undermined by Defendants' collection and use of it, including
22 sharing that information with third parties.

23 249. Defendants' unlawful exploitation of the Private Information and Kids
24 Mode Private Information of Plaintiffs and Class Members has, thus, diminished the
25 value of that information, causing Plaintiffs and Class Members to suffer economic loss
26 and injury for which Plaintiffs and Class Members can never be made whole.

D. Equitable Relief is Necessary to Protect the Rights of the Class and Prevent Defendants from Profiting from their Wrongful Conduct.

250. Throughout the Class Period TikTok collected, used and stored COPPA-protected personal information from Plaintiffs and Class Members without obtaining the verified parental consent required by COPPA for such collection and use.

251. As a result of TikTok's refusal to abide by the terms of the 2019 Permanent Injunction, as demonstrated by the DOJ Complaint, TikTok continues to profit off its unlawful business practices at the expense of the privacy of children. Among other facts alleged in the DOJ Complaint, TikTok has failed to implement effective age gates, to identify and remove underage users of non-Kids Mode accounts, to delete data, even upon parental request, instead, taking steps to make deletion requests onerous, and has continued to collect data from purportedly deleted accounts.

252. Because of TikTok's continued unlawful conduct in collecting, using and storing the personal information of children under the age of 13, Plaintiffs and Class Members are not only vulnerable to TikTok's ongoing violations, but their previously collected data remains vulnerable to misuse by Defendants. These continuing harms have no adequate remedy at law.

253. Plaintiffs and Class Members are likely to use TikTok in the future and seek protection from Defendants continued violations of COPPA protections.

254. Furthermore, the 2019 Permanent Injunction does not require TikTok to forfeit the profits it has realized from its wrongful exploitation of Plaintiffs' and Class Members' personal information, thus allowing TikTok to retain the enormous profits it obtained through its illegal use of Plaintiffs' and Class Members' personal information. No remedy at law available to Plaintiffs and Class Members affects these profits or is available to prevent TikTok from retaining such profits. The law requires imposition of equitable orders of non-restitutionary disgorgement to prevent TikTok from profiting from its misconduct.

255. Money damages alone will not protect Plaintiffs and the Class Members from the non-economic harms posed by the misuse of their personal information in

1 violation of COPPA nor from TikTok's impermissible profit from this misconduct.
2 Thus, Plaintiffs and Class Members have no adequate remedy at law. To the extent that
3 money damages, if available, would constitute an adequate remedy at law barring
4 recovery, Plaintiffs and Class Members assert their claims for the equitable relief set
5 forth herein as an alternative remedy pending a final determination of the availability of
6 a remedy at law.

7 256. For these reasons, Plaintiffs and Class Members seek entry of a permanent
8 injunction (a) requiring TikTok to destroy all personal information of Plaintiffs and
9 Class Members in its possession that was collected in violation of COPPA; (b) requiring
10 TikTok to notify each Plaintiff and Class member that his or her personal information
11 was collected and has been destroyed; (c) restraining TikTok from directly or indirectly
12 using or benefitting from the personal information of Plaintiffs and Class Members that
13 it wrongly collected, including precluding the use of any Plaintiff's or Class Member's
14 data profile developed, in whole or in part, on such improperly collected information for
15 the purpose of serving targeted or behavioral advertising; and (d) requiring TikTok to
16 relinquish all ill-gotten gains.

17 V. ALLEGATIONS RELATING TO PLAINTIFFS

18 A. Plaintiffs G.K. and D.K., minors, by and through their parent Karin 19 Robinson

20 257. This action is brought on G.K. and D.K.'s behalf by Plaintiff Karin
21 Robinson.

22 258. During the Class Period, G.K. and D.K. created and used TikTok accounts
23 (while under the age of 13) and viewed content on the TikTok platform.

24 259. G.K. created a TikTok account when G.K. was approximately 9 years old.
25 D.K. created a TikTok account when D.K. was approximately 12 years old.

26 260. During the Class Period, Defendants collected G.K. and D.K.'s Private
27 Information for the purpose of tracking G.K. and D.K.'s activity and utilizing targeted
28 advertisements.

1 261. During the Class Period, the information that Defendants collected for the
2 purpose of tracking G.K. and D.K.'s activity and utilizing targeted advertisements
3 included the videos G.K. and D.K. watched on the TikTok platform, the time G.K. and
4 D.K. spent watching each video, and G.K. and D.K.'s time spent on the TikTok
5 platform. TikTok combined this information with persistent identifiers as part of G.K.
6 and D.K.'s user profile.

7 262. Defendants are maintaining or are able to generate DYD files containing
8 part, but not all, of the information they collect about G.K. and D.K.

9 263. Defendants never obtained consent from nor notified G.K. and D.K.'s
10 parent, Karin Robinson, at any point prior to or during their collection and use of G.K.
11 and D.K.'s Private Information.

12 264. Defendants were bound by the 2019 Permanent Injunction that prohibited
13 Defendants from collecting personal information from children under the age of 13, and
14 therefore this conduct could not have reasonably been discovered earlier through
15 investigation.

16 265. G.K. and D.K. are likely to use TikTok in the future and seeks protection
17 from Defendants' continuing violations of COPPA protections.

18 **B. Plaintiff A.J., a minor, by and through their parent and guardian ad litem,**
19 **Alexis Douglas**

20 266. This action is brought on A.J.'s behalf by Plaintiff Alexis Douglas.

21 267. During the Class Period, A.J. created and used a TikTok account (while
22 under the age of 13) and viewed content on the TikTok platform.

23 268. A.J. created a TikTok account when A.J. was approximately 10 years old.

24 269. During the Class Period, Defendants collected A.J.'s Private Information
25 for the purpose of tracking A.J.'s activity and utilizing targeted advertisements.

26 270. During the Class Period, the information that Defendants collected for the
27 purpose of tracking A.J.'s activity and utilizing targeted advertisements included the
28 videos A.J. watched on the TikTok platform, the time A.J. spent watching each video,

1 and A.J.'s time spent on the TikTok platform. TikTok combined this information with
2 persistent identifiers as part of A.J.'s user profile.

3 271. TikTok collected A.J.'s activity on the platform, including A.J.'s
4 comments, direct messages, "likes and favorites", posts, recently deleted posts, login
5 history, search history, share history, watch history, and browsing history on TikTok
6 Shop. TikTok also collected A.J.'s "Off TikTok Activity".

7 272. TikTok collected information about A.J.'s profile, including A.J.'s name,
8 followers list, following list, profile photo, username, telephone number, and "bio
9 description."

10 273. TikTok collected information from A.J.'s account that made it clear that
11 A.J. was under 13 years old.

12 274. Defendants are maintaining or are able to generate a DYD file containing
13 part, but not all, of the information they collect about A.J.

14 275. Defendants never obtained consent from nor notified A.J.'s parent and
15 legal guardian, Alexis Douglas, at any point prior to or during their collection and use of
16 A.J.'s Private Information.

17 276. Defendants were bound by the 2019 Permanent Injunction that prohibited
18 Defendants from collecting personal information from children under the age of 13, and
19 therefore this conduct could not have reasonably been discovered earlier through
20 investigation.

21 277. A.J. is likely to use TikTok in the future and seeks protection from
22 Defendants' continuing violations of COPPA protections.

23 **C. Plaintiff B.M., a minor, by and through their parent and guardian ad litem,**
24 **Marcelo Muto**

25 278. This action is brought on B.M.'s behalf by Plaintiff Marcelo Muto.

26 279. During the Class Period, B.M. created and used a Musical.ly account
27 (while under the age of 13) that was later transferred to a TikTok account. B.M. viewed
28 content on the TikTok platform.

1 280. B.M. created a TikTok account when B.M. was no older than 12 years old.

2 281. During the Class Period, Defendants collected B.M.'s Private Information
3 for the purpose of tracking B.M.'s activity and utilizing targeted advertisements.

4 282. During the Class Period, the information that Defendants collected for the
5 purpose of tracking B.M.'s activity and utilizing targeted advertisements included the
6 videos B.M. watched on the TikTok platform, the time B.M. spent watching each video,
7 and B.M.'s time spent on the TikTok platform. TikTok combined this information with
8 persistent identifiers as part of B.M.'s user profile.

9 283. Defendants are maintaining or are able to generate a DYD file containing
10 part, but not all, of the information they collect about B.M.

11 284. Defendants never obtained consent from nor notified B.M.'s parent and
12 legal guardian, Marcelo Muto, at any point prior to or during their collection and use of
13 B.M.'s Private Information.

14 285. Defendants were bound by the 2019 Permanent Injunction that prohibited
15 Defendants from collecting personal information from children under the age of 13, and
16 therefore this conduct could not have reasonably been discovered earlier through
17 investigation.

18 286. B.M. is likely to use TikTok in the future and seeks protection from
19 Defendants' continuing violations of COPPA protections.

20 **D. Plaintiff S.T., a minor, by and through their parent, Samuel Tsou**

21 287. This action is brought on S.T.'s behalf by Plaintiff Samuel Tsou.

22 288. During the Class Period, S.T. created and used a Kids Mode account (while
23 under the age of 13). S.T. viewed content on the TikTok platform authorized for users
24 under 13.

25 289. S.T. created a Kids Mode TikTok account when S.T. was 12 years old.

26 290. During the Class Period, Defendants collected S.T.'s Kids Mode Private
27 Information for the purpose of tracking S.T.'s activity.

28 291. During the Class Period, the information that Defendants collected for the

1 purpose of tracking S.T.'s activity and utilizing targeted advertisements included the
2 videos S.T. watched on the TikTok platform, the time S.T. spent watching each video,
3 and S.T.'s time spent on the TikTok platform. TikTok combined this information with
4 persistent identifiers as part of S.T.'s user profile.

5 292. Defendants are maintaining or are able to generate a DYD file containing
6 part, but not all, of the information they collect about S.T.

7 293. Defendants never obtained consent from nor notified S.T.'s parent, Samuel
8 Tsou, at any point prior to or during their collection and use of S.T.'s Kids Mode Private
9 Information.

10 294. Defendants were bound by the 2019 Permanent Injunction that prohibited
11 Defendants from collecting personal information from children under the age of 13, and
12 therefore this conduct could not have reasonably been discovered earlier through
13 investigation.

14 295. S.T. is likely to use TikTok in the future and seeks protection from
15 Defendants' continuing violations of COPPA protections.

16 **E. Plaintiff J.C., a minor, by and through their parent and guardian ad litem,**
17 **Jody Villanueva**

18 296. This action is brought on J.C.'s behalf by Plaintiff Jody Villanueva.

19 297. During the Class Period, J.C. created and used TikTok accounts (while
20 under the age of 13) and viewed content on the TikTok platform.

21 298. J.C. created a TikTok account when J.C. was approximately 8 years old.

22 299. During the Class Period, Defendants collected J.C.'s Private Information
23 for the purpose of tracking J.C.'s activity and utilizing targeted advertisements.

24 300. During the Class Period, the information that Defendants collected for the
25 purpose of tracking J.C.'s activity and utilizing targeted advertisements included the
26 videos B.M. watched on the TikTok platform, the time J.C. spent watching each video,
27 and J.C.'s time spent on the TikTok platform. TikTok combined this information with
28 persistent identifiers as part of J.C.'s user profile.

1 301. TikTok collected J.C.'s activity on the platform, including J.C.'s
2 comments, direct messages, "likes and favorites", posts, recently deleted posts, login
3 history, search history, share history, and watch history.

4 302. TikTok also collected information about J.C.'s profile, including J.C.'s
5 blocked users list, followers list, following list, profile photo, username, telephone
6 number, and "bio description."

7 303. TikTok collected information from J.C.'s account that made it clear that
8 J.C. was under 13 years old, including the following search history:

9
10 Date: 2024-11-29 22:30:14
Search Term: 12 tou old makesup
11 Date: 2024-11-29 22:29:17
Search Term: 12 tou old makesup
12 Date: 2024-11-29 22:28:49
Search Term: 12 yr old girl trends
13 Date: 2024-11-29 22:28:34
Search Term: 12 yr old firl frends
14
15

16 304. Defendants are maintaining or are able to generate a DYD file containing
17 part, but not all, of the information they collect about J.C.

18 305. Defendants never obtained consent from nor notified J.C.'s parent and legal
19 guardian, Jody Villanueva, at any point prior to or during their collection and use of
20 J.C.'s Private Information.

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

25 307. J.C. is likely to use TikTok in the future and seeks protection from
26 Defendants' continuing violations of COPPA protections.

F. Plaintiff L.F., a minor, by and through their parent and guardian ad litem, Heather Bresette

308. This action is brought on L.F.'s behalf by Plaintiff Heather Bresette.

309. During the Class Period, L.F. created and used a TikTok Account (while under the age of 13) and viewed content on the TikTok platform.

310. L.F. created a TikTok account when L.F. was approximately 11 or 12 years old.

311. During the Class Period, Defendants collected L.F.'s Private Information for the purpose of tracking L.F.'s activity and utilizing targeted advertisements.

312. During the Class Period, the information that Defendants collected for the purpose of tracking L.F.'s activity and utilizing targeted advertisements included the videos L.F. watched on the TikTok platform, the time L.F. spent watching each video, and L.F.'s time spent on the TikTok platform. TikTok combined this information with persistent identifiers as part of J.C.'s user profile.

313. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information they collect about L.F.

314. Defendants never obtained consent from nor notified L.F.'s parent and legal guardian, Heather Bresette, at any point prior to or during their collection and use of L.F.'s Private Information.

315. 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.

316. L.F. is likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

G. Plaintiff D.G., a minor, by and through their parent, Kristy Bradley

317. This action is brought on D.G.'s behalf by Plaintiff Kristy Bradley.

318. During the Class Period, D.G. created and used a Musical.ly Account

(while under the age of 13) that was later transferred to a TikTok account. D.G. viewed content on the TikTok platform.

319. D.G. created a Musical.ly account when D.G. was approximately 3 or 4 years old.

320. During the Class Period, Defendants collected D.G.'s Private Information for the purpose of tracking D.G.'s activity and utilizing targeted advertisements.

321. During the Class Period, the information that Defendants collected for the purpose of tracking D.G.'s activity and utilizing targeted advertisements included the videos D.G. watched on the TikTok platform, the time D.G. spent watching each video, and D.G.'s time spent on the TikTok platform. TikTok combined this information with persistent identifiers as part of D.G.'s user profile.

322. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information they collect about D.G.

323. Defendants never obtained consent from nor notified D.G.'s parent and legal guardian, Kristy Bradley, at any point prior to or during their collection and use of D.G.'s Private Information.

324. 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.

325. D.G. is likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

H. Plaintiff D.M., a minor, by and through their parent and guardian ad litem, Darryl Maultsby

326. This action is brought on D.M.'s behalf by Plaintiff Darryl Maultsby.

327. During the Class Period, D.M. created and used a TikTok Account (while under the age of 13) and viewed content on the TikTok platform.

328. D.M. created a TikTok account when D.M. was under 11 years old.

329. During the Class Period, Defendants collected D.M.'s Private Information for the purpose of tracking D.M.'s activity and utilizing targeted advertisements.

330. During the Class Period, the information that Defendants collected for the purpose of tracking D.M.'s activity and utilizing targeted advertisements included the videos D.M. watched on the TikTok platform, the time D.M. spent watching each video, and D.M.'s time spent on the TikTok platform. TikTok combined this information with persistent identifiers as part of D.M.'s user profile.

331. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information they collect about D.M.

332. Defendants never obtained consent from nor notified D.M.'s parent and legal guardian, Darryl Maulsby, at any point prior to or during their collection and use of D.M.'s Private Information.

333. 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.

334. D.M. is likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

I. Plaintiff E.B., a minor, by and through their parent, Ebony Baker

335. This action is brought on E.B.'s behalf by Plaintiff Ebony Baker.

336. During the Class Period, E.B. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

337. E.B. created a TikTok account when E.B. was approximately 6 years old.

338. During the Class Period, Defendants collected E.B.'s Private Information for the purpose of tracking E.B.'s activity.

339. During the Class Period, the information that Defendants collected for the purpose of tracking E.B.'s activity and utilizing targeted advertisements included the videos E.B. watched on the TikTok platform, the time E.B. spent watching each video,

1 and E.B.'s time spent on the TikTok platform. TikTok combined this information with
2 persistent identifiers as part of E.B.'s user profile.

3 340. Defendants are maintaining or are able to generate a DYD file containing
4 part, but not all, of the information they collect about E.B.

5 341. Defendants never obtained consent from nor notified E.B.'s parent, Ebony
6 Baker, at any point prior to or during their collection and use of E.B.'s Private
7 Information.

8 342. Defendants were bound by the 2019 Permanent Injunction that prohibited
9 Defendants from collecting personal information from children under the age of 13, and
10 therefore this conduct could not have reasonably been discovered earlier through
11 investigation.

12 343. E.B. is likely to use TikTok in the future and seeks protection from
13 Defendants' continuing violations of COPPA protections.

14 **J. Plaintiff A.K., a minor, by and through their parent, Katherine Knight**

15 344. This action is brought on A.K.'s behalf by Plaintiff Katherine Knight.

16 345. During the Class Period, A.K. created and used a TikTok account (while
17 under the age of 13) and viewed content on the TikTok platform.

18 346. A.K. created a TikTok account when A.K. was approximately 6 years old.

19 347. During the Class Period, Defendants collected A.K.'s Private Information
20 for the purpose of tracking A.K.'s activity.

21 348. During the Class Period, the information that Defendants collected for the
22 purpose of tracking A.K.'s activity and utilizing targeted advertisements included the
23 videos A.K. watched on the TikTok platform, the time A.K. spent watching each video,
24 and A.K.'s time spent on the TikTok platform. TikTok combined this information with
25 persistent identifiers as part of A.K.'s user profile.

26 349. Defendants are maintaining or are able to generate a DYD file containing
27 part, but not all, of the information they collect about A.K.

28 350. Defendants never obtained consent from nor notified A.K.'s parent,

1 Katherine Knight, at any point prior to or during their collection and use of A.K.'s
2 Private Information.

3 351. Defendants were bound by the 2019 Permanent Injunction that prohibited
4 Defendants from collecting personal information from children under the age of 13, and
5 therefore this conduct could not have reasonably been discovered earlier through
6 investigation.

7 352. A.K. is likely to use TikTok in the future and seeks protection from
8 Defendants' continuing violations of COPPA protections.

9 **K. Plaintiff J.S., a minor, by and through their parent, Kiara Dennis**

10 353. This action is brought on J.S.'s behalf by Plaintiff Kiara Dennis.

11 354. During the Class Period, J.S. created and used a TikTok account (while
12 under the age of 13) and viewed content on the TikTok platform.

13 355. J.S. created a TikTok account when J.S. was approximately 11 years old.

14 356. During the Class Period, Defendants collected J.S.'s Private Information
15 for the purpose of tracking J.S.'s activity.

16 357. During the Class Period, the information that Defendants collected for the
17 purpose of tracking J.S.'s activity and utilizing targeted advertisements included the
18 videos J.S. watched on the TikTok platform, the time J.S. spent watching each video,
19 and J.S.'s time spent on the TikTok platform. TikTok combined this information with
20 persistent identifiers as part of J.S.'s user profile.

21 358. TikTok collected J.S.'s activity on the platform, including J.S.'s comments,
22 direct messages, "likes and favorites", posts, recently deleted posts, login history, search
23 history, share history, watch history, and browsing history on TikTok Shop.

24 359. TikTok collected information about J.S.'s profile, including J.S.'s
25 followers list, following list, profile photo, username, and email address.

26 360. Defendants are maintaining or are able to generate a DYD file containing
27 part, but not all, of the information they collect about J.S.

28 361. Defendants never obtained consent from nor notified J.S.'s parent, Kiara

1 Dennis, at any point prior to or during their collection and use of J.S.'s Private
2 Information.

3 362. Defendants were bound by the 2019 Permanent Injunction that prohibited
4 Defendants from collecting personal information from children under the age of 13, and
5 therefore this conduct could not have reasonably been discovered earlier through
6 investigation.

7 363. J.S. is likely to use TikTok in the future and seeks protection from
8 Defendants' continuing violations of COPPA protections.

9 **L. Plaintiff T.W., a minor, by and through their parent, Rachel Smith**

10 364. This action is brought on T.W.'s behalf by Plaintiff Rachel Smith.

11 365. During the Class Period, T.W. created and used a TikTok account (while
12 under the age of 13) and viewed content on the TikTok platform.

13 366. T.W. created a TikTok account when T.W. was approximately 9 years old.

14 367. During the Class Period, Defendants collected D.P.'s Private Information
15 for the purpose of tracking T.W.'s activity.

16 368. During the Class Period, the information that Defendants collected for the
17 purpose of tracking T.W.'s activity and utilizing targeted advertisements included the
18 videos T.W. watched on the TikTok platform, the time T.W. spent watching each video,
19 and T.W.'s time spent on the TikTok platform. TikTok combined this information with
20 persistent identifiers as part of T.W.'s user profile.

21 369. Defendants are maintaining or are able to generate a DYD file containing
22 part, but not all, of the information they collect about T.W.

23 370. Defendants never obtained consent from nor notified T.W.'s parent, Rachel
24 Smith, at any point prior to or during their collection and use of T.W.'s Private
25 Information.

26 371. Defendants were bound by the 2019 Permanent Injunction that prohibited
27 Defendants from collecting personal information from children under the age of 13, and
28 therefore this conduct could not have reasonably been discovered earlier through

1 investigation.

2 372. T.W. is likely to use TikTok in the future and seeks protection from
3 Defendants' continuing violations of COPPA protections.

4 **M. Plaintiff G.A., a minor, by and through their parent, Leyna Midkiff**

5 373. This action is brought on G.A.'s behalf by Plaintiff Leyna Midkiff.

6 374. During the Class Period, G.A. created and used a TikTok account (while
7 under the age of 13) and viewed content on the TikTok platform.

8 375. G.A. created a TikTok account when G.A. was approximately 12 years old.

9 376. During the Class Period, Defendants collected G.A.'s Private Information
10 for the purpose of tracking G.A.'s activity and utilizing targeted advertisements.

11 377. During the Class Period, the information that Defendants collected for the
12 purpose of tracking G.A.'s activity and utilizing targeted advertisements included the
13 videos G.A. watched on the TikTok platform, the time G.A. spent watching each video,
14 and G.A.'s time spent on the TikTok platform. TikTok combined this information with
15 persistent identifiers as part of G.A.'s user profile.

16 378. Defendants are maintaining or are able to generate a DYD file containing
17 part, but not all, of the information they collect about G.A.

18 379. Defendants never obtained consent from nor notified G.A.'s parent, Leyna
19 Midkiff, at any point prior to or during their collection and use of G.A.'s Private
20 Information.

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

25 381. G.A. is likely to use TikTok in the future and seeks protection from
26 Defendants' continuing violations of COPPA protections.

27 **N. Plaintiff C.H., a minor, by and through their parent, Arthur Henry**

28 382. This action is brought on C.H.'s behalf by Plaintiff Arthur Henry.

1 383. During the Class Period, C.H. created and used a TikTok account (while
2 under the age of 13) and viewed content on the TikTok platform.

3 384. C.H. created a TikTok account when C.H. was approximately 9 years old.

4 385. During the Class Period, Defendants collected D.P.'s Private Information
5 for the purpose of tracking C.H.'s activity.

6 386. During the Class Period, the information that Defendants collected for the
7 purpose of tracking C.H.'s activity and utilizing targeted advertisements included the
8 videos C.H. watched on the TikTok platform, the time C.H. spent watching each video,
9 and C.H.'s time spent on the TikTok platform. TikTok combined this information with
10 persistent identifiers as part of C.H.'s user profile.

11 387. Defendants are maintaining or are able to generate a DYD file containing
12 part, but not all, of the information they collect about C.H.

13 388. Defendants never obtained consent from nor notified C.H.'s parent, Arthur
14 Henry, at any point prior to or during their collection and use of C.H.'s Private
15 Information.

16 389. Defendants were bound by the 2019 Permanent Injunction that prohibited
17 Defendants from collecting personal information from children under the age of 13, and
18 therefore this conduct could not have reasonably been discovered earlier through
19 investigation.

20 390. C.H. is likely to use TikTok in the future and seeks protection from
21 Defendants' continuing violations of COPPA protections.

22 **O. Plaintiff M.B., a minor, by and through their parent, Lynette Bouie**

23 391. This action is brought on M.B.'s behalf by Plaintiff Lynette Bouie.

24 392. During the Class Period, M.B. created and used a TikTok account (while
25 under the age of 13) and viewed content on the TikTok platform.

26 393. M.B. created a TikTok account when M.B. was approximately 10 years
27 old.

28 394. During the Class Period, Defendants collected M.B.'s Private Information

1 for the purpose of tracking M.B.'s activity and utilizing targeted advertisements.

2 395. During the Class Period, the information that Defendants collected for the
3 purpose of tracking M.B.'s activity and utilizing targeted advertisements included the
4 videos M.B. watched on the TikTok platform, the time M.B. spent watching each video,
5 and M.B.'s time spent on the TikTok platform. TikTok combined this information with
6 persistent identifiers as part of M.B.'s user profile.

7 396. Defendants are maintaining or are able to generate a DYD file containing
8 part, but not all, of the information they collect about M.B.

9 397. Defendants never obtained consent from nor notified M.B.'s parent,
10 Lynette Bouie, at any point prior to or during their collection and use of M.B.'s Private
11 Information.

12 398. Defendants were bound by the 2019 Permanent Injunction that prohibited
13 Defendants from collecting personal information from children under the age of 13, and
14 therefore this conduct could not have reasonably been discovered earlier through
15 investigation.

16 399. M.B. is likely to use TikTok in the future and seeks protection from
17 Defendants' continuing violations of COPPA protections.

18 **P. Plaintiff J.H., a minor, by and through their parent, Tranay Holloway**

19 400. This action is brought on J.H.'s behalf by Plaintiff Tranay Holloway.

20 401. During the Class Period, J.H. created and used a TikTok account (while
21 under the age of 13) and viewed content on the TikTok platform.

22 402. J.H. created a TikTok account when J.H. was approximately 8 years old.

23 403. During the Class Period, Defendants collected J.H.'s Private Information
24 for the purpose of tracking J.H.'s activity and utilizing targeted advertisements.

25 404. During the Class Period, the information that Defendants collected for the
26 purpose of tracking J.H.'s activity and utilizing targeted advertisements included the
27 videos J.H. watched on the TikTok platform, the time J.H. spent watching each video,
28 and J.H.'s time spent on the TikTok platform. TikTok combined this information with

1 persistent identifiers as part of J.H.'s user profile.

2 405. Defendants are maintaining or are able to generate a DYD file containing
3 part, but not all, of the information they collect about J.H.

4 406. Defendants never obtained consent from nor notified J.H.'s parent, Tranay
5 Holloway, at any point prior to or during their collection and use of J.H.'s Private
6 Information.

7 407. Defendants were bound by the 2019 Permanent Injunction that prohibited
8 Defendants from collecting personal information from children under the age of 13, and
9 therefore this conduct could not have reasonably been discovered earlier through
10 investigation.

11 408. J.H. is likely to use TikTok in the future and seeks protection from
12 Defendants' continuing violations of COPPA protections.

13 **Q. Plaintiffs A.A.A., A.B.A., and E.A., minors, by and through their parent,**
14 **Kelly Lynn Addis**

15 409. This is brought on A.A.A., A.B.A., and E.A.'s behalf by Plaintiff Kelly
16 Lynn Addis.

17 410. During the Class Period, A.A.A., A.B.A., and E.A. created and used
18 TikTok accounts (while under the age of 13) and viewed content on the TikTok
19 platform.

20 411. A.A.A. created a TikTok account when A.A.A. was approximately 11
21 years old. A.B.A. created a TikTok account when A.B.A. was approximately 9 years
22 old. E.A. created a TikTok account when E.A. was approximately 9 years old.

23 412. During the Class Period, Defendants collected A.A.A., A.B.A., and E.A.'s
24 Private Information for the purpose of tracking A.A.A., A.B.A., and E.A.'s activity and
25 utilizing targeted advertisements.

26 413. During the Class Period, the information that Defendants collected for the
27 purpose of tracking A.A.A., A.B.A., and E.A.'s activity and utilizing targeted
28 advertisements included the videos A.A.A., A.B.A., and E.A. watched on the TikTok

1 platform, the time A.A.A., A.B.A., and E.A. spent watching each video, and A.A.A.,
2 A.B.A., and E.A.'s time spent on the TikTok platform. TikTok combined this
3 information with persistent identifiers as part of A.A.A., A.B.A., and E.A.'s user
4 profiles.

5 414. Defendants are maintaining or are able to generate DYD files containing
6 part, but not all, of the information they collect about A.A.A., A.B.A., and E.A.

7 415. Defendants never obtained consent from nor notified A.A.A., A.B.A., and
8 E.A.'s parent, Kelly Lynn Addis, at any point prior to or during their collection and use
9 of A.A.A., A.B.A., and E.A.'s Private Information.

10 416. Defendants were bound by the 2019 Permanent Injunction that prohibited
11 Defendants from collecting personal information from children under the age of 13, and
12 therefore this conduct could not have reasonably been discovered earlier through
13 investigation.

14 417. A.A.A., A.B.A., and E.A. are likely to use TikTok in the future and seek
15 protection from Defendants' continuing violations of COPPA protections.

16 **R. Plaintiff K.M., a minor, by and through their parent, Dakota Moody**

17 418. This action is brought on K.M.'s behalf by Plaintiff Dakota Moody.

18 419. During the Class Period, K.M. created and used a TikTok account (while
19 under the age of 13) and viewed content on the TikTok platform.

20 420. K.M. created a TikTok account when K.M. was approximately 10 years
21 old.

22 421. During the Class Period, Defendants collected K.M.'s Private Information
23 for the purpose of tracking K.M.'s activity and utilizing targeted advertisements.

24 422. During the Class Period, the information that Defendants collected for the
25 purpose of tracking K.M.'s activity and utilizing targeted advertisements included the
26 videos K.M. watched on the TikTok platform, the time K.M. spent watching each video,
27 and K.M.'s time spent on the TikTok platform. TikTok combined this information with
28 persistent identifiers as part of K.M.'s user profile.

1 423. Defendants are maintaining or are able to generate a DYD file containing
2 part, but not all, of the information they collect about K.M.

3 424. Defendants never obtained consent from nor notified K.M.'s parent,
4 Dakota Moody, at any point prior to or during their collection and use of K.M.'s Private
5 Information.

6 425. Defendants were bound by the 2019 Permanent Injunction that prohibited
7 Defendants from collecting personal information from children under the age of 13, and
8 therefore this conduct could not have reasonably been discovered earlier through
9 investigation.

10 426. K.M. is likely to use TikTok in the future and seeks protection from
11 Defendants' continuing violations of COPPA protections.

12 **S. Plaintiff A.L., a minor, by and through their parent, Tatum Dunne**

13 427. This action is brought on A.L.'s behalf by Plaintiff Tatum Dunne.

14 428. A.L. created a TikTok account when A.L. was approximately 7 or 8 years
15 old.

16 429. During the Class Period, Defendants collected A.L.'s Private Information
17 for the purpose of tracking A.L.'s activity and utilizing targeted advertisements.

18 430. During the Class Period, the information that Defendants collected for the
19 purpose of tracking A.L.'s activity and utilizing targeted advertisements included the
20 videos A.L. watched on the TikTok platform, the time A.L. spent watching each video,
21 and A.L.'s time spent on the TikTok platform. TikTok combined this information with
22 persistent identifiers as part of A.L.'s user profile.

23 431. Defendants are maintaining or are able to generate a DYD file containing
24 part, but not all, of the information they collect about A.L.

25 432. Defendants never obtained consent from nor notified A.L.'s parent, Tatum
26 Dunne, at any point prior to or during their collection and use of A.L.'s Private
27 Information.

28 433. Defendants were bound by the 2019 Permanent Injunction that prohibited

1 Defendants from collecting personal information from children under the age of 13, and
2 therefore this conduct could not have reasonably been discovered earlier through
3 investigation.

4 434. A.L. is likely to use TikTok in the future and seeks protection from
5 Defendants' continuing violations of COPPA protections.

6 **T. Plaintiff A.B., a minor, by and through their parent, Christina Middleton**

7 435. This action is brought on A.B.'s behalf by Plaintiff Christina Middleton.

8 436. A.B. created a TikTok account when A.B. was approximately 7 or 8 years
9 old.

10 437. During the Class Period, Defendants collected A.B.'s Private Information
11 for the purpose of tracking A.B.'s activity and utilizing targeted advertisements.

12 438. During the Class Period, the information that Defendants collected for the
13 purpose of tracking A.B.'s activity and utilizing targeted advertisements included the
14 videos A.B. watched on the TikTok platform, the time A.B. spent watching each video,
15 and A.B.'s time spent on the TikTok platform. TikTok combined this information with
16 persistent identifiers as part of A.B.'s user profile.

17 439. Defendants are maintaining or are able to generate a DYD file containing
18 part, but not all, of the information they collect about A.B.

19 440. Defendants never obtained consent from nor notified A.B.'s parent and
20 legal guardian, Christina Middleton, at any point prior to or during their collection and
21 use of A.B.'s Private Information.

22 441. Defendants were bound by the 2019 Permanent Injunction that prohibited
23 Defendants from collecting personal information from children under the age of 13, and
24 therefore this conduct could not have reasonably been discovered earlier through
25 investigation.

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

1 **U. Plaintiffs H.J. and N.J., minors, by and through their parent, Amatullah**
2 **Allen**

3 443. This action is brought on H.J. and N.J.'s behalf by Plaintiff Amatullah
4 Allen.

5 444. During the Class Period, H.J. and N.J. created and used TikTok accounts
6 (while under the age of 13) and viewed content on the TikTok platform.

7 445. H.J. created a TikTok account when H.J. was approximately 10 years old.
8 N.J. created a TikTok account when N.J. was approximately 8 years old.

9 446. During the Class Period, Defendants collected H.J. and N.J.'s Private
10 Information for the purpose of tracking H.J. and N.J.'s activity and utilizing targeted
11 advertisements.

12 447. During the Class Period, the information that Defendants collected for the
13 purpose of tracking H.J. and N.J.'s activity and utilizing targeted advertisements
14 included the videos H.J. and N.J. watched on the TikTok platform, the time H.J. and
15 N.J. spent watching each video, and H.J. and N.J.'s time spent on the TikTok platform.
16 TikTok combined this information with persistent identifiers as part of H.J. and N.J.'s
17 user profile.

18 448. Defendants are maintaining or are able to generate DYD files containing
19 part, but not all, of the information they collect about H.J. and N.J.

20 449. Defendants never obtained consent from nor notified H.J. and N.J.'s parent,
21 Amatullah Allen, at any point prior to or during their collection and use of H.J. and
22 N.J.'s Private Information.

23 450. Defendants were bound by the 2019 Permanent Injunction that prohibited
24 Defendants from collecting personal information from children under the age of 13, and
25 therefore this conduct could not have reasonably been discovered earlier through
26 investigation.

27 451. H.J. and N.J. are likely to use TikTok in the future and seeks protection
28 from Defendants' continuing violations of COPPA protections.

V. Plaintiff I.T., a minor, by and through their parent, Yeni Castro

452. This action is brought on I.T.'s behalf by Plaintiff Yeni Castro.

453. During the Class Period, I.T. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

454. I.T. created a TikTok account when I.T. was 7 years old.

455. During the Class Period, Defendants collected I.T.'s Private Information for the purpose of tracking I.T.'s activity.

456. During the Class Period, the information that Defendants collected for the purpose of tracking I.T.'s activity and utilizing targeted advertisements included the videos I.T. watched on the TikTok platform, the time I.T. spent watching each video, and I.T.'s time spent on the TikTok platform. TikTok combined this information with persistent identifiers as part of I.T.'s user profile.

457. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information they collect about I.T.

458. Defendants never obtained consent from nor notified I.T.'s parent, Yeni Castro, at any point prior to or during their collection and use of I.T.'s Private Information.

459. 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.

460. I.T. is likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

W. Plaintiff M.G., a minor, by and through their parent and guardian ad litem, Valerie Gates

461. This action is brought on M.G.'s behalf by Plaintiff Valerie Gates.

462. During the Class Period, M.G. created and used a TikTok account (while under the age of 13) and viewed content on the TikTok platform.

1 463. M.G. created a TikTok account when M.G. was approximately 11 years
2 old.

3 464. During the Class Period, Defendants collected M.G.'s Private Information
4 for the purpose of tracking M.G.'s activity and utilizing targeted advertisements.

5 465. During the Class Period, the information that Defendants collected for the
6 purpose of tracking M.G.'s activity and utilizing targeted advertisements included the
7 videos M.G. watched on the TikTok platform, the time M.G. spent watching each video,
8 and M.G.'s time spent on the TikTok platform. TikTok combined this information with
9 persistent identifiers as part of M.G.'s user profile.

10 466. TikTok collected M.G.'s activity on the platform, including M.G.'s
11 comments, direct messages, "likes and favorites", posts, login history, search history,
12 share history, watch history, and browsing history on TikTok Shop.

13 467. TikTok collected information about M.G.'s profile, including M.G.'s
14 followers list, following list, username, email address, telephone number, and "bio
15 description."

16 468. TikTok collected information from M.G.'s account that made it clear that
17 M.G. was under 13 years old, including the following search history:

```
18 {  
    "browsing_date": "2025-03-08 15:40:26",  
    "shop_name": "kiidcoffee",  
    "product_name": "Kiid Coffee Organic Decaf Latte For Kids - No Sugar, Prebiotic Fiber, Vitamins & Minerals - Chocolate, Caramel,  
19 Original - Just Add Milk"  
    },  
    {
```

20 469. Defendants are maintaining or are able to generate a DYD file containing
21 part, but not all, of the information they collect about M.G.

22 470. Defendants never obtained consent from nor notified M.G.'s parent and
23 legal guardian, Valerie Gates, at any point prior to or during their collection and use of
24 M.G.'s Private Information.

25 471. Defendants were bound by the 2019 Permanent Injunction that prohibited
26 Defendants from collecting personal information from children under the age of 13, and
27 therefore this conduct could not have reasonably been discovered earlier through
28 investigation.

1 472. M.G. is likely to use TikTok in the future and seeks protection from
2 Defendants' continuing violations of COPPA protections.

3 **X. Plaintiff V.M., a minor, by and through their parent, Ebony Nielsen**

4 473. This action is brought on V.M.'s behalf by Plaintiff Ebony Nielsen.

5 474. V.M. created a TikTok account when V.M. was approximately 8 years old.

6 475. During the Class Period, Defendants collected V.M.'s Private Information
7 for the purpose of tracking V.M.'s activity and utilizing targeted advertisements.

8 476. During the Class Period, the information that Defendants collected for the
9 purpose of tracking V.M.'s activity and utilizing targeted advertisements included the
10 videos V.M. watched on the TikTok platform, the time V.M. spent watching each video,
11 and V.M.'s time spent on the TikTok platform. TikTok combined this information with
12 persistent identifiers as part of V.M.'s user profile.

13 477. Defendants are maintaining or are able to generate a DYD file containing
14 part, but not all, of the information they collect about V.M.

15 478. Defendants never obtained consent from nor notified V.M.'s parent and
16 legal guardian, Ebony Nielsen, at any point prior to or during their collection and use of
17 V.M.'s Private Information.

18 479. Defendants were bound by the 2019 Permanent Injunction that prohibited
19 Defendants from collecting personal information from children under the age of 13, and
20 therefore this conduct could not have reasonably been discovered earlier through
21 investigation.

22 480. V.M. is likely to use TikTok in the future and seeks protection from
23 Defendants' continuing violations of COPPA protections.

24 **Y. Plaintiff D.P., a minor, by and through their parent, Tammy Padgett**

25 481. This action is brought on D.P.'s behalf by Plaintiff Tammy Padgett.

26 482. During the Class Period, D.P. created and used a TikTok account (while
27 under the age of 13) and viewed content on the TikTok platform.

28 483. D.P. created a TikTok account when D.P. was approximately 11 years old.

1 484. During the Class Period, Defendants collected D.P.'s Private Information
2 for the purpose of tracking D.P.'s activity.

3 485. During the Class Period, the information that Defendants collected for the
4 purpose of tracking D.P.'s activity and utilizing targeted advertisements included the
5 videos D.P. watched on the TikTok platform, the time D.P. spent watching each video,
6 and D.P.'s time spent on the TikTok platform. TikTok combined this information with
7 persistent identifiers as part of D.P.'s user profile.

8 486. Defendants are maintaining or are able to generate a DYD file containing
9 part, but not all, of the information they collect about D.P.

10 487. Defendants never obtained consent from nor notified D.P.'s parent, Tammy
11 Padgett, at any point prior to or during their collection and use of D.P.'s Private
12 Information.

13 488. Defendants were bound by the 2019 Permanent Injunction that prohibited
14 Defendants from collecting personal information from children under the age of 13, and
15 therefore this conduct could not have reasonably been discovered earlier through
16 investigation.

17 489. D.P. is likely to use TikTok in the future and seeks protection from
18 Defendants' continuing violations of COPPA protections.

19 **Z. Plaintiffs P.B., J.S., and J.F., minors, by and through their parent, Brittany**
20 **Santisi**

21 490. This action is brought on P.B., J.S., and J.F.'s behalf by Plaintiff Brittany
22 Santisi.

23 491. During the Class Period, P.B., J.S., and J.F. created and used TikTok
24 accounts (while under the age of 13) and viewed content on the TikTok platform.

25 492. P.B. created a TikTok account when P.B. was approximately 11 years old.
26 J.S. created a TikTok account when J.S. was approximately 11 years old. J.F. created a
27 TikTok account when J.F. was approximately 10 years old.

28 493. During the Class Period, Defendants collected P.B., J.S., and J.F.'s Private

1 Information for the purpose of tracking P.B., J.S., and J.F.'s activity and utilizing
2 targeted advertisements.

3 494. During the Class Period, the information that Defendants collected for the
4 purpose of tracking P.B., J.S., and J.F.'s activity and utilizing targeted advertisements
5 included the videos P.B., J.S., and J.F. watched on the TikTok platform, the time P.B.,
6 J.S., and J.F. spent watching each video, and P.B., J.S., and J.F.'s time spent on the
7 TikTok platform. TikTok combined this information with persistent identifiers as part of
8 P.B., J.S., and J.F.'s user profiles.

9 495. Defendants are maintaining or are able to generate DYD files containing
10 part, but not all, of the information they collect about P.B., J.S., and J.F.

11 496. Defendants never obtained consent from nor notified P.B., J.S., and J.F.'s
12 parent and legal guardian, Brittany Santisi, at any point prior to or during their
13 collection and use of P.B., J.S., and J.F.'s Private Information.

14 497. Defendants were bound by the 2019 Permanent Injunction that prohibited
15 Defendants from collecting personal information from children under the age of 13, and
16 therefore this conduct could not have reasonably been discovered earlier through
17 investigation.

18 498. P.B., J.S., and J.F. are likely to use TikTok in the future and seek protection
19 from Defendants' continuing violations of COPPA protections.

20 **AA. Plaintiffs Z.B. and I.B. minors, by and through their parent, Steven Burda**

21 499. This action is brought on Z.B. and I.B. behalf by Plaintiff Steven Burda.

22 500. Z.B. created a TikTok account when Z.B. was approximately 6 years old.
23 I.B. created a TikTok account when I.B. was approximately 6 years old.

24 501. During the Class Period, Defendants collected Z.B. and I.B.'s Private
25 Information for the purpose of tracking Z.B. and I.B. activity and utilizing targeted
26 advertisements.

27 502. During the Class Period, the information that Defendants collected for the
28 purpose of tracking Z.B. and I.B.'s activity and utilizing targeted advertisements

1 included the videos Z.B. and I.B. watched on the TikTok platform, the time Z.B. and
2 I.B. spent watching each video, and Z.B. and I.B.'s time spent on the TikTok platform.
3 TikTok combined this information with persistent identifiers as part of Z.B. and I.B.'s
4 user profiles.

5 503. Defendants are maintaining or are able to generate DYD files containing
6 part, but not all, of the information they collect about Z.B. and I.B.

7 504. Defendants never obtained consent from nor notified Z.B. and I.B.'s parent
8 and legal guardian, Steven Burda, at any point prior to or during their collection and use
9 of Z.B. and I.B.'s Private Information.

10 505. Defendants were bound by the 2019 Permanent Injunction that prohibited
11 Defendants from collecting personal information from children under the age of 13, and
12 therefore this conduct could not have reasonably been discovered earlier through
13 investigation.

14 506. Z.B. and I.B. are likely to use TikTok in the future and seek protection
15 from Defendants' continuing violations of COPPA protections.

16 **BB. Plaintiff E.J., a minor, by and through their parent, Elizabeth Jacob**

17 507. This action is brought on E.J.'s behalf by Plaintiff Elizabeth Jacob.

18 508. During the Class Period, E.J. created and used a TikTok account (while
19 under the age of 13) and viewed content on the TikTok platform.

20 509. E.J. created a TikTok account when E.J. was approximately 10 years old.

21 510. During the Class Period, Defendants collected E.J.'s Private Information
22 for the purpose of tracking E.J.'s activity and utilizing targeted advertisements.

23 511. During the Class Period, the information that Defendants collected for the
24 purpose of tracking E.J.'s activity and utilizing targeted advertisements included the
25 videos E.J. watched on the TikTok platform, the time E.J. spent watching each video,
26 and E.J.'s time spent on the TikTok platform. TikTok combined this information with
27 persistent identifiers as part of E.J.'s user profile.

28 512. Defendants are maintaining or are able to generate a DYD file containing

1 part, but not all, of the information they collect about E.J.

2 513. Defendants never obtained consent from nor notified E.J.'s parent,
3 Elizabeth Jacob, at any point prior to or during their collection and use of E.J.'s Private
4 Information.

5 514. Defendants were bound by the 2019 Permanent Injunction that prohibited
6 Defendants from collecting personal information from children under the age of 13, and
7 therefore this conduct could not have reasonably been discovered earlier through
8 investigation.

9 515. E.J. is likely to use TikTok in the future and seeks protection from
10 Defendants' continuing violations of COPPA protections.

11 **CC. Plaintiffs R.C., B.L.J., and B.R.J., minors, by and through their grandparent**
12 **and guardian, Shirley Reed-Stallings**

13 516. This action is brought on R.C., B.L.J., and B.R.J.'s behalf by Plaintiff
14 Shirley Reed-Stallings.

15 517. During the Class Period, R.C., B.L.J., and B.R.J. created and used TikTok
16 accounts (while under the age of 13) and viewed content on the TikTok platform.

17 518. R.C. created a TikTok account when R.C. was approximately 7 or 8 years
18 old. B.L.J. created a TikTok account when B.L.J. was approximately 8 or 9 years old.
19 B.R.J. created a TikTok account when B.R.J. was approximately 6 years old.

20 519. During the Class Period, Defendants collected R.C., B.L.J., and B.R.J.'s
21 Private Information for the purpose of tracking R.C., B.L.J., and B.R.J.'s activity and
22 utilizing targeted advertisements.

23 520. During the Class Period, the information that Defendants collected for the
24 purpose of tracking R.C., B.L.J., and B.R.J.'s activity and utilizing targeted
25 advertisements included the videos R.C., B.L.J., and B.R.J. watched on the TikTok
26 platform, the time R.C., B.L.J., and B.R.J. spent watching each video, and R.C., B.L.J.,
27 and B.R.J.'s time spent on the TikTok platform. TikTok combined this information with
28 persistent identifiers as part of R.C., B.L.J., and B.R.J.'s user profiles.

1 521. Defendants are maintaining or are able to generate DYD files containing
2 part, but not all, of the information they collect about R.C., B.L.J., and B.R.J.

3 522. Defendants never obtained consent from nor notified R.C., B.L.J., and
4 B.R.J.'s grandparent and legal guardian, Shirley Reed-Stallings, at any point prior to or
5 during their collection and use of R.C., B.L.J., and B.R.J.'s Private Information.

6 523. Defendants were bound by the 2019 Permanent Injunction that prohibited
7 Defendants from collecting personal information from children under the age of 13, and
8 therefore this conduct could not have reasonably been discovered earlier through
9 investigation.

10 524. R.C., B.L.J., and B.R.J. are likely to use TikTok in the future and seek
11 protection from Defendants' continuing violations of COPPA protections.

12 **DD. Plaintiff K.F., a minor, by and through their parent and guardian ad litem,**
13 **Angela Faucett**

14 525. This action is brought on K.F.'s behalf by Plaintiff Angela Faucett.

15 526. During the Class Period, K.F. created and used a TikTok account (while
16 under the age of 13) and viewed content on the TikTok platform.

17 527. K.F. created a TikTok account when K.F. was approximately 9 or 10 years
18 old.

19 528. During the Class Period, Defendants collected K.F.'s Private Information
20 for the purpose of tracking K.F.'s activity and utilizing targeted advertisements.

21 529. During the Class Period, the information that Defendants collected for the
22 purpose of tracking K.F.'s activity and utilizing targeted advertisements included the
23 videos K.F. watched on the TikTok platform, the time K.F. spent watching each video,
24 and K.F.'s time spent on the TikTok platform. TikTok combined this information with
25 persistent identifiers as part of K.F.'s user profile.

26 530. TikTok collected K.F.'s activity on the platform, including K.F.'s
27 comments, direct messages, "likes and favorites", posts, login history, search history,
28 share history, watch history, and browsing history on TikTok Shop. TikTok also

collected K.F.'s "Off TikTok Activity".

531. TikTok collected information about K.F.'s profile, including K.F.'s name, followers list, following list, profile photo, username, telephone number, email address, and "bio description."

532. TikTok collected information from K.F.'s account that made it clear that K.F. was under 13 years old, including the following comment:

```
{
  "date": "2021-11-25 08:45:55",
  "comment": "be my bestay I love charli I have my own fp in fact my @chrz...br0wni3 and I'm 11 years old and I love the show and movies",
  "photo": "N/A",
  "url": ""
}
```

533. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information they collect about K.F.

534. Defendants never obtained consent from nor notified K.F.'s parent and legal guardian, Angela Faucett, at any point prior to or during their collection and use of K.F.'s Private Information.

535. 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.

536. K.F. is likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

EE. Plaintiff J.W., a minor, by and through their parent and guardian ad litem, Kayla Jaramillo

537. This action is brought on J.W.'s behalf by Plaintiff Kayla Jaramillo.

538. During the Class Period, J.W. created and used TikTok accounts (while under the age of 13) and viewed content on the TikTok platform.

539. J.W. created a TikTok account when J.W. was approximately 10 years old.

540. During the Class Period, Defendants collected J.W.'s Private Information for the purpose of tracking J.W.'s activity and utilizing targeted advertisements.

541. During the Class Period, the information that Defendants collected for the

1 purpose of tracking J.W.'s activity and utilizing targeted advertisements included the
2 videos J.W. watched on the TikTok platform, the time J.W. spent watching each video,
3 and J.W.'s time spent on the TikTok platform. TikTok combined this information with
4 persistent identifiers as part of J.W.'s user profile.

5 542. TikTok collected J.W.'s activity on the platform, including J.W.'s
6 comments, direct messages, "likes and favorites", posts, recently deleted posts, login
7 history, search history, share history, watch history, and browsing history on TikTok
8 Shop. TikTok also collected J.W.'s "Off TikTok Activity".

9 543. TikTok collected information about J.W.'s profile, including J.W.'s
10 followers list, following list, profile photo, username, email address, and "bio
11 description."

12 544. Defendants are maintaining or are able to generate a DYD file containing
13 part, but not all, of the information they collect about J.W.

14 545. Defendants never obtained consent from nor notified J.W.'s parent and
15 legal guardian, Kayla Jaramillo, at any point prior to or during their collection and use
16 of J.W.'s Private Information.

17 546. Defendants were bound by the 2019 Permanent Injunction that prohibited
18 Defendants from collecting personal information from children under the age of 13, and
19 therefore this conduct could not have reasonably been discovered earlier through
20 investigation.

21 547. J.W. is likely to use TikTok in the future and seeks protection from
22 Defendants' continuing violations of COPPA protections.

23 **VI. TOLLING, ESTOPPEL AND RELATION BACK**

24 **A. Discovery Rule Tolling**

25 548. Plaintiffs and the Classes had no way of knowing about Defendants'
26 conduct with respect to the collection and impermissible and unauthorized use of, and
27 profit from, the Private Information and Kids Mode Private Information of Plaintiffs and
28 the Members of the Classes.

1 549. Neither Plaintiffs nor any other Members of the Classes, through the
2 exercise of reasonable diligence, could have discovered the conduct alleged herein as
3 Defendants purported to be abiding by the terms of a Permanent Injunction that
4 prohibited the subject conduct. Further, Plaintiffs and the Members of the Classes did
5 not discover and did not know of facts that would have caused a reasonable person to
6 suspect that Defendants were engaged in the conduct alleged herein.

7 550. For these reasons, all applicable statutes of limitation have been tolled by
8 operation of the discovery rule with respect to claims asserted by Plaintiffs and the
9 Classes.

10 **B. Tolling of Statute of Limitations**

11 551. By failing to provide notice of the collection and use of the Private
12 Information and Kids Mode Private Information and obtain verifiable consent, in
13 violation of COPPA and societal norms and conventions, Defendants concealed their
14 conduct and the existence of the claims asserted herein from Plaintiffs and the Members
15 of the Classes.

16 552. Upon information and belief, Defendants intended by their acts to conceal
17 the facts and claims from Plaintiffs and Members of the Classes. Plaintiffs and the
18 Members of the Classes were unaware of the facts alleged herein without any fault or
19 lack of diligence on their part and could not have reasonably discovered Defendants'
20 conduct. For this reason, any statute of limitations that otherwise may apply to the
21 claims of Plaintiffs or Members of the Classes should be tolled.

22 **C. Estoppel**

23 553. Despite their duties and obligations under COPPA and the 2019 Permanent
24 Injunction, Defendants failed to provide notice of the collection and use of the personal
25 information and obtain verifiable consent in breach and violation thereof.

26 554. Defendants therefore are estopped from relying on any statutes of
27 limitations in defense of this action.
28

VII. CLASS ACTION ALLEGATIONS

555. Plaintiffs re-allege and incorporate by reference all of the above allegations.

556. The Class Period is defined as March 28, 2019 to the present.

557. Plaintiffs bring this action as a class action pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3) with respect to the following Classes.

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

A. Multistate Intrusion Upon Seclusion Class

559. Plaintiffs G.K., D.K., A.J., B.M., S.T., J.C., L.F., E.B., A.K., J.S., T.W., C.H., M.B., K.M., A.L., A.B., H.J., N.J., D.P., P.B., J.S., J.F., Z.B., I.B., E.J., R.C., B.L.J., B.R.J., K.F., and J.W., by and through their respective parents and guardians ("Multistate Intrusion Upon Seclusion Plaintiffs"), seek class certification for the common law claim of intrusion upon seclusion under the substantially similar laws of Arizona, California, Connecticut, Georgia, Illinois, Louisiana, Maryland, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Washington, on behalf of a Multistate Intrusion Upon Seclusion Class defined as follows:

All persons residing in Arizona, California, Connecticut, Georgia, Illinois, Louisiana, Maryland, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Washington (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Private Information and Kids Mode Private Information during the Class Period

1 without first notifying their parents and obtaining verified parental consent
2 beforehand.

3 560. Alternatively, Plaintiffs G.K., D.K., A.J., B.M., S.T., J.C., L.F., E.B., A.K.,
4 J.S., T.W., C.H., M.B., K.M., A.L., A.B., H.J., N.J., D.P., P.B., J.S., J.F., Z.B., I.B., E.J.,
5 R.C., B.L.J., B.R.J., K.F., and J.W., through their respective parents and guardians, seek
6 class certification for the common law claim of intrusion upon seclusion under the law
7 in the state in which they reside.

8 **B. Multistate Unjust Enrichment Class**

9 561. Plaintiffs G.K., D.K., A.J., B.M., S.T., J.C., L.F., D.G., D.M., E.B., A.K.,
10 J.S., T.W., G.A., M.B., J.H., A.A.A., A.B.A., E.A., K.M., A.L., A.B., H.J., N.J., I.T.,
11 M.G., V.M., D.P., P.B., J.S., J.F., Z.B., I.B., E.J., K.F., and J.W., by and through their
12 respective parents and guardians (“Multistate Unjust Enrichment Plaintiffs”) seek class
13 certification of an unjust enrichment class under the substantially similar laws of
14 Arizona, California, Connecticut, Florida, Georgia, Illinois, Indiana, Maryland,
15 Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North
16 Carolina, Ohio, Pennsylvania, Tennessee, and Washington, on behalf of a Multistate
17 Unjust Enrichment Class defined as follows:

18 All persons residing in Arizona, California, Connecticut, Florida, Georgia,
19 Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New
20 Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and
21 Washington, (who were younger than 13 years old when they used TikTok) from
22 whom Defendants collected and/or used Private Information and Kids Mode
Private Information during the Class Period without first notifying their parents
and obtaining verified parental consent beforehand.

23 562. Alternatively, Plaintiffs G.K., D.K., A.J., B.M., S.T., J.C., L.F., D.G.,
24 D.M., E.B., A.K., J.S., T.W., G.A., M.B., J.H., A.A.A., A.B.A., E.A., K.M., A.L., A.B.,
25 H.J., N.J., I.T., M.G., V.M., D.P., P.B., J.S., J.F., Z.B., I.B., E.J., K.F., and J.W., by and
26 through their respective parents and guardians, seek class certification for unjust
27 enrichment under the law in the state in which they reside.

C. State Classes:

1. The California Class

563. Plaintiffs A.J., B.M., S.T., and J.C., through their respective parents and guardians, seek class certification of a claim for violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.*, a claim for violation of the State of California Constitution Right to Privacy, as well as a common law claims of negligence, on behalf of a California class defined as follows:

All persons residing in the State of California (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Private Information and Kids Mode Private Information during the Class Period without first notifying their parents and obtaining verified parental consent beforehand.

2. The Connecticut Class

564. Plaintiff L.F., through their parent and guardian, seeks class certification for the violation of Connecticut Unfair Trade Practices Act (“CUTPA”), CONN. GEN. STAT. § 42-110b(a) *et seq.*, as well as a common law claim for negligence, on behalf of a Connecticut class defined as follows:

All persons residing in the State of Connecticut (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Private Information and Kids Mode Private Information during the Class Period without first notifying their parents and obtaining verified parental consent beforehand.

3. The Florida Class

565. Plaintiffs D.G. and D.M., through their respective parents and guardians, seek class certification for the violation of the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), Fla. Stat. Ann. § 501.201 *et seq.*, as well as a common law claim of negligence, on behalf of a Florida class defined as follows:

All persons residing in the State of Florida (who were younger than 13 years old when they used TikTok) from whom Defendants collected and/or used Private Information and Kids Mode Private Information during the Class Period without first notifying their parents and obtaining verified parental consent beforehand.

4. The Georgia Class

566. Plaintiffs E.B. and A.K., through their respective parents and guardians,

1 seek class certification for the violation of the Georgia Fair Business Practices Act, Ga.
2 Code Ann. § 10-1-390 *et seq.*, as well as a common law claim of negligence, on behalf
3 of a Georgia class defined as follows:

4 All persons residing in the State of Georgia (who were younger than 13 years old
5 when they used TikTok) from whom Defendants collected and/or used Private
6 Information and Kids Mode Private Information during the Class Period without
7 first notifying their parents and obtaining verified parental consent beforehand.

8 **5. The Missouri Class**

9 567. Plaintiffs A.L. and A.B., through their respective parents and guardians,
10 seek class certification for the violation of the Missouri Merchandising Practices Act, as
11 well as a common law claims of negligence, on behalf of a Missouri class defined as
12 follows:

13 All persons residing in the State of Missouri (who were younger than 13 years old
14 when they used TikTok) from whom Defendants collected and/or used Private
15 Information and Kids Mode Private Information during the Class Period without
16 first notifying their parents and obtaining verified parental consent beforehand.

17 **6. The New York Class**

18 568. Plaintiffs I.T., M.G., and V.M., through their respective parents and
19 guardians, seek class certification for the violation of the New York Civil Rights Law
20 §§ 50-51, as well as a common law claim of negligence on behalf of a New York class
21 defined as follows:

22 All persons residing in the State of New York (who were younger than 13 years
23 old when they used TikTok) from whom Defendants collected and/or used Private
24 Information and Kids Mode Private Information during the Class Period without
25 first notifying their parents and obtaining verified parental consent beforehand.

26 **7. The Pennsylvania Class**

27 569. Plaintiffs Z.B. and I.B., through their parent Steven Burda, seek class
28 certification for the violation of the Pennsylvania Unfair Trade Practices Act, as well as
a common law claim of negligence, on behalf of a Pennsylvania class defined as
follows:

1 All persons residing in the State of Pennsylvania (who were younger than 13
2 years old when they used TikTok) from whom Defendants collected and/or used
3 Private Information and Kids Mode Private Information during the Class Period
4 without first notifying their parents and obtaining verified parental consent
beforehand.

5 **8. The Washington Class**

6 570. Plaintiffs K.F. and J.W., through their respective parents and guardians,
7 seek class certification for the violation of the Washington Consumer Protection Act
8 (“CPA”), Wash. Rev. Code. § 19.86.010 et seq, as well as a common law claim of
9 negligence, on behalf of a Washington class defined as follows:

10 All persons residing in the State of Washington (who were younger than 13 years
11 old when they used TikTok) from whom Defendants collected and/or used Private
12 Information and Kids Mode Private Information during the Class Period without
first notifying their parents and obtaining verified parental consent beforehand.

13 571. Plaintiffs reserve the right to modify or refine any of the Class definitions
14 based upon discovery of new information and in order to accommodate any of the
15 Court’s manageability concerns.

16 572. Ascertainability. The proposed Classes are readily ascertainable because
17 they are defined using objective criteria so as to allow class Members to determine if
18 they are part of a Class. Further, the Classes can be identified through records
19 maintained by Defendants.

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

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

- 27 a. Whether Defendants collected the Private Information and Kids Mode Private
28 Information of children under 13;

- b. Whether Defendants operate a website or online service directed at children under the age of 13 as defined by COPPA;
- c. Whether Defendants had knowledge they were collecting the Private Information and Kids Mode Private Information of children under 13;
- d. Whether Defendants notified parents as required by COPPA prior to collecting the Private Information and Kids Mode Private Information of children under 13;
- e. Whether Defendants obtained verifiable parental consent as required by COPPA prior to collecting the Private Information and Kids Mode Private Information of children under 13;
- f. Whether the collection of Private Information and Kids Mode Private Information of children is highly offensive to a reasonable person;
- g. Whether the collection of Private Information and Kids Mode Private Information of children without parental consent is sufficiently serious and unwarranted as to constitute an egregious breach of social norms;
- h. Whether Defendants' conduct constituted an invasion of privacy based on common law protection against intrusion upon seclusion under the laws of the Multistate Intrusion Upon Seclusion Class.
- i. Whether Defendants' conduct constituted a violation of the California Constitution right to privacy;
- j. Whether Defendants' conduct constituted a violation of Section 51 of the New York Civil Rights Law;
- k. Whether Defendants' conduct was unfair;
- l. Whether Defendants' conduct was unlawful;
- m. Whether Defendants' conduct violated the consumer protection acts of California, Connecticut, Florida, Georgia, Missouri, Pennsylvania and Washington;
- n. Whether Plaintiffs and the Class are entitled to monetary damages and the

- measure of those damages;
- o. Whether the California Class is entitled to restitution and disgorgement;
- p. Whether Defendants were unjustly enriched by their conduct under the laws in the Multistate Unjust Enrichment Class;
- q. Whether Plaintiffs are entitled to non-restitutionary disgorgement based on Defendants' unjust enrichment; and
- r. Whether Plaintiffs and the Class are entitled to injunctive or other equitable relief.

575. **Typicality (Rule 23(a)(3)).** Plaintiffs' claims are typical of the claims of the other Members of the proposed Classes. Plaintiffs and Members of the Classes (as applicable) suffered an invasion of privacy and injuries as a result of Defendants' wrongful conduct that is uniform across the Classes.

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

577. **Substantial Benefits.** This class action is appropriate for certification because class proceedings are superior to other available methods for the fair and efficient adjudication of this controversy and joinder of all Members of the Classes is impracticable. The prosecution of separate actions by individual Members of the Classes would impose heavy burdens upon the Courts and Defendants, would create a risk of inconsistent or varying adjudications of the questions of law and fact common to Members of the Classes, and would be dispositive of the interests of the other Members not parties to the individual adjudications or would substantially impair or impede their

1 ability to protect their interests. This proposed class action presents fewer management
2 difficulties than individual litigation, and provides the benefits of single adjudication,
3 economies of scale, and comprehensive supervision by a single court. Class treatment
4 will create economies of time, effort, and expense and promote uniform decision-
5 making.

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

10 579. Class certification is also appropriate under Fed. R. Civ. P. 23(b)(2)
11 because Defendants have acted or refused to act on grounds generally applicable to the
12 Classes, so that final injunctive relief or corresponding declaratory relief, if any, that
13 may be awarded by the Court is appropriate as to the Classes as a whole. Plaintiffs
14 reserve the right to revise the foregoing class allegations and definitions based on facts
15 learned and legal developments following additional investigation, discovery, or
16 otherwise.

17 580. Collectively, the Multistate Intrusion Upon Seclusion Class, the Multistate
18 Unjust Enrichment Class and the State Classes are referred to herein as “the Classes”
19 and their collective membership as the “Members of the Classes.”

20 **VIII. CLAIMS FOR RELIEF**

21 **CLAIM 1 — MULTISTATE INTRUSION UPON SECLUSION** 22 **(Against All Defendants by Multistate Intrusion Upon Seclusion** 23 **Plaintiffs)**

24 581. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the
25 Multistate Intrusion Upon Seclusion Class re-allege the foregoing allegations as if fully
26 set forth herein.

27 582. Under the laws of the States of Arizona, California, Connecticut, Georgia,
28 Illinois, Louisiana, Maryland, Minnesota, Missouri, New Jersey, North Carolina, Ohio,
Pennsylvania, Tennessee, Texas, and Washington, the Multistate Intrusion Upon

1 Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class
2 assert a claim for intrusion upon seclusion.

3 583. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the
4 Multistate Intrusion Upon Seclusion Class possess a legally protected interest in their
5 Private Information and Kids Mode Private Information, including their personal
6 information as defined by COPPA, which includes first and last name, age, email
7 address, phone number, persistent identifiers for the device(s) used to access TikTok,
8 social media account information, and profile image(s), as well as photographs, videos,
9 and audio files containing the user's image and voice and the metadata associated with
10 such media (such as when, where, and by whom the content was created), usage
11 information, device information, location data, image and audio information, metadata,
12 and data from cookies and similar technologies that track users across different websites
13 and platforms.

14 584. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the
15 Multistate Intrusion Upon Seclusion Class, maintained a reasonable expectation that
16 when using TikTok, Defendants would not collect and/or use their Private Information
17 and Kids Mode Private Information.

18 585. The Multistate Intrusion Upon Seclusion Plaintiffs' and Members of the
19 Multistate Intrusion Upon Seclusion Class's reasonable expectation of privacy was
20 supported by COPPA's prohibition on TikTok collecting and/or using personal
21 information from children under 13 years of age unless TikTok directly notified their
22 parents and obtained verifiable parental consent.

23 586. Defendants intentionally intruded upon the seclusion of the Multistate
24 Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon
25 Seclusion Class by improperly collecting and using their personal information without
26 obtaining consent.

27 587. Defendants intentionally intruded upon the Multistate Intrusion Upon
28 Seclusion Plaintiffs' and Members of the Multistate Intrusion Upon Seclusion Class's

1 seclusion by improperly collecting and using their personal information, without
2 providing direct notice to their parents or obtaining verifiable parental consent, as
3 required by COPPA.

4 588. Defendants' intrusion upon the seclusion of the Multistate Intrusion Upon
5 Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class was
6 substantial, and would be highly offensive to a reasonable person, constituting an
7 egregious breach of social norms, as is evidenced by consumer surveys, and academic
8 studies detailing the harms of tracking children online, centuries of common law, state
9 and federal statutes and regulations including COPPA and FTC regulations, legislative
10 commentaries, enforcement actions undertaken by the FTC, industry standards and
11 guidelines, scholarly literature on consumers' reasonable expectations, the fines
12 imposed on TikTok by the FTC, as well as the reforms required by the 2019 Permanent
13 Injunction entered into by TikTok, which it has now been accused of violating.

14 589. Defendants' intrusion upon the seclusion of the Multistate Intrusion Upon
15 Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class was
16 also substantial and highly offensive to a reasonable person, constituting an egregious
17 breach of social norms because TikTok uses the collected personal information for an
18 improper purpose, including by targeting the Multistate Intrusion Upon Seclusion
19 Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class with
20 behavioral advertising.

21 590. None of the Multistate Intrusion Upon Seclusion Plaintiffs, Members of the
22 Multistate Intrusion Upon Seclusion Class, nor their parents and/or guardians consented
23 to Defendants' collection and use of their personal information.

24 591. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the
25 Multistate Intrusion Upon Seclusion Class suffered actual and concrete injury as a result
26 of Defendants' intrusion upon their seclusion.

27 592. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the
28 Multistate Intrusion Upon Seclusion Class seek appropriate relief for that injury,

1 including but not limited to damages that will reasonably compensate them for the harm
2 to their privacy interests, risk of future invasions of privacy, restitution, disgorgement of
3 profits made by Defendants as a result of their invasion of the Multistate Intrusion Upon
4 Seclusion Plaintiffs' and Members of the Multistate Intrusion Upon Seclusion Class's
5 privacy, punitive damages, and any other relief that the Court may deem just and proper.

6 **CLAIM 2 — MULTISTATE UNJUST ENRICHMENT CLAIM**
7 **(Against All Defendants by Multistate Unjust Enrichment Plaintiffs)**

8 593. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate
9 Unjust Enrichment Class incorporate and reallege all allegations set forth above.

10 594. Under the laws of the States of Arizona, California, Connecticut, Florida,
11 Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri,
12 New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and
13 Washington, the Multistate Unjust Enrichment Plaintiffs and Members of the Multistate
14 Unjust Enrichment Class assert a claim for unjust enrichment.

15 595. By virtue of the unlawful and unfair conduct alleged herein, Defendants
16 have realized millions of dollars in revenue from their collection and use of the Private
17 Information of the Multistate Unjust Enrichment Plaintiffs and Members of the
18 Multistate Unjust Enrichment Class through behavioral advertising and
19 commercialization of Plaintiffs' personal information.

20 596. Defendants' ill-gotten gains were monetary benefits conferred upon
21 Defendants by the Multistate Unjust Enrichment Plaintiffs and Members of the
22 Multistate Unjust Enrichment Class. It would be inequitable and unjust to permit any of
23 the Defendants to retain the economic benefits they have obtained through advertising
24 and commercialization derived from the Private Information of the Multistate Unjust
25 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class.

26 597. Defendants will be unjustly enriched if they are permitted to retain the
27 economic benefits conferred upon them by the Multistate Unjust Enrichment Plaintiffs
28 and Members of the Multistate Unjust Enrichment Class through their unlawful, unfair,

1 unauthorized, and impermissible use of the Private Information of the Multistate Unjust
2 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class, and
3 allowing Defendants to retain the profits from their unlawful, unauthorized, and
4 impermissible use of the Private Information of the Multistate Unjust Enrichment
5 Plaintiffs and Members of the Multistate Unjust Enrichment Class would be unjust and
6 contrary to public policy.

7 598. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate
8 Unjust Enrichment Class are therefore entitled to recover the amounts realized by the
9 Defendants at the expense of the Multistate Unjust Enrichment Plaintiffs and Members
10 of the Multistate Unjust Enrichment Class.

11 599. Defendants knew and appreciated that they were receiving monetary
12 benefits due to the Multistate Unjust Enrichment Plaintiffs and Members of the
13 Multistate Unjust Enrichment Class having TikTok accounts. Defendants' business
14 model is to monetize TikTok accounts by serving them with targeted behavioral
15 advertising.

16 600. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate
17 Unjust Enrichment Class have no adequate remedy at law. They do not seek to recover
18 in this claim for their own economic harm and have no adequate remedy at law that
19 would divest Defendants of their ill-gotten and unjust profits. Furthermore, unjust
20 enrichment is more prompt, efficient, and certain than the monetary damages that
21 Plaintiffs seek.

22 601. To the extent that money damages, if available, would constitute an
23 adequate remedy at law barring recovery under this claim, the Multistate Unjust
24 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class assert
25 their claim for non-restitutionary disgorgement as an alternative remedy.

26 602. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate
27 Unjust Enrichment Class are entitled to non-restitutionary disgorgement of Defendants'
28 ill-gotten gains, and/or the imposition of a constructive trust to recover the amount of

Defendants' ill-gotten gains.

A. CALIFORNIA CLAIMS

**CLAIM 3 — CALIFORNIA CONSTITUTIONAL RIGHT TO PRIVACY,
CAL. CONST. ART. 1, § 1.**

**(Against All Defendants by Plaintiffs A.J., B.M., S.T., and J.C., by and
through their parents and guardians ad litem, and the California Class)**

603. Plaintiff A.J., a minor, by and through their guardian ad litem, Alexis Douglas, Plaintiff B.M., a minor, by and through their guardian ad litem, Marcelo Muto, S.T., by and through their parent Samuel Tsou, and Plaintiff J.C., a minor, by and through their parent and guardian ad litem, Jody Villanueva and ("California Plaintiffs"), and Members of the California Class re-allege the foregoing allegations as if fully set forth herein.

604. The California constitution's right to privacy confers a privacy right of action to California Plaintiffs and California Class Members against private entities, such as Defendants.

605. Article, 1, section 1 of the California Constitution states: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property and pursuing and obtaining safety, happiness, *and privacy*."

606. The California Plaintiffs and Members of the California Class possess a legally protected interest in their personal information as defined by COPPA, which includes, but is not limited to, 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.

1 607. The California Plaintiffs and Members of the California Class maintained a
2 reasonable expectation of privacy that when using TikTok the Defendants would not
3 collect and/or use their personal information.

4 608. The California Plaintiffs and Members of the California Class's reasonable
5 expectation of privacy was supported by COPPA's prohibition on TikTok collecting
6 and/or using personal information from children under 13 years of age unless TikTok
7 directly notified their parents and obtained verifiable parental consent.

8 609. Defendants intentionally invaded the California Plaintiffs' and California
9 Class Members' privacy by improperly collecting and using the California Plaintiffs'
10 and California Class Members' personal information, without obtaining consent from
11 the California Plaintiffs and California Class Members.

12 610. Defendants intentionally invaded the California Plaintiffs' and California
13 Class Members' privacy by improperly collecting and using the California Plaintiffs'
14 and California Class Members' personal information, without providing direct notice to
15 their parents or obtaining verifiable parental consent, as required by COPPA.

16 611. Defendants' invasion of the privacy of the California Plaintiffs and
17 California Class Members was substantial, and would be highly offensive to a
18 reasonable person, constituting an egregious breach of social norms, as is evidenced by
19 consumer surveys, and academic studies detailing the harms of tracking children online,
20 centuries of common law, state and federal statutes and regulations including COPPA
21 and FTC regulations, legislative commentaries, enforcement actions undertaken by the
22 FTC, industry standards and guidelines, scholarly literature on consumers' reasonable
23 expectations, the fines imposed on TikTok by the FTC, as well as the reforms required
24 by the 2019 Permanent Injunction entered into by TikTok, which it has now been
25 accused of violating.

26 612. Defendants' invasion of the privacy of the California Plaintiffs and
27 California Class Members was also substantial and highly offensive to a reasonable
28 person, constituting an egregious breach of social norms because TikTok uses the

1 collected personal information for an improper purpose, including by targeting
2 California Plaintiffs and California Class Members with behavioral advertising.

3 613. None of the California Plaintiffs, Members of the California Class, nor
4 their parents and/or guardians consented to Defendants' collection and use of their
5 personal information.

6 614. The California Plaintiffs and Members of the California Class suffered
7 actual and concrete injury as a result of Defendants' invasion of their privacy.

8 615. The California Plaintiffs and Members of the California Class seek
9 appropriate relief for that injury, including but not limited to damages that will
10 reasonably compensate them for the harm to their privacy interests, risk of future
11 invasions of privacy, restitution, disgorgement of profits made by Defendants as a result
12 of their invasion of the California Plaintiffs and California Class Members' privacy,
13 punitive damages, and any other relief that the Court may deem just and proper.

14 **CLAIM 4 — CALIFORNIA NEGLIGENCE**
15 **(Against All Defendants by Plaintiffs A.J., B.M., S.T., and J.C., by and**
16 **through their parents and guardians ad litem, and the California Class)**

17 616. The California Plaintiffs and California Class Members incorporate the
18 foregoing allegations as if fully set forth herein.

19 617. At all relevant times, Defendants developed, set up, managed, maintained,
20 operated, supervised, controlled, and benefited from California Plaintiffs' and California
21 Class Members' use of TikTok.

22 618. Defendants owed California Plaintiffs and California Class Members a
23 duty to exercise reasonable care in TikTok's development, setup, management,
24 maintenance, operation, supervision, and control to protect its under-13 users' personal
25 information.

26 619. Defendants also owed California Plaintiffs and California Class Members a
27 duty under COPPA not to collect, use, or disclose under-13 users' personal information
28 without notifying parents and obtaining verifiable parental consent.

620. California Plaintiffs and California Class Members are within the class of

1 persons that COPPA was intended to protect.

2 621. Defendants also owed a special relationship duty to California Plaintiffs
3 and California Class Members to protect them against harm caused by TikTok.
4 California Plaintiffs and California Class Members, as children, are comparatively
5 vulnerable and depend on Defendants for a safe and age-appropriate environment on
6 TikTok, and Defendants have the superior ability and control over TikTok to provide
7 both safety and an age-appropriate environment on its app. The special relationship
8 California Plaintiffs and California Class Members have with Defendants substantially
9 benefits Defendants through profits and growth in users and user activity.

10 622. Defendants created TikTok and directed its activity through advertisements
11 to minor users, including users under 13 years old. This created a special duty to
12 exercise reasonable care to protect the minors from foreseeable harm while the minors
13 were on TikTok.

14 623. Defendants have voluntarily undertaken a responsibility to keep children
15 safe on TikTok.

16 624. Defendants are responsible not only for the result of their willful acts, but
17 also for injuries occasioned to California Plaintiffs and California Members by
18 Defendants' want of ordinary care and/or skill in the management of their property.

19 625. Defendants operate a website or online service directed at children under
20 the age of 13, as defined by COPPA.

21 626. Defendants had actual knowledge that children under 13, such as California
22 Plaintiffs and California Class Members, were using and would use the Full Access
23 Platform.

24 627. Defendants invited, solicited, and encouraged the fact, extent, and manner
25 of California Plaintiffs' and California Class Members' use of TikTok.

26 628. Defendants had actual knowledge that the use of TikTok (as developed, set
27 up, managed, maintained, supervised, and operated by Defendants) would result in
28 Defendants collecting and using California Plaintiffs' and California Class Members'

1 personal information.

2 629. At all relevant times, Defendants had actual knowledge that TikTok (as
3 developed, setup, managed, maintained, supervised, and operated by that Defendant)
4 posed unreasonable risks of harm to youth such as California Plaintiffs and California
5 Class Members through the collection, use, and/or disclosure of their personal
6 information. Those risks were known and knowable, including in light of the multiple
7 previous violations of minor children's privacy on TikTok in the last decade.

8 630. Defendants had actual knowledge that their under-13 users would attempt
9 to create regular accounts instead of only trying to create Kids Mode accounts.

10 631. Defendants had actual knowledge that when under-13 users created regular
11 accounts instead of Kids Mode accounts, their personal information would be treated
12 without the adequate protections warranted for personal information of under-13 users
13 online.

14 632. Defendants had actual knowledge that its "age gate" features were not
15 reasonably adequate to protect the privacy of children's information on TikTok.

16 633. Due to Defendants' control over how youth set up accounts on TikTok,
17 Defendants injured California Plaintiffs and California Class Members by violating their
18 privacy.

19 634. Defendants could have avoided California Plaintiffs' and California Class
20 Members' injuries with minimal cost, including, for example, by providing direct
21 parental notice and requiring verifiable parental consent for its users.

22 635. Imposing a duty on Defendants would benefit the community at large.

23 636. Imposing a duty on Defendants would not be burdensome to them because
24 they have the technological and financial means to avoid the risks of harm to California
25 Plaintiffs and California Class Members.

26 637. Defendants owed a heightened duty of care to under 13 users of TikTok
27 because children have a diminished capacity to understand how companies collect and
28 use their personal information and for what purpose. Additionally, Defendants owed a

1 heightened duty of care to under 13 users of TikTok because it interacts directly with
2 children out of the immediate oversight of their parents. Defendants were at all times the
3 more sophisticated party and better positioned to understand children's privacy rights
4 and their obligations to protect those rights adequately.

5 638. Defendants breached their duty of care that they owed California Plaintiffs
6 and California Class Members through their affirmative malfeasance, actions, business
7 decisions, and policies in TikTok's development, setup, management, maintenance,
8 operation, supervision, and control. These breaches are based on Defendants' own
9 actions in managing their own property—TikTok—that they made available to the
10 public, independent of any actions taken by a third party. Those breaches include, but
11 are not limited to:

- 12 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
13 protocols that do not adequately verify the age or identity of users or by
14 adopting ineffective age and identity verification protocols,
- 15 b. Knowingly collecting personal information from youth under the age of 13 in
16 knowing or reckless disregard of the fact that direct notice had not been
17 provided to parents and verifiable consent had not been obtained from parents,
- 18 c. Willfully ignoring that significant numbers of under-13 users were
19 maintaining regular TikTok accounts in violation of TikTok's policies and the
20 2019 Consent Decree, and
- 21 d. Instructing employees not to take action to disable regular TikTok accounts
22 for users whom employees reasonably believed were under 13 years old.

23 639. Defendants have breached their duty of care that they owed to California
24 Plaintiffs and California Class Members through their non-feasance, failure to act, and
25 omissions in the development, setup, management, maintenance, operation, supervision,
26 and control of TikTok. These breaches are based on the Defendants' actions in
27 managing their property—TikTok—that they made available to the public, independent
28 of any actions taken by a third party. Those breaches include:

- 1 a. Failing to implement effective protocols to block users under the age of 13,
- 2 b. Failing to implement effective protocols to prevent the collecting, sharing, and
- 3 selling of the personal information of users under the age of 13 without prior
- 4 affirmative authorization, and
- 5 c. Failing to implement effective parental controls.

6 640. These breaches also violate COPPA since Defendants collect, use, and
7 disclose under-13 users' personal information without notifying parents and obtaining
8 verifiable parental consent.

9 641. Defendants' violation of COPPA constitutes negligence per se.

10 642. A reasonable company under the same or similar circumstances as
11 Defendants would have developed, set up, managed, maintained, supervised, and
12 operated its platforms in a manner that is safer for and more protective of youth users
13 like California Plaintiffs.

14 643. At all relevant times, California Plaintiffs and California Class Members
15 used TikTok in the manner it was intended to be used.

16 644. As a direct and proximate result of Defendants' breach of one or more of
17 its duties, California Plaintiffs and California Class Members were harmed by
18 Defendants' violation of California Plaintiffs' and California Class Members' privacy
19 and the loss of control over when, how, and for what purpose their personal information
20 is collected, used, and disclosed.

21 645. The harm to the California Plaintiffs and California Class Members is the
22 type of harm that COPPA was intended to prevent.

23 646. The California Plaintiffs and California Class Members do not allege any
24 harm or injury constituting a personal injury or emotional distress and do not seek
25 damages based on those types of injuries.

26 647. Defendants' breach of one or more of their duties was a substantial factor
27 in causing harms and injuries to California Plaintiffs and California Class Members.

28 648. But for Defendants' violation of the applicable laws and regulations related

1 to COPPA, California Plaintiffs’ and California Class Members’ personal information
2 would not have been used, collected, or disclosed to third parties.

3 649. As a direct and proximate result of Defendants’ negligence per se,
4 California Plaintiffs and California Class Members have been injured and are entitled to
5 damages in an amount to be proven at trial.

6 650. California Plaintiffs demand judgment against Defendants for injunctive
7 relief and for compensatory, treble, and punitive damages, together with interest, costs
8 of suit, attorneys’ fees, and all such other relief as the Court deems proper.

9 **CLAIM 5 — CALIFORNIA UNFAIR COMPETITION LAW (UCL), CAL. BUS.**
10 **& PROF. CODE § 17200 *ET SEQ.***

11 **(Against All Defendants by Plaintiffs A.J., B.M., S.T., and J.C., by and**
12 **through their parents and guardians ad litem, and the California Class)**

13 651. The California Plaintiffs and Members of the California Class incorporate
14 the foregoing allegations as if fully set forth herein.

15 652. The California Plaintiffs and Members of the California Class are or were
16 residents of California.

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

21 654. Defendants each engaged in consumer-oriented acts through the offering,
22 promotion, and/or distribution of the TikTok, which significantly impacted the public
23 because TikTok is used nationwide, including in California, and there are millions of
24 users, including the California Plaintiffs and Members of the California Class.

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

656. California courts have noted that “the differences [between the UCL and

1 FTC Act] are not of a degree to impair comparison” and that unfair acts respectively
2 proscribed in the two statutes “appear practically synonymous.” *People ex rel. Mosk v.*
3 *Nat’l Rsch. Co. of Cal.*, 201 Cal. App. 2d 765, 773, 20 Cal. Rptr. 516, 521 (Ct. App.
4 1962). As a result, California courts deem “decisions of the federal court [construing the
5 FTC Act] on the subject are more than ordinarily persuasive.” *Id.*

6 657. Defendants violated Cal. Bus. & Prof. Code § 17200 *et seq.* by engaging in
7 the “unlawful” and “unfair” business acts and practices proscribed by Cal. Bus. & Prof.
8 Code § 17200 *et seq.* outlined herein.

9 658. Defendants engaged in “unlawful” business acts and/or practices by
10 violating COPPA and the COPPA Rule. Defendants engaged in “unfair” business acts
11 and/or practices. Defendants at all relevant times knowingly violated legal duties and
12 public policy by unfairly and unlawfully collecting the personal information of the
13 California Plaintiffs and Members of the California Class without notifying their parents
14 and obtaining verifiable parental consent and by tracking, profiling, and targeting those
15 children with behavioral advertising for Defendants’ commercial financial gain despite
16 Defendants’ actual knowledge about these users being under 13. These practices are
17 unethical, unscrupulous, and substantially injurious to children, and thus constitutes an
18 unfair practice under the UCL. The harm these practices caused to the California
19 Plaintiffs and California Class Members outweigh their utility, if any.

20 659. As outlined herein, TikTok represented that TikTok Kids Mode was
21 designed for children under 13 years old by representing to children who identified
22 themselves as being under 13 years of age that the child is “about to access a TikTok
23 experience designed just for you.” In Kids Mode, a user can view videos, but cannot
24 upload videos, post information publicly, or message other users.

25 660. TikTok Kids Mode is not designed to be legally appropriate for children
26 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights
27 of children under 13 years of age, including by collecting and using their personal
28 information without providing direct notice to their parents or obtaining parental

1 consent.

2 661. As outlined herein, Defendants at all times had actual knowledge of their
3 own non-compliance with COPPA and other applicable privacy-related laws. Further,
4 Defendants at all times had actual knowledge that they were collecting Private
5 Information from users under the age of 13 including the California Plaintiffs and
6 California Class Members for purposes of tracking, profiling, and targeting of those
7 children for lucrative behavioral advertising.

8 662. As outlined herein, Defendants intentionally designed TikTok to, among
9 other things, attract children under 13 by making child-directed content available to
10 them so that TikTok could collect the personal information of those children for
11 substantial commercial gain.

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

22 664. Defendants are considered by the FTC to be “operators” as defined under
23 COPPA and FTC regulations.

24 665. In particular, Defendants systematically collected and used personal
25 information from children that they knew were under 13 in violation of COPPA, and
26 therefore the FTC Act, to serve them targeted, behavioral advertising by inter alia:

- 27 a. Failing to provide sufficient notice of the information Defendants collected, or
28 the information that was collected on Defendants’ behalf, online from children

1 under 13 years old, how Defendants used such information, their disclosure
2 practices, and all other required content, in violation of Section 312.4(d) of
3 COPPA, 16 C.F.R. § 312.4(d);

- 4 b. Failing to provide direct notice to parents of the information Defendants
5 collected, or the information that was collected on Defendants' behalf, online
6 from children under 13 years old, how Defendants used such information,
7 their disclosure practices, and all other required content, in violation of
8 Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- 9 c. Failing to obtain verifiable parental consent before any collection or use of
10 personal information from children under 13 years old, in violation of Section
11 312.5 of COPPA, 16 C.F.R. § 312.5; and
- 12 d. Failing to establish and maintain reasonable procedures to protect the
13 confidentiality, security, and integrity of personal information collected from
14 children under 13 years old, in violation of Section 312.8 of COPPA, 16
15 C.F.R. § 312.8.

16 666. Violations of COPPA and the accompanying FTC regulations "shall be
17 treated as a violation of a rule defining an unfair ... act or practice prescribed under 15
18 U.S.C. § 57a(a)(1)(B)." 15 U.S.C. § 6502(c). These rules define unfair acts or practices
19 in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1), which is the
20 model for the various consumer protection statutes in the several states, including the
21 Cal. Bus. & Prof. Code § 17200 *et seq.*⁹⁸

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

25 668. Defendants' conduct is unfair, immoral, unethical, oppressive,
26 unscrupulous and substantially injurious to consumers, and there are no greater

27 ⁹⁸ 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 countervailing benefits to consumers or competition. Further, the California Plaintiffs
2 and Members of the California Class could not have reasonably avoided injury because
3 Defendants each took advantage of the lack of knowledge, ability, experience, and/or
4 capacity of consumers—in this case children under 13 years old—to their detriment.

5 669. Defendants willfully engaged in the unfair and unlawful acts described
6 herein and knew or recklessly disregarded the fact that they violated Cal. Bus. & Prof.
7 Code § 17200 *et seq.*

8 670. The California Plaintiffs and Members of the California Class were harmed
9 by Defendants’ practices described herein, which were a substantial factor and caused
10 injury in fact and actual damages to the California Plaintiffs and Members of the
11 California Class.

12 671. California Plaintiffs have standing to bring these claims under the UCL. As
13 a direct and proximate result of Defendants’ unfair and unlawful acts and practices in
14 violation of Cal. Bus. & Prof. Code § 17200 *et seq.*, the California Plaintiffs and
15 Members of the California Class have suffered and will continue to suffer an
16 ascertainable loss of money or property, real or personal, and monetary and non-
17 monetary damages, as described herein, including, *inter alia*, “benefit-of-the-bargain”
18 damages, the loss of the value and/or diminishment in value of their personal
19 information, and the loss of the ability to control the use of their personal information.

20 672. As a direct and proximate result of TikTok’s unlawful and unfair business
21 acts and practices, California Plaintiffs and Members of the California Class suffered
22 “benefit-of-the-bargain” injuries and damages. The California Plaintiffs and Members
23 of the California Class did not receive the full benefit of the bargain, and instead
24 received services from TikTok that were less valuable than the services they would have
25 received if TikTok had abided by COPPA.

26 673. The California Plaintiffs and Members of the California Class, therefore,
27 were damaged in an amount at least equal to the difference in value of the TikTok
28 service that the California Plaintiffs and Members of the California Class received (for

1 example. where TikTok collected and used children's personal information without
2 notifying their parents or gaining their parents' consent) and the value of the TikTok
3 service that California Plaintiffs' and California Class Members would have received if
4 TikTok had abided by COPPA (and, for example, not collected and used children's
5 personal information without notifying their parents or gaining their parents' consent).

6 674. As a direct and proximate result of TikTok's unlawful and unfair business
7 acts and practices, California Plaintiffs and California Class Members also suffered
8 "right to exclude" injuries and damages.

9 675. The California Plaintiffs and Members of the California Class have a
10 property interest in the personal information collected by TikTok. California Plaintiffs
11 Class Members suffered an economic injury because they were deprived of their right to
12 exclude TikTok from their personal information.

13 676. The California Plaintiffs and Members of the California Class's damages
14 may also be measured by the amount of monetary compensation that TikTok would
15 have to provide to parents to gain their consent to collect and use their children's
16 personal information.

17 677. The California Plaintiffs and Members of the California Class also suffered
18 damages because the Defendants' unfair and unlawful acts and practices diminished the
19 value of their personal information.

20 678. As outlined herein, there is tangible value in the California Plaintiffs' and
21 Members of the California Class's personal information. The California Plaintiffs and
22 Members of the California class have lost the opportunity to receive value in exchange
23 for their personal information.

24 679. Defendants' monetization of the California Plaintiffs' and Members of the
25 California Class's personal information demonstrates that there is a market for their
26 personal information.

27 680. The California Plaintiffs' and Members of the California Class's personal
28 information is now in the possession of Defendants, who have used and will use it for

1 their financial gain.

2 681. Pursuant to Cal. Bus. & Prof. Code § 17203, California Plaintiffs seek
3 equitable relief to enjoin TikTok from continuing its unlawful and unfair practices and
4 any other equitable relief necessary to secure the interests of the Class Members.

5 682. Pursuant to Cal. Bus. & Prof. Code § 17203, California Plaintiffs request
6 that the Court restore to Plaintiffs and the Class, in the form of restitution, all money
7 TikTok may have acquired as result of its unlawful and unfair business practices.

8 683. Defendants' retention of the California Plaintiffs' and Members of the
9 California Class's personal information presents a continuing risk to them as well as the
10 general public. The California Plaintiffs and Members of the California Class seek relief
11 for the injuries they have suffered as a result of Defendants' unfair and unlawful acts
12 and practices, as provided by Cal. Bus. & Prof. Code § 17200 *et seq.* and applicable
13 law, including restitution and attorneys' fees, as well as an injunction requiring
14 Defendants to permanently delete, destroy or otherwise sequester the personal
15 information collected without parental consent, requiring Defendants to provide a
16 complete audit and accounting of the uses of the personal information by them and any
17 other third parties, and other appropriate injunctive and/or declaratory relief.

18 684. California Plaintiffs lack an adequate remedy at law. It is unclear whether
19 an award of damages can or will adequately remedy the California Plaintiffs' monetary
20 losses. The restitution that California Plaintiffs seek under the UCL is not the same
21 remedy as disgorgement for unjust enrichment. Furthermore, restitution under the UCL
22 is more prompt, efficient, and certain than the monetary damages that Plaintiffs seek.

23 685. California Plaintiffs also lack an adequate remedy at law because TikTok's
24 refusal to abide by the 2019 Permanent Injunction is a future harm. Namely, TikTok
25 continues to profit from its unlawful business practices at the expense of the privacy of
26 children, and TikTok has failed to implement adequate age gates, to identify and remove
27 underage users of non-Kids Mode accounts, to delete data, even upon parental request,
28 has taken steps to make deletion requests onerous, and has continued to collect data

1 from purportedly deleted accounts.

2 **B. CONNECTICUT CLAIMS**

3 **CLAIM 6 — CONNECTICUT NEGLIGENCE**
4 **(Against All Defendants by Plaintiff L.F. by and through their parent**
5 **and guardian ad litem, Heather Bresette, and the Connecticut Class)**

6 686. Plaintiff L.F. by and through their parent and guardian ad litem, Heather
7 Bresette (the “Connecticut Plaintiffs”) and Connecticut Class Members incorporate the
8 foregoing allegations as if fully set forth herein.

9 687. At all relevant times, Defendants developed, set up, managed, maintained,
10 operated, supervised, controlled, and benefited from Connecticut Plaintiffs’ and
11 Connecticut Class Members’ use of TikTok.

12 688. Defendants owed Connecticut Plaintiffs and Connecticut Class Members a
13 duty to exercise reasonable care in TikTok’s development, setup, management,
14 maintenance, operation, supervision, and control to protect its under-13 users’ personal
15 information.

16 689. Defendants also owed Connecticut Plaintiffs and Connecticut Class
17 Members a duty under COPPA not to collect, use, or disclose under-13 users’ personal
18 information without notifying parents and obtaining verifiable parental consent.

19 690. Connecticut Plaintiffs and Connecticut Class Members are within the class
20 of persons that COPPA was intended to protect.

21 691. Defendants also owed a special relationship duty to Connecticut Plaintiffs
22 and Connecticut Class Members to protect them against harm caused by TikTok.
23 Connecticut Plaintiffs and Connecticut Class Members, as children, are comparatively
24 vulnerable and depend on Defendants for a safe environment on TikTok, and
25 Defendants have the superior ability and control over TikTok to provide that safety on
26 its app. The special relationship Connecticut Plaintiffs and Connecticut Class Members
27 have with Defendants substantially benefits Defendants through profits and growth in
28 users and user activity. Defendants could not successfully operate without the increase
in users and user activity generated by children.

1 692. Defendants created TikTok and directed its activity through advertisements
2 to minor users, including users under 13 years old. This created a special duty to
3 exercise reasonable care to protect the minors from foreseeable harm while the minors
4 were on TikTok.

5 693. Defendants have voluntarily undertaken a responsibility to keep children
6 safe on TikTok.

7 694. Defendants are responsible not only for the result of their willful acts, but
8 also for injuries occasioned to Connecticut Plaintiffs and Connecticut Members by
9 Defendants' want of ordinary care and/or skill in the management of their property..

10 695. Connecticut Plaintiffs and Connecticut Class Members were foreseeable
11 users of TikTok.

12 696. Defendants operate a website or online service directed at children under
13 the age of 13, as defined by COPPA.

14 697. Defendants had actual knowledge that children under the age 13, such as
15 Connecticut Plaintiffs and Connecticut Class Members, were using and would use Full
16 Access Platform.

17 698. Defendants invited, solicited, and encouraged the fact, extent, and manner
18 of Connecticut Plaintiffs' and Connecticut Class Members' use of TikTok.

19 699. Defendants had actual knowledge that the use of TikTok (as developed, set
20 up, managed, maintained, supervised, and operated by Defendants) would result in
21 Defendants collecting and using Connecticut Plaintiffs' and Connecticut Class
22 Members' personal information.

23 700. At all relevant times, Defendants had actual knowledge that TikTok (as
24 developed, setup, managed, maintained, supervised, and operated by that Defendant)
25 posed unreasonable risks of harm to youth such as Connecticut Plaintiffs and
26 Connecticut Class Members through the collection, use, and/or disclosure of their
27 personal information. Those risks were known and knowable, including in light of the
28 multiple previous violations of minor children's privacy on TikTok in the last decade.

1 701. Defendants had actual knowledge that their under-13 users would attempt
2 to create regular accounts instead of only trying to create Kids Mode accounts.

3 702. Defendants had actual knowledge when under-13 users created regular
4 accounts instead of Kids Mode accounts, their personal information would be treated
5 without the adequate protections warranted for personal information of under-13 users
6 online.

7 703. Defendants had actual knowledge that its “age gate” features were not
8 reasonably adequate to protect the privacy of children’s information on TikTok.

9 704. Due to Defendants’ control over how youth set up accounts on TikTok,
10 Defendants injured Connecticut Plaintiffs and Connecticut Class Members by violating
11 their privacy.

12 705. Defendants had actual knowledge that it collected personal information as
13 defined by COPPA from users under the age of 13.

14 706. Defendants could have avoided Connecticut Plaintiffs’ and Connecticut
15 Class Members’ injuries with minimal cost, including, for example, by providing direct
16 parental notice and requiring verifiable parental consent for its users.

17 707. Imposing a duty on Defendants would benefit the community at large.

18 708. Imposing a duty on Defendants would not be burdensome to them because
19 they have the technological and financial means to avoid the risks of harm to
20 Connecticut Plaintiffs and Connecticut Class Members.

21 709. Defendants owed a heightened duty of care to youth users of TikTok
22 because children have a diminished capacity to understand how companies collect and
23 use their personal information and for what purpose. Additionally, Defendants owed a
24 heightened duty of care to youth users of TikTok because it interacts directly with
25 children out of the immediate oversight of their parents. Defendants were at all times the
26 more sophisticated party and better positioned to understand children’s privacy rights
27 and their obligations to protect those rights adequately.

28 710. Defendants breached their duty of care that they owed Connecticut

1 Plaintiffs and Connecticut Class Members through their affirmative malfeasance,
2 actions, business decisions, and policies in TikTok's development, setup, management,
3 maintenance, operation, supervision, and control. These breaches are based on
4 Defendants' own actions in managing their own property—TikTok—that they made
5 available to the public, independent of any actions taken by a third party. Those
6 breaches include, but are not limited to:

- 7 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
8 protocols that do not ask for or verify the age or identity of users or by
9 adopting ineffective age and identity verification protocols,
- 10 b. Knowingly collecting personal information from youth under the age of 13 in
11 knowing or reckless disregard of the fact that direct notice had not been
12 provided to parents and verifiable consent had not been obtained from parents,
- 13 c. Willfully ignoring that significant numbers of under-13 users were
14 maintaining regular TikTok accounts in violation of TikTok's policies and the
15 2019 Consent Decree, and
- 16 d. Instructing employees not to take action to disable regular TikTok accounts
17 for users whom employees reasonably believed were under 13 years old.

18 711. Defendants have breached their duty of care that they owed to Connecticut
19 Plaintiffs and Connecticut Class Members through their non-feasance, failure to act, and
20 omissions in the development, setup, management, maintenance, operation, supervision,
21 and control of TikTok. These breaches are based on the Defendants' actions in
22 managing their property—TikTok—that they made available to the public, independent
23 of any actions taken by a third party. Those breaches include:

- 24 a. Failing to implement effective protocols to block users under the age of 13,
- 25 b. Failing to implement effective protocols to prevent the collecting, sharing, and
26 selling of the personal information of users under the age of 13 without prior
27 affirmative authorization, and
- 28 c. Failing to implement effective parental controls.

1 712. These breaches also violate COPPA since Defendants collect, use, and
2 disclose under-13 users' personal information without notifying parents and obtaining
3 verifiable parental consent.

4 713. Defendants' violation of COPPA constitutes negligence per se.

5 714. A reasonable company under the same or similar circumstances as
6 Defendants would have developed, set up, managed, maintained, supervised, and
7 operated its platforms in a manner that is safer for and more protective of youth users
8 like Connecticut Plaintiffs.

9 715. At all relevant times, Connecticut Plaintiffs and Connecticut Class
10 Members used TikTok in the manner it was intended to be used.

11 716. As a direct and proximate result of Defendants' breach of one or more of
12 its duties, Connecticut Plaintiffs and Connecticut Class Members were harmed by
13 Defendants' violation of Connecticut Plaintiffs' and Connecticut Class Members'
14 privacy and the loss of control over when, how, and for what purpose their personal
15 information is collected, used, and disclosed.

16 717. The harm to the Connecticut Plaintiffs and Connecticut Class Members is
17 the type of harm that COPPA was intended to prevent.

18 718. The Connecticut Plaintiffs and Connecticut Class Members do not allege
19 any harm or injury constituting a personal injury or emotional distress and do not seek
20 damages based on those types of injuries.

21 719. Defendants' breach of one or more of their duties was a substantial factor
22 in causing harms and injuries to Connecticut Plaintiffs and Connecticut Class Members.

23 720. But for Defendants' violation of the applicable laws and regulations related
24 to COPPA, Connecticut Plaintiffs' and Connecticut Class Members' personal
25 information would not have been used, collected, or disclosed to third parties.

26 721. As a direct and proximate result of Defendants' negligence per se,
27 Connecticut Plaintiffs and Connecticut Class Members have been injured and are
28 entitled to damages in an amount to be proven at trial.

1 722. Connecticut Plaintiffs demand judgment against Defendants for injunctive
2 relief and for compensatory, treble, and punitive damages, together with interest, costs
3 of suit, attorneys' fees, and all such other relief as the Court deems proper.

4 **CLAIM 7 — CONNECTICUT UNFAIR TRADE PRACTICES ACT, CONN.**
5 **GEN. STAT. § 42-110A *ET SEQ.***
6 **(Against all Defendants by Plaintiff L.F., a minor, by and through their**
7 **guardian ad litem, Heather Bresette and the Connecticut Class)**

8 723. Connecticut Plaintiffs and Connecticut Class Members re-allege the
9 foregoing allegations as if fully set forth herein.

10 724. This claim is asserted against Defendants pursuant to Conn. Gen. Stat. §
11 42-110a, *et seq.*

12 725. The Connecticut Unfair Trade Practices Act (CUTPA), Conn. Gen. Stat. §
13 42-110a *et seq.*, declares that “unfair methods of competition and unfair or deceptive
14 acts or practices in the conduct of any trade or commerce are unlawful.”

15 726. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a
16 loss as a result of a violation of CUTPA may bring an action to obtain a declaratory
17 judgment that an act or practice violates CUTPA and to enjoin such person who has
18 violated, is violating, or is otherwise likely to violate CUTPA.

19 727. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a
20 loss as a result of a violation of CUTPA may bring an action for actual damages,
21 attorneys' fees, and court costs.

22 728. Connecticut Plaintiffs, Connecticut Class Members and Defendants are
23 each a “person” within the meaning of Conn. Gen. Stat. § 42-110a(3).

24 729. Defendants through their conduct as described above, engaged in unfair
25 methods of competition and unfair acts or practices in the conduct of their trade and
26 commerce, as defined in General Statutes § 42-110a(4), within the State of Connecticut.

27 730. Connecticut courts have held that “[i]t is the intent of the legislature that in
28 construing subsection (a) of this section, the commissioner [of consumer protection] and
the courts of this state shall be guided by interpretations given by the Federal Trade

Commission and the federal courts to Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).” *Heslin v. Connecticut L. Clinic of Trantolo & Trantolo*, 190 Conn. 510, 518, 461 A.2d 938, 942 (1983) as from time to time amended.”

731. Defendants engaged in “unfair” business acts and/or practices. Defendants at all relevant times knowingly violated legal duties and public policy by unfairly and unlawfully collecting the personal information of L.F. and the Connecticut Class Members without notifying their parents and obtaining verifiable parental consent and by tracking, profiling, and targeting those children with behavioral advertising for Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and substantially injurious to children, and thus constitutes an unfair practice. The harm these practices caused to L.F. and Connecticut Class Members outweigh their utility, if any.

732. As outlined herein, TikTok represented that TikTok Kids Mode was designed for children under 13 years old by representing to children who identified themselves as being under 13 years old that the child is “about to access a TikTok experience designed just for you.” In Kids Mode, a user can view videos, but cannot upload videos, post information publicly, or message other users.

733. TikTok Kids Mode is not designed to be legally appropriate for children under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of children under 13 years old, including by collecting and using their personal information without providing direct notice to their parents or obtaining parental consent.

734. As outlined herein, Defendants at all times had actual knowledge of their non-compliance with COPPA and other applicable privacy-related laws. Further, Defendants at all times had actual knowledge that they were collecting Private Information from users under the age of 13 including L.F. and Connecticut Class Members for purposes of tracking, profiling, and targeting of those children for lucrative behavioral advertising.

1 735. As outlined herein, Defendants intentionally designed TikTok to, among
2 other things, attract children under 13 by making child-directed content available to
3 them so that TikTok could collect the personal information of those children for
4 substantial commercial gain.

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

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

17 738. In particular, Defendants systematically collected and/or used personal
18 information from children under 13 in violation of COPPA, and therefore the FTC Act,
19 to serve them targeted, behavioral advertising by *inter alia*:

- 20 a. Failing to provide sufficient notice of the information Defendants collected, or
21 the information that was collected on Defendants’ behalf, online from children
22 under 13 years old, how Defendants used such information, their disclosure
23 practices, and all other required content, in violation of Section 312.4(d) of
24 COPPA, 16 C.F.R. § 312.4(d);
- 25 b. Failing to provide direct notice to parents of the information Defendants
26 collected, or the information that was collected on Defendants’ behalf, online
27 from children under 13 years old, how Defendants used such information,
28 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);

- c. Failing to obtain verifiable parental consent before any collection or use of personal information from children under 13 years old, in violation of Section 312.5 of COPPA, 16 C.F.R. § 312.5; and
- d. Failing to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children under 13 years old, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

739. 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 Conn. Gen. Stat. § 42-110a *et seq.*

740. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in violation of Conn. Gen. Stat. § 42-110a *et seq.* which is modeled after, proscribes the same conduct as, and gives deference to the definitions of the FTC Act.

741. Because Defendants knew or should have known that their conduct was unfair under Conn. Gen. Stat. § 42-110b(a), their conduct was willful under Conn. Gen. Statutes § 42-110o.

742. These unfair acts and practices have caused Connecticut Plaintiffs and other similarly situated consumers and/or businesses to suffer losses of money and property.

743. As a direct and proximate result of Defendants’ unfair acts and practices, Connecticut Plaintiffs and other similarly situated consumers and/or businesses have suffered damages and are entitled to relief under CUTPA, including, but not limited to, actual damages, attorneys’ fees, and costs.

744. Accordingly, Connecticut Plaintiffs, individually and on behalf of all others

1 similarly situated, thus seek (a) a declaration that Defendants’ acts and practices as
2 described above violate the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. §
3 42-110a *et seq.*; (b) an award of actual damages; (c) an award of attorneys’ fees and
4 costs pursuant to Conn. Gen. Stat. § 42-110g(d); (d) an order enjoining Defendants from
5 continuing to engage in the unfair acts and practices described above; and any further
6 relief the Court deems just and proper.

7 **C. FLORIDA CLAIMS**

8 **CLAIM 8 — FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**
9 **(FDUTPA), FLA. STAT. ANN. § 501.201 *ET SEQ.***
10 **(Against All Defendants by Plaintiffs D.G. and D.M., by and through**
11 **their parents, and the Florida Class)**

11 745. Plaintiff D.G., a minor, by and through their parent, Kristy Bradley, and
12 Plaintiff D.M., a minor, by and through their parent and guardian ad litem, Darryl
13 Maultsby (the “Florida Plaintiffs”), and Members of the Florida Class incorporate the
14 foregoing allegations as if fully set forth herein.

15 746. D.G. and D.M. and Members of the Florida Class are or were residents of
16 Florida and used TikTok while under the age of 13.

17 747. At all times mentioned herein, Defendants each engaged in “trade” or
18 “commerce” in Florida in that Defendants each engaged in the advertising, offering for
19 sale, sale, and distribution of property or any other articles, commodities, or things of
20 value in Florida.

21 748. Defendants each engaged in consumer-oriented acts through the offer,
22 promotion, and/or distribution of the TikTok app, which significantly impacted the
23 public because TikTok is used nationwide, including in Florida, and there are millions
24 of users, including D.M. and Members of the Florida Class.

25 749. Fla. Stat. Ann. § 501.204(1) provides “[u]nfair methods of competition,
26 unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct
27 of any trade or commerce are hereby declared unlawful.”

28 750. Defendants violated Fla. Stat. Ann. § 501.204 by engaging in the unfair

1 acts or practices proscribed by Fla. Stat. Ann. § 501.204 outlined herein.

2 751. Defendants engaged in “unlawful” business acts and/or practices by
3 violating COPPA and the COPPA Rule.

4 752. Defendants engaged in “unfair” business acts and/or practices. Defendants
5 at all relevant times knowingly violated legal duties and public policy by unfairly and
6 unlawfully collecting the personal information of Florida Plaintiffs and Members of the
7 Florida Class without notifying their parents and obtaining verifiable parental consent
8 and by tracking, profiling, and targeting those children with behavioral advertising for
9 Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and
10 substantially injurious to children, and thus constitutes an unfair practice. The harm
11 these practices caused to D.M. and D.G. and Florida Class Members outweigh their
12 utility, if any.

13 753. As outlined herein, TikTok represented that TikTok Kids Mode was
14 designed for children under 13 years old by representing to children who identified
15 themselves as being under 13 years old that the child is “about to access a TikTok
16 experience designed just for you.” In Kids Mode, a user can view videos, but cannot
17 upload videos, post information publicly, or message other users.

18 754. TikTok Kids Mode is not designed to be legally appropriate for children
19 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights
20 of children under 13 years old, including by collecting and using their personal
21 information without providing direct notice to their parents or obtaining parental
22 consent.

23 755. As outlined herein, Defendants at all times had actual knowledge of their
24 own non-compliance with COPPA and other applicable privacy-related laws. Further,
25 Defendants at all times had actual knowledge that they were collecting Private
26 Information from users under the age of 13 including Florida Plaintiffs and Florida
27 Class Members and for purposes of tracking, profiling, and targeting of those children
28 for lucrative behavioral advertising.

1 756. As outlined herein, Defendants intentionally designed TikTok to, among
2 other things, attract children under 13 by making child-directed content available to
3 them so that TikTok could collect the personal information for substantial commercial
4 gain.

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

15 758. In particular, systematically collected and/or used personal information
16 from children under 13 years old in violation of COPPA, and therefore the FTC Act, by
17 *inter alia*:

- 18 a. Failing to provide sufficient notice of the information Defendants collected, or
19 the information that was collected on Defendants' behalf, online from children
20 under 13 years old, how Defendants used such information, their disclosure
21 practices, and all other required content, in violation of Section 312.4(d) of
22 COPPA, 16 C.F.R. § 312.4(d);
- 23 b. Failing to provide direct notice to parents of the information Defendants
24 collected, or the information that was collected on Defendants' behalf, online
25 from children under 13 years old, how Defendants used such information,
26 their disclosure practices, and all other required content, in violation of
27 Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- 28 c. Failing to obtain verifiable parental consent before any collection or use of

personal information from children under 13 years old, in violation of Section 312.5 of COPPA, 16 C.F.R. § 312.5; and

- d. Failing to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children under 13 years old, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

759. 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.*⁹⁹

760. 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.

761. Defendants’ conduct is unfair, immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers, and there are no greater countervailing benefits to consumers or competition. Further, Florida Plaintiffs and Members of the Florida Class 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 years old—to their detriment.

762. Defendants willfully engaged in the unfair and unlawful acts described herein and knew or recklessly disregarded the fact that they violated Fla. Stat. Ann. § 501.204 *et seq.*

763. Florida Plaintiffs and Members of the Florida Class were harmed by Defendants’ practices described herein, which were a substantial factor and caused

⁹⁹ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in connection with the collection, use, and/or disclosure of personal information from and about children on the internet.”).

1 injury in fact and actual damages to Florida Plaintiffs and Members of the Florida Class.

2 764. As a direct and proximate result of Defendants' unfair and unlawful acts
3 and practices in violation of Fla. Stat. Ann. § 501.204 *et seq.*, Florida Plaintiffs and
4 Members of the Florida Class have suffered and will continue to suffer an ascertainable
5 loss of money or property, real or personal, and monetary and non-monetary damages,
6 as described herein, including, inter alia, the loss of the value and/or diminishment in
7 value of their personal information and the loss of the ability to control the use of their
8 personal information, which allowed Defendants to profit at the expense of Florida
9 Plaintiffs and Members of the Florida Class.

10 765. As outlined herein, there is tangible value in Florida Plaintiffs and
11 Members of the Florida Class's personal information. Florida Plaintiffs and Members of
12 the Florida Class have lost the opportunity to receive value in exchange for their
13 personal information.

14 766. Defendants' monetization of Florida Plaintiffs and Members of the Florida
15 Class's personal information demonstrates that there is a market for their personal
16 information.

17 767. Florida Plaintiffs and Members of the Florida Class's personal information
18 is now in the possession of Defendants, who have used and will use it for their financial
19 gain.

20 768. Defendants' retention of Florida Plaintiffs and Members of the Florida
21 class's personal information presents a continuing risk to them as well as the general
22 public. Florida Plaintiffs and Members of the Florida Class seek relief for the injuries
23 they have suffered as a result of Defendants' unfair and unlawful acts and practices, as
24 provided by Fla. Stat. Ann. § 501.204 *et seq.* and applicable law, including all actual
25 damages and attorneys' fees and costs, treble damages, statutory damages, and
26 restitution, as well as an injunction requiring Defendants to each permanently delete,
27 destroy or otherwise sequester the personal information collected without parental
28 consent, requiring Defendants to provide a complete audit and accounting of the uses of

1 the personal information by them and any other third parties, and other appropriate
2 injunctive and/or declaratory relief.

3 **CLAIM 9 — FLORIDA NEGLIGENCE**
4 **(Against All Defendants by Plaintiffs D.G. and D.M. by and through their**
5 **parents, and the Florida Class)**

6 769. The Florida Plaintiffs and Florida Class Members incorporate the foregoing
7 allegations as if fully set forth herein.

8 770. At all relevant times, Defendants developed, set up, managed, maintained,
9 operated, supervised, controlled, and benefited from Florida Plaintiffs' and Florida
10 Class Members' use of TikTok.

11 771. Defendants owed Florida Plaintiffs and Florida Class Members a duty to
12 exercise reasonable care in TikTok's development, setup, management, maintenance,
13 operation, supervision, and control to protect its under-13 users' personal information.

14 772. Defendants also owed Florida Plaintiffs and Florida Class Members a duty
15 under COPPA not to collect, use, or disclose under-13 users' personal information
16 without notifying parents and obtaining verifiable parental consent.

17 773. Florida Plaintiffs and Florida Class Members are within the class of
18 persons that COPPA was intended to protect.

19 774. Defendants also owed a special relationship duty to Florida Plaintiffs and
20 Florida Class Members to protect them against harm caused by TikTok. Florida
21 Plaintiffs and Florida Class Members, as children, are comparatively vulnerable and
22 depend on Defendants for a safe environment on TikTok, and Defendants have the
23 superior ability and control over TikTok to provide that safety on its app. The special
24 relationship Florida Plaintiffs and Florida Class Members have with Defendants
25 substantially benefits Defendants through profits and growth in users and user activity.
26 Defendants could not successfully operate without the increase in users and user activity
27 generated by children.

28 775. Defendants created TikTok and directed its activity through advertisements
to minor users, including users under 13 years old. This created a special duty to

1 exercise reasonable care to protect the minors from foreseeable harm while the minors
2 were on TikTok.

3 776. Defendants have voluntarily undertaken a responsibility to keep children
4 safe on TikTok.

5 777. Defendants are responsible not only for the result of their willful acts, but
6 also for injuries occasioned to Florida Plaintiffs and Florida Members by Defendants'
7 want of ordinary care and/or skill in the management of their property..

8 778. Florida Plaintiffs and Florida Class Members were foreseeable users of
9 TikTok.

10 779. Defendants operate a website or online service directed at children under
11 the age of 13, as defined by COPPA.

12 780. Defendants had actual knowledge that children under the age of 13, such as
13 Florida Plaintiffs and Florida Class Members, were using and would use Full Access
14 Platform.

15 781. Defendants invited, solicited, and encouraged the fact, extent, and manner
16 of Florida Plaintiffs' and Florida Class Members' use of TikTok.

17 782. Defendants had actual knowledge that the use of TikTok (as developed, set
18 up, managed, maintained, supervised, and operated by Defendants) would result in
19 Defendants collecting and using Florida Plaintiffs' and Florida Class Members'
20 personal information.

21 783. At all relevant times, Defendants had actual knowledge that TikTok (as
22 developed, setup, managed, maintained, supervised, and operated by that Defendant)
23 posed unreasonable risks of harm to youth such as Florida Plaintiffs and Florida Class
24 Members through the collection, use, and/or disclosure of their personal information.
25 Those risks were known and knowable, including in light of the multiple previous
26 violations of minor children's privacy on TikTok in the last decade.

27 784. Defendants had actual knowledge that their under-13 users would attempt
28 to create regular accounts instead of only trying to create Kids Mode accounts.

1 785. Defendants had actual knowledge that when under-13 users created regular
2 accounts instead of Kids Mode accounts, their personal information would be treated
3 without the adequate protections warranted for personal information of under-13 users
4 online.

5 786. Defendants had actual knowledge that its “age gate” features were not
6 reasonably adequate to protect the privacy of children’s information on TikTok.

7 787. Due to Defendants’ control over how youth set up accounts on TikTok,
8 Defendants injured Florida Plaintiffs and Florida Class Members by violating their
9 privacy.

10 788. Defendants could have avoided Florida Plaintiffs’ and Florida Class
11 Members’ injuries with minimal cost, including, for example, by providing direct
12 parental notice and requiring verifiable parental consent for its users.

13 789. Imposing a duty on Defendants would benefit the community at large.

14 790. Imposing a duty on Defendants would not be burdensome to them because
15 they have the technological and financial means to avoid the risks of harm to Florida
16 Plaintiffs and Florida Class Members.

17 791. Defendants owed a heightened duty of care to youth users of TikTok
18 because children have a diminished capacity to understand how companies collect and
19 use their personal information and for what purpose. Additionally, Defendants owed a
20 heightened duty of care to youth users of TikTok because it interacts directly with
21 children out of the immediate oversight of their parents. Defendants were at all times the
22 more sophisticated party and better positioned to understand children’s privacy rights
23 and their obligations to protect those rights adequately.

24 792. Defendants breached their duty of care that they owed Florida Plaintiffs
25 and Florida Class Members through their affirmative malfeasance, actions, business
26 decisions, and policies in TikTok’s development, setup, management, maintenance,
27 operation, supervision, and control. These breaches are based on Defendants’ own
28 actions in managing their own property—TikTok—that they made available to the

1 public, independent of any actions taken by a third party. Those breaches include, but
2 are not limited to:

- 3 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
4 protocols that do not ask for or verify the age or identity of users or by
5 adopting ineffective age and identity verification protocols,
- 6 b. Knowingly collecting personal information from youth under the age of 13 in
7 knowing or reckless disregard of the fact that direct notice had not been
8 provided to parents and verifiable consent had not been obtained from parents,
- 9 c. Willfully ignoring that significant numbers of under-13 users were
10 maintaining regular TikTok accounts in violation of TikTok's policies and the
11 2019 Consent Decree, and
- 12 d. Instructing employees not to take action to disable regular TikTok accounts
13 for users whom employees reasonably believed were under 13 years old.

14 793. Defendants have breached their duty of care that they owed to Florida
15 Plaintiffs and Florida Class Members through their non-feasance, failure to act, and
16 omissions in the development, setup, management, maintenance, operation, supervision,
17 and control of TikTok. These breaches are based on the Defendants' actions in
18 managing their property—TikTok—that they made available to the public, independent
19 of any actions taken by a third party. Those breaches include:

- 20 a. Failing to implement effective protocols to block users under the age of 13,
- 21 b. Failing to implement effective protocols to prevent the collecting, sharing, and
22 selling of the personal information of users under the age of 13 without prior
23 affirmative authorization, and
- 24 c. Failing to implement effective parental controls.

25 794. These breaches also violate COPPA since Defendants collect, use, and
26 disclose the personal information of children under 13 without notifying parents and
27 obtaining verifiable parental consent.

28 795. Defendants' violation of COPPA constitutes negligence per se.

1 796. A reasonable company under the same or similar circumstances as
2 Defendants would have developed, set up, managed, maintained, supervised, and
3 operated its platforms in a manner that is safer for and more protective of youth users
4 like Florida Plaintiffs.

5 797. At all relevant times, Florida Plaintiffs and Florida Class Members used
6 TikTok in the manner it was intended to be used.

7 798. As a direct and proximate result of Defendants' breach of one or more of
8 its duties, Florida Plaintiffs and Florida Class Members were harmed by Defendants'
9 violation of Florida Plaintiffs' and Florida Class Members' privacy and the loss of
10 control over when, how, and for what purpose their personal information is collected,
11 used, and disclosed.

12 799. The harm to the Florida Plaintiffs and Florida Class Members is the type of
13 harm that COPPA was intended to prevent.

14 800. The Florida Plaintiffs and Florida Class Members do not allege any harm
15 or injury constituting a personal injury or emotional distress and do not seek damages
16 based on those types of injuries.

17 801. Defendants' breach of one or more of their duties was a substantial factor
18 in causing harms and injuries to Florida Plaintiffs and Florida Class Members.

19 802. But for Defendants' violation of the applicable laws and regulations related
20 to COPPA, Florida Plaintiffs' and Florida Class Members' personal information would
21 not have been used, collected, or disclosed to third parties.

22 803. As a direct and proximate result of Defendants' negligence per se, Florida
23 Plaintiffs and Florida Class Members have been injured and are entitled to damages in
24 an amount to be proven at trial.

25 804. Florida Plaintiffs demand judgment against Defendants for injunctive relief
26 and for compensatory, treble, and punitive damages, together with interest, costs of suit,
27 attorneys' fees, and all such other relief as the Court deems proper.
28

D. GEORGIA CLAIMS

**CLAIM 10 — GEORGIA NEGLIGENCE
(Against All Defendants by Plaintiffs E.B. and A.K., through their
respective parents, and the Georgia Class)**

805. Plaintiffs E.B. and A.K., through their respective parents (“Georgia Plaintiffs”), and Georgia Class Members incorporate the foregoing allegations as if fully set forth herein.

806. At all relevant times, Defendants developed, set up, managed, maintained, operated, supervised, controlled, and benefited from Georgia Plaintiffs’ and Georgia Class Members’ use of TikTok.

807. Defendants owed Georgia Plaintiffs and Georgia Class Members a duty to exercise reasonable care in TikTok’s development, setup, management, maintenance, operation, supervision, and control to protect its under-13 users’ personal information.

808. Defendants also owed Georgia Plaintiffs and Georgia Class Members a duty under COPPA not to collect, use, or disclose under-13 users’ personal information without notifying parents and obtaining verifiable parental consent.

809. Georgia Plaintiffs and Georgia Class Members are within the class of persons that COPPA was intended to protect.

810. Defendants also owed a special relationship duty to Georgia Plaintiffs and Georgia Class Members to protect them against harm caused by TikTok. Georgia Plaintiffs and Georgia Class Members, as children, are comparatively vulnerable and depend on Defendants for a safe environment on TikTok, and Defendants have the superior ability and control over TikTok to provide that safety on its app. The special relationship Georgia Plaintiffs and Georgia Class Members have with Defendants substantially benefits Defendants through profits and growth in users and user activity. Defendants could not successfully operate without the increase in users and user activity generated by children.

811. Defendants created TikTok and directed its activity through advertisements to minor users, including users under 13 years old. This created a special duty to

1 exercise reasonable care to protect the minors from foreseeable harm while the minors
2 were on TikTok.

3 812. Defendants have voluntarily undertaken a responsibility to keep children
4 safe on TikTok.

5 813. Defendants are responsible not only for the result of their willful acts, but
6 also for injuries occasioned to Georgia Plaintiffs and Georgia Members by Defendants'
7 want of ordinary care and/or skill in the management of their property.

8 814. Georgia Plaintiffs and Georgia Class Members were foreseeable users of
9 TikTok.

10 815. Defendants operate a website or online service directed at children under
11 the age of 13, as defined by COPPA.

12 816. Defendants had actual knowledge that children under the age of 13, such as
13 Georgia Plaintiffs and Georgia Class Members, were using and would use Full Access
14 Platform.

15 817. Defendants invited, solicited, and encouraged the fact, extent, and manner
16 of Georgia Plaintiffs' and Georgia Class Members' use of TikTok.

17 818. Defendants had actual knowledge that the use of TikTok (as developed, set
18 up, managed, maintained, supervised, and operated by Defendants) would result in
19 Defendants collecting and using Georgia Plaintiffs' and Georgia Class Members'
20 personal information.

21 819. At all relevant times, Defendants had actual knowledge that TikTok (as
22 developed, setup, managed, maintained, supervised, and operated by that Defendant)
23 posed unreasonable risks of harm to youth such as Georgia Plaintiffs and Georgia Class
24 Members through the collection, use, and/or disclosure of their personal information.
25 Those risks were known and knowable, including in light of the multiple previous
26 violations of minor children's privacy on TikTok in the last decade.

27 820. Defendants had actual knowledge that their under-13 users would attempt
28 to create regular accounts instead of only trying to create Kids Mode accounts.

1 821. Defendants had actual knowledge that when under-13 users created regular
2 accounts instead of Kids Mode accounts, their personal information would be treated
3 without the adequate protections warranted for personal information of under-13 users
4 online.

5 822. Defendants had actual knowledge that its “age gate” features were not
6 reasonably adequate to protect the privacy of children’s information on TikTok.

7 823. Defendants had actual knowledge that it collected personal information as
8 defined by COPPA from users under the age of 13.

9 824. Due to Defendants’ control over how youth set up accounts on TikTok,
10 Defendants injured Georgia Plaintiffs and Georgia Class Members by violating their
11 privacy.

12 825. Defendants could have avoided Georgia Plaintiffs’ and Georgia Class
13 Members’ injuries with minimal cost, including, for example, by providing direct
14 parental notice and requiring verifiable parental consent for its users.

15 826. Imposing a duty on Defendants would benefit the community at large.

16 827. Imposing a duty on Defendants would not be burdensome to them because
17 they have the technological and financial means to avoid the risks of harm to Georgia
18 Plaintiffs and Georgia Class Members.

19 828. Defendants owed a heightened duty of care to youth users of TikTok
20 because children have a diminished capacity to understand how companies collect and
21 use their personal information and for what purpose. Additionally, Defendants owed a
22 heightened duty of care to youth users of TikTok because it interacts directly with
23 children out of the immediate oversight of their parents. Defendants were at all times the
24 more sophisticated party and better positioned to understand children’s privacy rights
25 and their obligations to protect those rights adequately.

26 829. Defendants breached their duty of care that they owed Georgia Plaintiffs
27 and Georgia Class Members through their affirmative malfeasance, actions, business
28 decisions, and policies in TikTok’s development, setup, management, maintenance,

1 operation, supervision, and control. These breaches are based on Defendants' own
2 actions in managing their own property—TikTok—that they made available to the
3 public, independent of any actions taken by a third party. Those breaches include, but
4 are not limited to:

- 5 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
6 protocols that do not ask for or verify the age or identity of users or by
7 adopting ineffective age and identity verification protocols,
- 8 b. Knowingly collecting personal information from youth under the age of 13 in
9 knowing or reckless disregard of the fact that direct notice had not been
10 provided to parents and verifiable consent had not been obtained from parents,
- 11 c. Willfully ignoring that significant numbers of under-13 users were
12 maintaining regular TikTok accounts in violation of TikTok's policies and the
13 2019 Consent Decree, and
- 14 d. Instructing employees not to take action to disable regular TikTok accounts
15 for users whom employees reasonably believed were under 13 years old.

16 830. Defendants have breached their duty of care that they owed to Georgia
17 Plaintiffs and Georgia Class Members through their non-feasance, failure to act, and
18 omissions in the development, setup, management, maintenance, operation, supervision,
19 and control of TikTok. These breaches are based on the Defendants' actions in
20 managing their property—TikTok—that they made available to the public, independent
21 of any actions taken by a third party. Those breaches include:

- 22 a. Failing to implement effective protocols to block users under the age of 13,
- 23 b. Failing to implement effective protocols to prevent the collecting, sharing, and
24 selling of the personal information of users under the age of 13 without prior
25 affirmative authorization, and
- 26 c. Failing to implement effective parental controls.

27 831. These breaches also violate COPPA since Defendants collect, use, and
28 disclose under-13 users' personal information without notifying parents and obtaining

1 verifiable parental consent.

2 832. Defendants' violation of COPPA constitutes negligence per se.

3 833. A reasonable company under the same or similar circumstances as
4 Defendants would have developed, set up, managed, maintained, supervised, and
5 operated its platforms in a manner that is safer for and more protective of youth users
6 like Pennsylvania Plaintiffs.

7 834. At all relevant times, Georgia Plaintiffs and Georgia Class Members used
8 TikTok in the manner it was intended to be used.

9 835. As a direct and proximate result of Defendants' breach of one or more of
10 its duties, Georgia Plaintiffs and Georgia Class Members were harmed by Defendants'
11 violation of Georgia Plaintiffs' and Georgia Class Members' privacy and the loss of
12 control over when, how, and for what purpose their personal information is collected,
13 used, and disclosed.

14 836. The harm to the Georgia Plaintiffs and Georgia Class Members is the type
15 of harm that COPPA was intended to prevent.

16 837. The Georgia Plaintiffs and Georgia Class Members do not allege any harm
17 or injury constituting a personal injury or emotional distress and do not seek damages
18 based on those types of injuries.

19 838. Defendants' breach of one or more of their duties was a substantial factor
20 in causing harms and injuries to Georgia Plaintiffs and Georgia Class Members.

21 839. But for Defendants' violation of the applicable laws and regulations related
22 to COPPA, Georgia Plaintiffs' and Georgia Class Members' personal information
23 would not have been used, collected, or disclosed to third parties.

24 840. As a direct and proximate result of Defendants' negligence per se, Georgia
25 Plaintiffs and Georgia Class Members have been injured and are entitled to damages in
26 an amount to be proven at trial.

27 841. Georgia Plaintiffs demand judgment against Defendants for injunctive
28 relief and for compensatory, treble, and punitive damages, together with interest, costs

1 of suit, attorneys' fees, and all such other relief as the Court deems proper.

2 **CLAIM 11 — GEORGIA FAIR BUSINESS PRACTICES ACT, GA. CODE ANN.**
3 **§ 10-1-390 *ET SEQ.***
4 **(Against All Defendants by Plaintiff E.B. and A.K., through their**
5 **respective parents, and the Georgia Class)**

6 842. The Georgia Plaintiffs and Members of the Georgia Class incorporate the
7 foregoing allegations as if fully set forth herein.

8 843. The Georgia Plaintiffs and Members of the Georgia Class are or were
9 residents of Georgia and used TikTok while under the age of 13.

10 844. Ga. Code Ann. § 10-1-393(a) provides that “[u]nfair or deceptive acts or
11 practices in the conduct of consumer transactions and consumer acts or practices in
12 trade or commerce are declared unlawful.”

13 845. At all times mentioned herein, Defendants each engaged in “trade” or
14 “commerce” in Georgia in that Defendants each engaged in the advertising, offering for
15 sale, sale, and distribution of property or any other articles, commodities, or things of
16 value in Georgia.

17 846. Defendants violated Ga. Code Ann. § 10-1-390, *et seq.* by engaging in the
18 unfair acts or practices proscribed by Ga. Code Ann. § 10-1-393 as outlined herein.

19 847. Defendants engaged in “unfair” business acts and/or practices. Defendants
20 at all relevant times knowingly violated legal duties and public policy by unfairly and
21 unlawfully collecting the personal information of the Georgia Plaintiffs and Georgia
22 Class Members without notifying their parents and obtaining verifiable parental consent
23 and by tracking, profiling, and targeting those children with behavioral advertising for
24 Defendants' commercial financial gain. These practices are unethical, unscrupulous, and
25 substantially injurious to children, and thus constitutes an unfair practice. The harm
26 these practices caused to the Georgia Plaintiffs and Georgia Class Members outweigh
27 their utility, if any.

28 848. As outlined herein, TikTok represented that TikTok Kids Mode was
designed for children under 13 years old by representing to children who identified

1 themselves as being under 13 years old that the child is “about to access a TikTok
2 experience designed just for you.” In Kids Mode, a user can view videos, but cannot
3 upload videos, post information publicly, or message other users.

4 849. TikTok Kids Mode is not designed to be legally appropriate for children
5 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights
6 of children under 13 years old, including by collecting and using their personal
7 information without providing direct notice to their parents or obtaining parental
8 consent.

9 850. Defendants each engaged in consumer-oriented acts through the offer,
10 promotion, and/or distribution of the TikTok app, which significantly impacted the
11 public because TikTok is used nationwide, including in Georgia, and there are millions
12 of users, including the Georgia Plaintiffs and Members of the Georgia Class.

13 851. Defendants at all relevant times knowingly violated legal duties and public
14 policy by unfairly and unlawfully collecting the personal information of children under
15 13 years old and tracking, profiling, and targeting those children with behavioral
16 advertising for Defendants’ commercial financial gain.

17 852. As outlined herein, Defendants at all times had actual knowledge of their
18 own non-compliance with COPPA and other applicable privacy-related laws. Further,
19 Defendants at all times had actual knowledge of their collection of the personal
20 information of the Georgia Plaintiffs and the Georgia Class Members and the tracking,
21 profiling, and targeting of those children for lucrative behavioral advertising.

22 853. As outlined herein, Defendants intentionally designed TikTok to, among
23 other things, attract children under 13 by making child-directed content available to
24 them so that TikTok could collect the personal information for substantial commercial
25 gain.

26 854. TikTok was aware at all times that a significant portion of its users were
27 under the age of 13 and nonetheless collected the personal information of those children
28 for the purpose of serving those children behavioral advertising for substantial

1 commercial gain. After entering into a Permanent Injunction with the United States in
2 2019 intended to prohibit Defendants from their continued collection or use of the
3 personal information of children under the age of 13, Defendants purposefully sought to
4 undermine their compliance through, among other practices, implementation of a
5 woefully inadequate age-gating system, and monitoring policies and procedures
6 designed to allow them to continue knowingly collecting and using the personal
7 information of children.

8 855. In particular, Defendants systematically collected and/or used personal
9 information from children under 13 years old in violation of COPPA, and therefore the
10 FTC Act, by:

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

28 856. Violations of COPPA and the accompanying FTC regulations "shall be

1 treated as a violation of a rule defining an unfair ... act or practice prescribed under 15
2 U.S.C. § 57a(a)(1)(B).” 15 U.S.C. § 6502(c). These rules define unfair acts or practices
3 in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1), which is the
4 model for the various consumer protection statutes in the several states, including the
5 Ga. Code Ann. § 10-1-390, *et seq.* Ga. Code Ann. § 10-1-391(b) states: “It is the intent
6 of the General Assembly that this part be interpreted and construed consistently with
7 interpretations given by the Federal Trade Commission in the federal courts pursuant to
8 Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. Section 45(a)(1)), as
9 from time to time amended.”

10 857. Accordingly, Defendants engaged in unfair and unlawful trade acts or
11 practices in violation of Ga. Code Ann. § 10-1-390, *et seq.*, which is modeled after,
12 proscribes the same conduct as, and gives deference to the definitions of the FTC Act.

13 858. Defendants’ conduct is unfair, immoral, unethical, oppressive,
14 unscrupulous and substantially injurious to consumers, and there are no greater
15 countervailing benefits to consumers or competition. Further, the Georgia Plaintiffs and
16 Members of the Georgia Class could not have reasonably avoided injury because
17 Defendants each took advantage of the lack of knowledge, ability, experience, and/or
18 capacity of consumers—in this case children under 13 years old—to their detriment.

19 859. Defendants willfully engaged in the unfair and unlawful acts described
20 herein and knew or recklessly disregarded the fact that they violated Ga. Code Ann. §
21 10-1-390, *et seq.*

22 860. The Georgia Plaintiffs and Members of the Georgia Class were harmed by
23 Defendants’ practices described herein, which were a substantial factor and caused
24 injury in fact and actual damages to the Georgia Plaintiffs and Members of the Georgia
25 Class.

26 861. As a direct and proximate result of Defendants’ unfair and unlawful acts
27 and practices in violation of Ga. Code Ann. § 10-1-390, *et seq.*, the Georgia Plaintiffs
28 and Members of the Georgia Class have suffered and will continue to suffer an

1 ascertainable loss of money or property, real or personal, and monetary and non-
2 monetary damages, as described herein, including, inter alia, the loss of the value and/or
3 diminishment in value of their personal information and the loss of the ability to control
4 the use of their personal information, which allowed Defendants to profit at the expense
5 of the Georgia Plaintiffs and Members of the Georgia Class.

6 862. As outlined herein, there is tangible value in the Georgia Plaintiffs' and
7 Members of the Georgia Class's personal information. The Georgia Plaintiffs and
8 Members of the Georgia Class have lost the opportunity to receive value in exchange
9 for their personal information.

10 863. Defendants' monetization of the Georgia Plaintiffs' and Members of the
11 Georgia Class's personal information demonstrates that there is a market for their
12 personal information.

13 864. The Georgia Plaintiffs' and Members of the Georgia Class's personal
14 information is now in the possession of Defendants, who have used and will use it for
15 their financial gain.

16 865. Defendants' retention of the Georgia Plaintiffs' and Members of the
17 Georgia class's personal information presents a continuing risk to them as well as the
18 general public. The Georgia Plaintiffs and Members of the Georgia Class seek relief for
19 the injuries they have suffered as a result of Defendants' unfair and unlawful acts and
20 practices, as provided by Ga. Code Ann. § 10-1-390, *et seq.*, and applicable law,
21 including all actual damages and attorneys' fees and costs, treble damages, statutory
22 damages, and restitution, as well as an injunction requiring Defendants to each
23 permanently delete, destroy or otherwise sequester the personal information collected
24 without parental consent, requiring Defendants to provide a complete audit and
25 accounting of the uses of the personal information by them and any other third parties,
26 and other appropriate injunctive and/or declaratory relief.

E. MISSOURI CLAIMS

**CLAIM 12 — MISSOURI NEGLIGENCE
(Against All Defendants by Plaintiffs A.L. and A.B., by and through their
parents, and the Missouri Class)**

866. Plaintiff A.L., a minor, by and through their parent Tatum Dunne, and Plaintiff A.B., a minor, by and through their parent Christina Middleton (the “Missouri Plaintiffs”), and Missouri Class Members incorporate the foregoing allegations as if fully set forth herein.

867. At all relevant times, Defendants developed, set up, managed, maintained, operated, supervised, controlled, and benefited from Missouri Plaintiffs’ and Missouri Class Members’ use of TikTok.

868. Defendants owed Missouri Plaintiffs and Missouri Class Members a duty to exercise reasonable care in TikTok’s development, setup, management, maintenance, operation, supervision, and control to protect its under-13 users’ personal information.

869. Defendants also owed Missouri Plaintiffs and Missouri Class Members a duty under COPPA not to collect, use, or disclose under-13 users’ personal information without notifying parents and obtaining verifiable parental consent.

870. Missouri Plaintiffs and Missouri Class Members are within the class of persons that COPPA was intended to protect.

871. Defendants also owed a special relationship duty to Missouri Plaintiffs and Missouri Class Members to protect them against harm caused by TikTok. Missouri Plaintiffs and Missouri Class Members, as children, are comparatively vulnerable and depend on Defendants for a safe environment on TikTok, and Defendants have the superior ability and control over TikTok to provide that safety on its app. The special relationship Missouri Plaintiffs and Missouri Class Members have with Defendants substantially benefits Defendants through profits and growth in users and user activity. Defendants could not successfully operate without the increase in users and user activity generated by children.

872. Defendants created TikTok and directed its activity through advertisements

1 to minor users, including users under 13 years old. This created a special duty to
2 exercise reasonable care to protect the minors from foreseeable harm while the minors
3 were on TikTok.

4 873. Defendants have voluntarily undertaken a responsibility to keep children
5 safe on TikTok.

6 874. Defendants are responsible not only for the result of their willful acts, but
7 also for injuries occasioned to Missouri Plaintiffs and Missouri Members by
8 Defendants' want of ordinary care and/or skill in the management of their property.

9 875. Missouri Plaintiffs and Missouri Class Members were foreseeable users of
10 TikTok.

11 876. Defendants operate a website or online service directed at children under
12 the age of 13, as defined by COPPA.

13 877. Defendants had actual knowledge that children under the age of 13, such as
14 Missouri Plaintiffs and Missouri Class Members, were using and would use Full Access
15 Platform.

16 878. Defendants invited, solicited, and encouraged, the fact, extent, and manner
17 of Missouri Plaintiffs' and Missouri Class Members' use of TikTok.

18 879. Defendants had actual knowledge that the use of TikTok (as developed, set
19 up, managed, maintained, supervised, and operated by Defendants) would result in
20 Defendants collecting and using Missouri Plaintiffs' and Missouri Class Members'
21 personal information.

22 880. At all relevant times, Defendants had actual knowledge that TikTok (as
23 developed, setup, managed, maintained, supervised, and operated by that Defendant)
24 posed unreasonable risks of harm to youth such as Missouri Plaintiffs and Missouri
25 Class Members through the collection, use, and/or disclosure of their personal
26 information. Those risks were known and knowable, including in light of the multiple
27 previous violations of minor children's privacy on TikTok in the last decade.

28 881. Defendants had actual knowledge that their under-13 users would attempt

1 to create regular accounts instead of only trying to create Kids Mode accounts.

2 882. Defendants had actual knowledge that when under-13 users created regular
3 accounts instead of Kids Mode accounts, their personal information would be treated
4 without the adequate protections warranted for personal information of under-13 users
5 online.

6 883. Defendants had actual knowledge that its “age gate” features were not
7 reasonably adequate to protect the privacy of children’s information on TikTok.

8 884. Defendants had actual knowledge that it collected personal information as
9 defined by COPPA from users under the age of 13.

10 885. Due to Defendants’ control over how youth set up accounts on TikTok,
11 Defendants injured Missouri Plaintiffs and Missouri Class Members by violating their
12 privacy.

13 886. Defendants could have avoided Missouri Plaintiffs’ and Missouri Class
14 Members’ injuries with minimal cost, including, for example, by providing direct
15 parental notice and requiring verifiable parental consent for its users.

16 887. Imposing a duty on Defendants would benefit the community at large.

17 888. Imposing a duty on Defendants would not be burdensome to them because
18 they have the technological and financial means to avoid the risks of harm to Missouri
19 Plaintiffs and Missouri Class Members.

20 889. Defendants owed a heightened duty of care to youth users of TikTok
21 because children have a diminished capacity to understand how companies collect and
22 use their personal information and for what purpose. Additionally, Defendants owed a
23 heightened duty of care to youth users of TikTok because it interacts directly with
24 children out of the immediate oversight of their parents. Defendants were at all times the
25 more sophisticated party and better positioned to understand children’s privacy rights
26 and their obligations to protect those rights adequately.

27 890. Defendants breached their duty of care that they owed Missouri Plaintiffs
28 and Missouri Class Members through their affirmative malfeasance, actions, business

1 decisions, and policies in TikTok's development, setup, management, maintenance,
2 operation, supervision, and control. These breaches are based on Defendants' own
3 actions in managing their own property—TikTok—that they made available to the
4 public, independent of any actions taken by a third party. Those breaches include, but
5 are not limited to:

- 6 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
7 protocols that do not ask for or verify the age or identity of users or by
8 adopting ineffective age and identity verification protocols,
- 9 b. Knowingly collecting personal information from youth under the age of 13 in
10 knowing or reckless disregard of the fact that direct notice had not been
11 provided to parents and verifiable consent had not been obtained from parents,
- 12 c. Willfully ignoring that significant numbers of under-13 users were
13 maintaining regular TikTok accounts in violation of TikTok's policies and the
14 2019 Consent Decree, and
- 15 d. Instructing employees not to take action to disable regular TikTok accounts
16 for users whom employees reasonably believed were under 13 years old.

17 891. Defendants have breached their duty of care that they owed to Missouri
18 Plaintiffs and Missouri Class Members through their non-feasance, failure to act, and
19 omissions in the development, setup, management, maintenance, operation, supervision,
20 and control of TikTok. These breaches are based on the Defendants' actions in
21 managing their property—TikTok—that they made available to the public, independent
22 of any actions taken by a third party. Those breaches include:

- 23 a. Failing to implement effective protocols to block users under the age of 13,
- 24 b. Failing to implement effective protocols to prevent the collecting, sharing, and
25 selling of the personal information of users under the age of 13 without prior
26 affirmative authorization, and
- 27 c. Failing to implement effective parental controls.

28 892. These breaches also violate COPPA since Defendants collect, use, and

1 disclose under-13 users' personal information without notifying parents and obtaining
2 verifiable parental consent.

3 893. Defendants' violation of COPPA constitutes negligence per se.

4 894. A reasonable company under the same or similar circumstances as
5 Defendants would have developed, set up, managed, maintained, supervised, and
6 operated its platforms in a manner that is safer for and more protective of youth users
7 like Missouri Plaintiffs.

8 895. At all relevant times, Missouri Plaintiffs and Missouri Class Members used
9 TikTok in the manner it was intended to be used.

10 896. As a direct and proximate result of Defendants' breach of one or more of
11 its duties, Missouri Plaintiffs and Missouri Class Members were harmed by Defendants'
12 violation of Missouri Plaintiffs' and Missouri Class Members' privacy and the loss of
13 control over when, how, and for what purpose their personal information is collected,
14 used, and disclosed.

15 897. The harm to the Missouri Plaintiffs and Missouri Class Members is the
16 type of harm that COPPA was intended to prevent.

17 898. The Missouri Plaintiffs and Missouri Class Members do not allege any
18 harm or injury constituting a personal injury or emotional distress and do not seek
19 damages based on those types of injuries.

20 899. Defendants' breach of one or more of their duties was a substantial factor
21 in causing harms and injuries to Missouri Plaintiffs and Missouri Class Members.

22 900. But for Defendants' violation of the applicable laws and regulations related
23 to COPPA, Missouri Plaintiffs' and Missouri Class Members' personal information
24 would not have been used, collected, or disclosed to third parties.

25 901. As a direct and proximate result of Defendants' negligence per se, Missouri
26 Plaintiffs and Missouri Class Members have been injured and are entitled to damages in
27 an amount to be proven at trial.

28 902. Missouri Plaintiffs demand judgment against Defendants for injunctive

1 relief and for compensatory, treble, and punitive damages, together with interest, costs
2 of suit, attorneys' fees, and all such other relief as the Court deems proper.

3 **CLAIM 13 — MISSOURI MERCHANDISING PRACTICES ACT (MMPA), MO.**
4 **REV. STAT. ANN. CH. 407**
5 **(Against All Defendants by Plaintiffs A.L. and A.B., by and through their**
6 **parents, and the Missouri Class)**

7 903. The Missouri Plaintiffs and Members of the Missouri Class incorporate the
8 foregoing allegations as if fully set forth herein.

9 904. The Missouri Plaintiffs and Members of the Missouri Class are or were
10 residents of Missouri and used TikTok while under the age of 13.

11 905. Mo. Rev. Stat. Ann. § 407.020 provides that “[t]he act, use or employment
12 by any person of any deception, fraud, false pretense, false promise, misrepresentation,
13 unfair practice or the concealment, suppression, or omission of any material fact in
14 connection with the sale or advertisement of any merchandise in trade or commerce or
15 the solicitation of any funds for any charitable purpose, as defined in section 407.453, in
16 or from the state of Missouri, is declared to be an unlawful practice.”

17 906. At all times mentioned herein, Defendants each engaged in “trade” or
18 “commerce” in Missouri in that Defendants each engaged in the advertising, offering for
19 sale, sale, and distribution of property or any other articles, commodities, or things of
20 value in Missouri.

21 907. Defendants violated Mo. Rev. Stat. Ann. ch. 407 by engaging in the unfair
22 acts or practices proscribed by Mo. Rev. Stat. Ann. § 407.020 as outlined herein.

23 908. Defendants engaged in “unfair” business acts and/or practices. Defendants
24 at all relevant times knowingly violated legal duties and public policy by unfairly and
25 unlawfully collecting the personal information of the Missouri Plaintiffs and Missouri
26 Class Members without notifying their parents and obtaining verifiable parental consent
27 and by tracking, profiling, and targeting those children with behavioral advertising for
28 Defendants' commercial financial gain. These practices are unethical, unscrupulous, and
substantially injurious to children, and thus constitutes an unfair practice. The harm

1 these practices caused to the Missouri Plaintiffs and Missouri Class Members outweigh
2 their utility, if any.

3 909. As outlined herein, TikTok represented that TikTok Kids Mode was
4 designed for children under 13 years old by representing to children who identified
5 themselves as being under 13 years old that the child is “about to access a TikTok
6 experience designed just for you.” In Kids Mode, a user can view videos, but cannot
7 upload videos, post information publicly, or message other users.

8 910. TikTok Kids Mode is not designed to be legally appropriate for children
9 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights
10 of children under 13 years old, including by collecting and using their personal
11 information without providing direct notice to their parents or obtaining parental
12 consent.

13 911. Defendants each engaged in consumer-oriented acts through the offer,
14 promotion, and/or distribution of the TikTok app, which significantly impacted the
15 public because TikTok is used nationwide, including in Missouri, and there are millions
16 of users, including the Missouri Plaintiffs and Members of the Missouri Class.

17 912. Defendants at all relevant times knowingly violated legal duties and public
18 policy by unfairly and unlawfully collecting the personal information of children under
19 13 years old and tracking, profiling, and targeting those children with behavioral
20 advertising for Defendants’ commercial financial gain.

21 913. As outlined herein, Defendants at all times had actual knowledge of their
22 own non-compliance with COPPA and other applicable privacy-related laws. Further,
23 Defendants at all times had actual knowledge that they were collecting Private
24 Information from users under the age of 13 including the Missouri Plaintiffs and the
25 Missouri Class Members and for purposes of tracking, profiling, and targeting of those
26 children for lucrative behavioral advertising.

27 914. As outlined herein, Defendants intentionally designed TikTok to, among
28 other things, attract children under 13 by making child-directed content available to

1 them so that TikTok could collect the personal information for substantial commercial
2 gain.

3 915. TikTok was aware at all times that a significant portion of its users were
4 under the age of 13 and nonetheless collected the personal information of those children
5 for the purpose of serving those children behavioral advertising for substantial
6 commercial gain. After entering into a Permanent Injunction with the United States in
7 2019 intended to prohibit Defendants from their continued collection or use of the
8 personal information of children under the age of 13, Defendants purposefully sought to
9 undermine their compliance through, among other practices, implementation of a
10 woefully inadequate age-gating system, and monitoring policies and procedures
11 designed to allow them to continue knowingly collecting and using the personal
12 information of children.

13 916. In particular, Defendants systematically collected and/or used personal
14 information from children under 13 years old in violation of COPPA, and therefore the
15 FTC Act, by:

- 16 a. Failing to provide sufficient notice of the information Defendants collected, or
17 the information that was collected on Defendants' behalf, online from children
18 under 13 years old, how Defendants used such information, their disclosure
19 practices, and all other required content, in violation of Section 312.4(d) of
20 COPPA, 16 C.F.R. § 312.4(d);
- 21 b. Failing to provide direct notice to parents of the information Defendants
22 collected, or the information that was collected on Defendants' behalf, online
23 from children under 13 years old, how Defendants used such information,
24 their disclosure practices, and all other required content, in violation of
25 Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- 26 c. Failing to obtain verifiable parental consent before any collection or use of
27 personal information from children under 13 years old, in violation of Section
28 312.5 of COPPA, 16 C.F.R. § 312.5; and

1 d. Failing to establish and maintain reasonable procedures to protect the
2 confidentiality, security, and integrity of personal information collected from
3 children under 13 years old, in violation of Section 312.8 of COPPA, 16
4 C.F.R. § 312.8.

5 917. Violations of COPPA and the accompanying FTC regulations “shall be
6 treated as a violation of a rule defining an unfair ... act or practice prescribed under 15
7 U.S.C. § 57a(a)(1)(B).” 15 U.S.C. § 6502(c). These rules define unfair acts or practices
8 in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1), which is the
9 model for the various consumer protection statutes in the several states.¹⁰⁰

10 918. Accordingly, Defendants engaged in unfair and unlawful trade acts or
11 practices in violation of Mo. Rev. Stat. Ann. ch. 407, which proscribes the similar
12 conduct as the FTC Act.

13 919. Defendants’ conduct is unfair, immoral, unethical, oppressive,
14 unscrupulous and substantially injurious to consumers, and there are no greater
15 countervailing benefits to consumers or competition. Further, the Missouri Plaintiffs and
16 Members of the Missouri Class could not have reasonably avoided injury because
17 Defendants each took advantage of the lack of knowledge, ability, experience, and/or
18 capacity of consumers—in this case children under 13 years old—to their detriment.

19 920. Defendants willfully engaged in the unfair and unlawful acts described
20 herein and knew or recklessly disregarded the fact that they violated Mo. Rev. Stat.
21 Ann. ch. 407.

22 921. The Missouri Plaintiffs and Members of the Missouri Class were harmed
23 by Defendants’ practices described herein, which were a substantial factor and caused
24 injury in fact and actual damages to the Missouri Plaintiffs and Members of the
25 Missouri Class.

26 922. As a direct and proximate result of Defendants’ unfair and unlawful acts

27 ¹⁰⁰ 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 and practices in violation of Mo. Rev. Stat. Ann. ch. 407, the Missouri Plaintiffs and
2 Members of the Missouri Class have suffered and will continue to suffer an
3 ascertainable loss of money or property, real or personal, and monetary and non-
4 monetary damages, as described herein, including, inter alia, the loss of the value and/or
5 diminishment in value of their personal information and the loss of the ability to control
6 the use of their personal information, which allowed Defendants to profit at the expense
7 of the Missouri Plaintiffs and Members of the Missouri Class.

8 923. As outlined herein, there is tangible value in the Missouri Plaintiffs' and
9 Members of the Missouri Class's personal information. The Missouri Plaintiffs and
10 Members of the Missouri Class have lost the opportunity to receive value in exchange
11 for their personal information.

12 924. Defendants' monetization of the Missouri Plaintiffs' and Members of the
13 Missouri Class's personal information demonstrates that there is a market for their
14 personal information.

15 925. The Missouri Plaintiffs' and Members of the Missouri Class's personal
16 information is now in the possession of Defendants, who have used and will use it for
17 their financial gain.

18 926. Defendants' retention of the Missouri Plaintiffs' and Members of the
19 Missouri class's personal information presents a continuing risk to them as well as the
20 general public. The Missouri Plaintiffs and Members of the Missouri Class seek relief
21 for the injuries they have suffered as a result of Defendants' unfair and unlawful acts
22 and practices, as provided by Mo. Rev. Stat. Ann. ch. 407, and applicable law, including
23 all actual damages and attorneys' fees and costs, treble damages, statutory damages, and
24 restitution, as well as an injunction requiring Defendants to each permanently delete,
25 destroy or otherwise sequester the personal information collected without parental
26 consent, requiring Defendants to provide a complete audit and accounting of the uses of
27 the personal information by them and any other third parties, and other appropriate
28 injunctive and/or declaratory relief.

F. NEW YORK CLAIMS

**CLAIM 14 — NEW YORK CIVIL RIGHTS LAW §§ 50-51
(Against All Defendants by Plaintiffs I.T., M.G., and V.M., by and
through their parents, and the New York Class)**

927. Plaintiff I.T., a minor, by and through their parent Yeni Castro; Plaintiff M.G., a minor, by and through their parent and guardian ad litem, Valerie Gates; Plaintiff V.M., a minor, by and through their parent Ebony Nielsen (the “New York Plaintiffs”); and Members of the New York Class re-allege the foregoing allegations as if fully set forth herein.

928. The New York Plaintiffs and Members of the New York Class are or were residents of New York.

929. TikTok has violated N.Y. Civil Rights Law §§ 50-51 by invading the privacy of the New York Plaintiffs and Members of the New York Class and misappropriating their likeness within the State of New York.

930. At no point did TikTok receive parental permission or consent, be it written or otherwise, to use the identities, photographs, likenesses, and personal information of Plaintiffs’ and Members of the New York Class in connection with TikTok’s business. TikTok nonetheless collected first and last name; online contact information; screen or user name functioning in the same manner as online contact information; telephone number; persistent identifiers (including IP address and “cookies”); photo, video, and audio files containing a child’s image or voice; and unique device identifiers. TikTok used the personal information it collected from children to aid in its tracking, profiling, and targeting of those children for lucrative behavioral advertising.

931. At relevant times, TikTok was aware that it never received the permission or consent of the New York Plaintiffs and Members of the New York Class to use their identities, photographs, likenesses, and other personal information in connection with TikTok’s business.

932. As outlined herein, TikTok at all times had actual knowledge of its own non-compliance with COPPA and other applicable privacy-related laws. Further,

1 TikTok at all times had actual knowledge of its own collection of the personal
2 information from the New York Plaintiffs and New York Class Members and the
3 tracking, profiling, and targeting of those children for lucrative behavioral advertising
4 for financial gain.

5 933. At no point did TikTok compensate the New York Plaintiffs or Members of
6 the New York Class for the unauthorized use of the identities, photographs, likenesses,
7 and personal information of New York Plaintiffs' and Members of the New York Class
8 in connection with TikTok's business.

9 934. TikTok used the identities, photographs, likenesses, and personal
10 information of the New York Plaintiffs or Members of the New York Class in
11 connection with its business for the purposes of trade. TikTok has received revenues
12 and profits from unjustly and illegally collecting and using the identities, photographs,
13 likenesses, or personal information of children under the age of 13 to build profiles and
14 target advertisements to those children.

15 935. TikTok's primary source of income is advertising revenue, earned by
16 showing third-party advertisements to users on its platform. TikTok generates this
17 revenue via tracking, profiling, and targeting advertising based on personal information
18 it collects from children.

19 936. There is no valid privilege or authorization permitting TikTok to use the
20 identities, photographs, likenesses, or personal information of the New York Plaintiffs
21 or the New York Class Members in relation to its business activities.

22 937. As a direct and proximate result of TikTok's violation of the rights of
23 privacy and publicity under §§ 50 and 51 of the N.Y. Civil Rights Act, the New York
24 Plaintiffs and Members of the New York Class have suffered and will continue to suffer
25 an ascertainable loss of money or property, real or personal, and monetary and non-
26 monetary damages, as described herein, including, inter alia, the loss of the value and/or
27 diminishment in value of their personal information and the loss of the ability to control
28 the use of their personal information.

1 938. In addition, and pursuant to § 51 of the N.Y. Civil Rights Act, the New
2 York Plaintiffs and Members of the New York Class hereby request an Order
3 permanently enjoining TikTok from violating their right to privacy and publicity.

4 **CLAIM 15 — NEW YORK NEGLIGENCE**
5 **(Against All Defendants by Plaintiffs I.T., M.G., and V.M., by and**
6 **through their parents, and the New York Class)**

7 939. The New York Plaintiffs and New York Class Members incorporate the
8 foregoing allegations as if fully set forth herein.

9 940. At all relevant times, Defendants developed, set up, managed, maintained,
10 operated, supervised, controlled, and benefited from New York Plaintiffs' and New
11 York Class Members' use of TikTok.

12 941. Defendants owed New York Plaintiffs and New York Class Members a
13 duty to exercise reasonable care in TikTok's development, setup, management,
14 maintenance, operation, supervision, and control to protect its under-13 users' personal
15 information.

16 942. Defendants also owed New York Plaintiffs and New York Class Members
17 a duty under COPPA not to collect, use, or disclose under-13 users' personal
18 information without notifying parents and obtaining verifiable parental consent.

19 943. New York Plaintiffs and New York Class Members are within the class of
20 persons that COPPA was intended to protect.

21 944. Defendants also owed a special relationship duty to New York Plaintiffs
22 and New York Class Members to protect them against harm caused by TikTok. New
23 York Plaintiffs and New York Class Members, as children, are comparatively
24 vulnerable and depend on Defendants for a safe environment on TikTok, and
25 Defendants have the superior ability and control over TikTok to provide that safety on
26 its app. The special relationship New York Plaintiffs and New York Class Members
27 have with Defendants substantially benefits Defendants through profits and growth in
28 users and user activity. Defendants could not successfully operate without the increase
in users and user activity generated by children.

1 945. Defendants created TikTok and directed its activity through advertisements
2 to minor users, including users under 13 years old. This created a special duty to
3 exercise reasonable care to protect the minors from foreseeable harm while the minors
4 were on TikTok.

5 946. Defendants have voluntarily undertaken a responsibility to keep children
6 safe on TikTok.

7 947. Defendants are responsible not only for the result of their willful acts, but
8 also for injuries occasioned to New York Plaintiffs and New York Members by
9 Defendants' want of ordinary care and/or skill in the management of their property.

10 948. New York Plaintiffs and New York Class Members were foreseeable users
11 of TikTok.

12 949. Defendants operate a website or online service directed at children under
13 the age of 13, as defined by COPPA.

14 950. Defendants had actual knowledge that children under the age of 13, such as
15 New York Plaintiffs and New York Class Members, were using and would use Full
16 Access Platform.

17 951. Defendants invited, solicited, and encouraged the fact, extent, and manner
18 of New York Plaintiffs' and New York Class Members' use of TikTok.

19 952. Defendants had actual knowledge that the use of TikTok (as developed, set
20 up, managed, maintained, supervised, and operated by Defendants) would result in
21 Defendants collecting and using New York Plaintiffs' and New York Class Members'
22 personal information in a reasonably foreseeable manner.

23 953. At all relevant times, Defendants had actual knowledge that TikTok (as
24 developed, setup, managed, maintained, supervised, and operated by that Defendant)
25 posed unreasonable risks of harm to youth such as New York Plaintiffs and New York
26 Class Members through the collection, use, and/or disclosure of their personal
27 information. Those risks were known and knowable, including in light of the multiple
28 previous violations of minor children's privacy on TikTok in the last decade.

1 954. Defendants had actual knowledge that their under-13 users would attempt
2 to create regular accounts instead of only trying to create Kids Mode accounts.

3 955. Defendants had actual knowledge that when under-13 users created regular
4 accounts instead of Kids Mode accounts, their personal information would be treated
5 without the adequate protections warranted for personal information of under-13 users
6 online.

7 956. Defendants had actual knowledge that its “age gate” features were not
8 reasonably adequate to protect the privacy of children’s information on TikTok.

9 957. Defendants had actual knowledge that it collected personal information as
10 defined by COPPA from users under the age of 13.

11 958. Due to Defendants’ control over how youth set up accounts on TikTok,
12 Defendants injured New York Plaintiffs and New York Class Members by violating
13 their privacy.

14 959. Defendants could have avoided New York Plaintiffs’ and New York Class
15 Members’ injuries with minimal cost, including, for example, by providing direct
16 parental notice and requiring verifiable parental consent for its users.

17 960. Imposing a duty on Defendants would benefit the community at large.

18 961. Imposing a duty on Defendants would not be burdensome to them because
19 they have the technological and financial means to avoid the risks of harm to New York
20 Plaintiffs and New York Class Members.

21 962. Defendants owed a heightened duty of care to youth users of TikTok
22 because children have a diminished capacity to understand how companies collect and
23 use their personal information and for what purpose. Additionally, Defendants owed a
24 heightened duty of care to youth users of TikTok because it interacts directly with
25 children out of the immediate oversight of their parents. Defendants were at all times the
26 more sophisticated party and better positioned to understand children’s privacy rights
27 and their obligations to protect those rights adequately.

28 963. Defendants breached their duty of care that they owed New York Plaintiffs

1 and New York Class Members through their affirmative malfeasance, actions, business
2 decisions, and policies in TikTok's development, setup, management, maintenance,
3 operation, supervision, and control. These breaches are based on Defendants' own
4 actions in managing their own property—TikTok—that they made available to the
5 public, independent of any actions taken by a third party. Those breaches include, but
6 are not limited to:

- 7 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
8 protocols that do not ask for or verify the age or identity of users or by
9 adopting ineffective age and identity verification protocols,
- 10 b. Knowingly collecting personal information from youth under the age of 13 in
11 knowing or reckless disregard of the fact that direct notice had not been
12 provided to parents and verifiable consent had not been obtained from parents,
- 13 c. Willfully ignoring that significant numbers of under-13 users were
14 maintaining regular TikTok accounts in violation of TikTok's policies and the
15 2019 Consent Decree, and
- 16 d. Instructing employees not to take action to disable regular TikTok accounts
17 for users whom employees reasonably believed were under 13 years old.

18 964. Defendants have breached their duty of care that they owed to New York
19 Plaintiffs and New York Class Members through their non-feasance, failure to act, and
20 omissions in the development, setup, management, maintenance, operation, supervision,
21 and control of TikTok. These breaches are based on the Defendants' actions in
22 managing their property—TikTok—that they made available to the public, independent
23 of any actions taken by a third party. Those breaches include:

- 24 a. Failing to implement effective protocols to block users under the age of 13,
- 25 b. b) Failing to implement effective protocols to prevent the collecting, sharing,
26 and selling of the personal information of users under the age of 13 without
27 prior affirmative authorization, and
- 28 c. Failing to implement effective parental controls.

1 965. These breaches also violate COPPA since Defendants collect, use, and
2 disclose under-13 users' personal information without notifying parents and obtaining
3 verifiable parental consent.

4 966. Defendants' violation of COPPA constitutes negligence per se.

5 967. A reasonable company under the same or similar circumstances as
6 Defendants would have developed, set up, managed, maintained, supervised, and
7 operated its platforms in a manner that is safer for and more protective of youth users
8 like New York Plaintiffs.

9 968. At all relevant times, New York Plaintiffs and New York Class Members
10 used TikTok in the manner it was intended to be used.

11 969. As a direct and proximate result of Defendants' breach of one or more of
12 its duties, New York Plaintiffs and New York Class Members were harmed by
13 Defendants' violation of New York Plaintiffs' and New York Class Members' privacy
14 and the loss of control over when, how, and for what purpose their personal information
15 is collected, used, and disclosed.

16 970. The harm to the New York Plaintiffs and New York Class Members is the
17 type of harm that COPPA was intended to prevent.

18 971. The New York Plaintiffs and New York Class Members do not allege any
19 harm or injury constituting a personal injury or emotional distress and do not seek
20 damages based on those types of injuries.

21 972. Defendants' breach of one or more of their duties was a substantial factor
22 in causing harms and injuries to New York Plaintiffs and New York Class Members.

23 973. But for Defendants' violation of the applicable laws and regulations related
24 to COPPA, New York Plaintiffs' and New York Class Members' personal information
25 would not have been used, collected, or disclosed to third parties.

26 974. As a direct and proximate result of Defendants' negligence per se, New
27 York Plaintiffs and New York Class Members have been injured and are entitled to
28 damages in an amount to be proven at trial.

1 975. New York Plaintiffs demand judgment against Defendants for injunctive
2 relief and for compensatory, treble, and punitive damages, together with interest, costs
3 of suit, attorneys' fees, and all such other relief as the Court deems proper.

4 **G. PENNSYLVANIA CLAIMS**

5 **CLAIM 16 — PENNSYLVANIA NEGLIGENCE**
6 **(Against All Defendants by Plaintiffs Z.B. and I.B., minors, by and**
7 **through their parent, Steven Burda, and the Pennsylvania Class)**

8 976. Plaintiffs Z.N. and I.B., minors, by and through their parent Steven Burda
9 (the "Pennsylvania Plaintiffs") and Pennsylvania Class Members incorporate the
10 foregoing allegations as if fully set forth herein.

11 977. At all relevant times, Defendants developed, set up, managed, maintained,
12 operated, supervised, controlled, and benefited from Pennsylvania Plaintiffs' and
13 Pennsylvania Class Members' use of TikTok.

14 978. Defendants owed Pennsylvania Plaintiffs and Pennsylvania Class Members
15 a duty to exercise reasonable care in TikTok's development, setup, management,
16 maintenance, operation, supervision, and control to protect its under-13 users' personal
17 information.

18 979. Defendants also owed Pennsylvania Plaintiffs and Pennsylvania Class
19 Members a duty under COPPA not to collect, use, or disclose under-13 users' personal
20 information without notifying parents and obtaining verifiable parental consent.

21 980. Pennsylvania Plaintiffs and Pennsylvania Class Members are within the
22 class of persons that COPPA was intended to protect.

23 981. Defendants also owed a special relationship duty to Pennsylvania Plaintiffs
24 and Pennsylvania Class Members to protect them against harm caused by TikTok.
25 Pennsylvania Plaintiffs and Pennsylvania Class Members, as children, are
26 comparatively vulnerable and depend on Defendants for a safe environment on TikTok,
27 and Defendants have the superior ability and control over TikTok to provide that safety
28 on its app. The special relationship Pennsylvania Plaintiffs and Pennsylvania Class
Members have with Defendants substantially benefits Defendants through profits and

1 growth in users and user activity. Defendants could not successfully operate without the
2 increase in users and user activity generated by children.

3 982. Defendants created TikTok and directed its activity through advertisements
4 to minor users, including users under 13 years old. This created a special duty to
5 exercise reasonable care to protect the minors from foreseeable harm while the minors
6 were on TikTok.

7 983. Defendants have voluntarily undertaken a responsibility to keep children
8 safe on TikTok.

9 984. Defendants are responsible not only for the result of their willful acts, but
10 also for injuries occasioned to Pennsylvania Plaintiffs and Pennsylvania Members by
11 Defendants' want of ordinary care and/or skill in the management of their property.

12 985. Pennsylvania Plaintiffs and Pennsylvania Class Members were foreseeable
13 users of TikTok.

14 986. Defendants operate a website or online service directed at children under
15 the age of 13, as defined by COPPA.

16 987. Defendants had actual knowledge that children under the age of 13, such as
17 Pennsylvania Plaintiffs and Pennsylvania Class Members, were using and would use
18 Full Access Platform.

19 988. Defendants invited, solicited, and encouraged the fact, extent, and manner
20 of Pennsylvania Plaintiffs' and Pennsylvania Class Members' use of TikTok.

21 989. Defendants had actual knowledge that the use of TikTok (as developed, set
22 up, managed, maintained, supervised, and operated by Defendants) would result in
23 Defendants collecting and using Pennsylvania Plaintiffs' and Pennsylvania Class
24 Members' personal information.

25 990. At all relevant times, Defendants had actual knowledge that TikTok (as
26 developed, setup, managed, maintained, supervised, and operated by that Defendant)
27 posed unreasonable risks of harm to youth such as Pennsylvania Plaintiffs and
28 Pennsylvania Class Members through the collection, use, and/or disclosure of their

1 personal information. Those risks were known and knowable, including in light of the
2 multiple previous violations of minor children's privacy on TikTok in the last decade.

3 991. Defendants had actual knowledge that their under-13 users would attempt
4 to create regular accounts instead of only trying to create Kids Mode accounts.

5 992. Defendants had actual knowledge that when under-13 users created regular
6 accounts instead of Kids Mode accounts, their personal information would be treated
7 without the adequate protections warranted for personal information of under-13 users
8 online.

9 993. Defendants had actual knowledge that its "age gate" features were not
10 reasonably adequate to protect the privacy of children's information on TikTok.

11 994. Defendants had actual knowledge that it collected personal information as
12 defined by COPPA from users under the age of 13.

13 995. Due to Defendants' control over how youth set up accounts on TikTok,
14 Defendants injured Pennsylvania Plaintiffs and Pennsylvania Class Members by
15 violating their privacy.

16 996. Defendants could have avoided Pennsylvania Plaintiffs' and Pennsylvania
17 Class Members' injuries with minimal cost, including, for example, by providing direct
18 parental notice and requiring verifiable parental consent for its users.

19 997. Imposing a duty on Defendants would benefit the community at large.

20 998. Imposing a duty on Defendants would not be burdensome to them because
21 they have the technological and financial means to avoid the risks of harm to
22 Pennsylvania Plaintiffs and Pennsylvania Class Members.

23 999. Defendants owed a heightened duty of care to youth users of TikTok
24 because children have a diminished capacity to understand how companies collect and
25 use their personal information and for what purpose. Additionally, Defendants owed a
26 heightened duty of care to youth users of TikTok because it interacts directly with
27 children out of the immediate oversight of their parents. Defendants were at all times the
28 more sophisticated party and better positioned to understand children's privacy rights

1 and their obligations to protect those rights adequately.

2 1000. Defendants breached their duty of care that they owed Pennsylvania
3 Plaintiffs and Pennsylvania Class Members through their affirmative malfeasance,
4 actions, business decisions, and policies in TikTok's development, setup, management,
5 maintenance, operation, supervision, and control. These breaches are based on
6 Defendants' own actions in managing their own property—TikTok—that they made
7 available to the public, independent of any actions taken by a third party. Those
8 breaches include, but are not limited to:

- 9 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
10 protocols that do not ask for or verify the age or identity of users or by
11 adopting ineffective age and identity verification protocols,
12 b. Knowingly collecting personal information from youth under the age of 13 in
13 knowing or reckless disregard of the fact that direct notice had not been
14 provided to parents and verifiable consent had not been obtained from parents,
15 c. Willfully ignoring that significant numbers of under-13 users were
16 maintaining regular TikTok accounts in violation of TikTok's policies and the
17 2019 Consent Decree, and
18 d. Instructing employees not to take action to disable regular TikTok accounts
19 for users whom employees reasonably believed were under 13 years old.

20 1001. Defendants have breached their duty of care that they owed to
21 Pennsylvania Plaintiffs and Pennsylvania Class Members through their non-feasance,
22 failure to act, and omissions in the development, setup, management, maintenance,
23 operation, supervision, and control of TikTok. These breaches are based on the
24 Defendants' actions in managing their property—TikTok—that they made available to
25 the public, independent of any actions taken by a third party. Those breaches include:

- 26 a. Failing to implement effective protocols to block users under the age of 13,
27 b. Failing to implement effective protocols to prevent the collecting, sharing, and
28 selling of the personal information of users under the age of 13 without prior

1 affirmative authorization, and

2 c. Failing to implement effective parental controls.

3 1002. These breaches also violate COPPA since Defendants collect, use, and
4 disclose under-13 users' personal information without notifying parents and obtaining
5 verifiable parental consent.

6 1003. Defendants' violation of COPPA constitutes negligence per se.

7 1004. A reasonable company under the same or similar circumstances as
8 Defendants would have developed, set up, managed, maintained, supervised, and
9 operated its platforms in a manner that is safer for and more protective of youth users
10 like Pennsylvania Plaintiffs.

11 1005. At all relevant times, Pennsylvania Plaintiffs and Pennsylvania Class
12 Members used TikTok in the manner it was intended to be used.

13 1006. As a direct and proximate result of Defendants' breach of one or more of
14 its duties, Pennsylvania Plaintiffs and Pennsylvania Class Members were harmed by
15 Defendants' violation of Pennsylvania Plaintiffs' and Pennsylvania Class Members'
16 privacy and the loss of control over when, how, and for what purpose their personal
17 information is collected, used, and disclosed.

18 1007. The harm to the Pennsylvania Plaintiffs and Pennsylvania Class Members
19 is the type of harm that COPPA was intended to prevent.

20 1008. The Pennsylvania Plaintiffs and Pennsylvania Class Members do not allege
21 any harm or injury constituting a personal injury or emotional distress and do not seek
22 damages based on those types of injuries.

23 1009. Defendants' breach of one or more of their duties was a substantial factor
24 in causing harms and injuries to Pennsylvania Plaintiffs and Pennsylvania Class
25 Members.

26 1010. But for Defendants' violation of the applicable laws and regulations related
27 to COPPA, Pennsylvania Plaintiffs' and Pennsylvania Class Members' personal
28 information would not have been used, collected, or disclosed to third parties.

1 1011. As a direct and proximate result of Defendants’ negligence per se,
2 Pennsylvania Plaintiffs and Pennsylvania Class Members have been injured and are
3 entitled to damages in an amount to be proven at trial.

4 1012. Pennsylvania Plaintiffs demand judgment against Defendants for injunctive
5 relief and for compensatory, treble, and punitive damages, together with interest, costs
6 of suit, attorneys’ fees, and all such other relief as the Court deems proper.

7 **CLAIM 17 — PENNSYLVANIA UNFAIR TRADE PRACTICES AND**
8 **CONSUMER PROTECTION LAW (UTCPL), PA. STAT. ANN. TIT. 73 § 210-1**
9 ***ET SEQ.***

10 **(Against All Defendants by Plaintiffs Z.B. and I.B., minors, by and**
11 **through their parent, Steven Burda, and the Pennsylvania Class)**

12 1013. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class
13 incorporate the foregoing allegations as if fully set forth herein.

14 1014. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class are or
15 were residents of Pennsylvania and used TikTok while under the age of 13.

16 1015. Pa. Stat. Ann. tit. 73, § 201-3 provides that “[u]nfair or deceptive acts or
17 practices in the conduct of any trade or commerce as defined by subclauses (i) through
18 (xxi) of clause (4) of section 2 of this act and regulations promulgated under section 3.1
19 of this act are hereby unlawful.”

20 1016. At all times mentioned herein, Defendants each engaged in “trade” or
21 “commerce” in Pennsylvania in that Defendants each engaged in the advertising,
22 offering for sale, sale, and distribution of property or any other articles, commodities, or
23 things of value in Pennsylvania.

24 1017. Defendants violated Pa. Stat. Ann. tit. 73, § 201-1 *et seq.* by engaging in
25 the unfair acts or practices proscribed by Pa. Stat. Ann. tit. 73, § 201-3 as outlined
26 herein.

27 1018. Defendants engaged in “unfair” business acts and/or practices. Defendants
28 at all relevant times knowingly violated legal duties and public policy by unfairly and
unlawfully collecting the personal information of the Pennsylvania Plaintiffs and
Pennsylvania Class Members without notifying their parents and obtaining verifiable

1 parental consent and by tracking, profiling, and targeting those children with behavioral
2 advertising for Defendants' commercial financial gain. These practices are unethical,
3 unscrupulous, and substantially injurious to children, and thus constitutes an unfair
4 practice. The harm these practices caused to the Pennsylvania Plaintiffs and
5 Pennsylvania Class Members outweigh their utility, if any.

6 1019. As outlined herein, TikTok represented that TikTok Kids Mode was
7 designed for children under 13 years old by representing to children who identified
8 themselves as being under 13 years old that the child is "about to access a TikTok
9 experience designed just for you." In Kids Mode, a user can view videos, but cannot
10 upload videos, post information publicly, or message other users.

11 1020. TikTok Kids Mode is not designed to be legally appropriate for children
12 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights
13 of children under 13 years old, including by collecting and using their personal
14 information without providing direct notice to their parents or obtaining parental
15 consent.

16 1021. Defendants each engaged in consumer-oriented acts through the offer,
17 promotion, and/or distribution of the TikTok app, which significantly impacted the
18 public because TikTok is used nationwide, including in Pennsylvania, and there are
19 millions of users, including the Pennsylvania Plaintiffs and Members of the
20 Pennsylvania Class.

21 1022. Defendants at all relevant times knowingly violated legal duties and public
22 policy by unfairly and unlawfully collecting the personal information of children under
23 13 years old and tracking, profiling, and targeting those children with behavioral
24 advertising for Defendants' commercial financial gain.

25 1023. As outlined herein, Defendants at all times had actual knowledge of their
26 own non-compliance with COPPA and other applicable privacy-related laws. Further,
27 Defendants at all times had actual knowledge that they were collecting Private
28 Information from users under the age of 13 including the Pennsylvania Plaintiffs and the

1 Pennsylvania Class Members and for purposes of tracking, profiling, and targeting of
2 those children for lucrative behavioral advertising.

3 1024. As outlined herein, Defendants intentionally designed TikTok to, among
4 other things, attract children under 13 by making child-directed content available to
5 them so that TikTok could collect the personal information for substantial commercial
6 gain.

7 1025. TikTok was aware at all times that a significant portion of its users were
8 under the age of 13 and nonetheless collected the personal information of those children
9 for the purpose of serving those children behavioral advertising for substantial
10 commercial gain. After entering into a Permanent Injunction with the United States in
11 2019 intended to prohibit Defendants from their continued collection or use of the
12 personal information of children under the age of 13, Defendants purposefully sought to
13 undermine their compliance through, among other practices, implementation of a
14 woefully inadequate age-gating system, and monitoring policies and procedures
15 designed to allow them to continue knowingly collecting and using the personal
16 information of children.

17 1026. In particular, Defendants systematically collected and/or used personal
18 information from children under 13 years old in violation of COPPA, and therefore the
19 FTC Act, by inter alia:

- 20 a. Failing to provide sufficient notice of the information Defendants collected, or
21 the information that was collected on Defendants' behalf, online from children
22 under 13 years old, how Defendants used such information, their disclosure
23 practices, and all other required content, in violation of Section 312.4(d) of
24 COPPA, 16 C.F.R. § 312.4(d);
- 25 b. Failing to provide direct notice to parents of the information Defendants
26 collected, or the information that was collected on Defendants' behalf, online
27 from children under 13 years old, how Defendants used such information,
28 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);

- c. Failing to obtain verifiable parental consent before any collection or use of personal information from children under 13 years old, in violation of Section 312.5 of COPPA, 16 C.F.R. § 312.5; and
- d. Failing to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children under 13 years old, in violation of Section 312.8 of COPPA, 16 C.F.R. § 312.8.

1027. 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 Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*¹⁰¹

1028. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in violation of Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*, which proscribes the same conduct as the FTC Act.

1029. Defendants’ conduct is unfair, immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers, and there are no greater countervailing benefits to consumers or competition. Further, the Pennsylvania Plaintiffs and Members of the Pennsylvania Class 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 years old—to their detriment.

1030. Defendants willfully engaged in the unfair and unlawful acts described herein and knew or recklessly disregarded the fact that they violated Pa. Stat. Ann. tit.

¹⁰¹ See 16 C.F.R. § 312.1 (COPPA “prohibits unfair or deceptive acts or practices in connection with the collection, use, and/or disclosure of personal information from and about children on the internet.”).

73, § 201-1 *et seq.*

1031. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class were harmed by Defendants' practices described herein, which were a substantial factor and caused injury in fact and actual damages to the Pennsylvania Plaintiffs and Members of the Pennsylvania Class.

1032. As a direct and proximate result of Defendants' unfair and unlawful acts and practices in violation of Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*, the Pennsylvania Plaintiffs and Members of the Pennsylvania Class 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 the Pennsylvania Plaintiffs and Members of the Pennsylvania Class.

1033. As outlined herein, there is tangible value in the Pennsylvania Plaintiffs' and Members of the Pennsylvania Class's personal information. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class have lost the opportunity to receive value in exchange for their personal information.

1034. Defendants' monetization of the Pennsylvania Plaintiffs' and Members of the Pennsylvania Class's personal information demonstrates that there is a market for their personal information.

1035. The Pennsylvania Plaintiffs' and Members of the Pennsylvania Class's personal information is now in the possession of Defendants, who have used and will use it for their financial gain.

1036. Defendants' retention of the Pennsylvania Plaintiffs' and Members of the Pennsylvania class's personal information presents a continuing risk to them as well as the general public. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class seek relief for the injuries they have suffered as a result of Defendants' unfair and unlawful acts and practices, as provided by Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*, and

1 applicable law, including all actual damages and attorneys' fees and costs, treble
2 damages, statutory damages, and restitution, as well as an injunction requiring
3 Defendants to each permanently delete, destroy or otherwise sequester the personal
4 information collected without parental consent, requiring Defendants to provide a
5 complete audit and accounting of the uses of the personal information by them and any
6 other third parties, and other appropriate injunctive and/or declaratory relief.

7 **H. WASHINGTON CLAIMS**

8 **CLAIM 18 — WASHINGTON NEGLIGENCE** 9 **(Against All Defendants by Plaintiffs K.F. and J.W., minors, by and** 10 **through their parents and guardians ad litem, and the Washington Class)**

11 1037. Plaintiff K.F., a minor, by and through their parent and guardian ad litem,
12 Angela Facuett, and Plaintiff J.W., a minor, by and through their parent and guardian ad
13 litem, Kayla Jaramillo (the "Washington Plaintiffs") and Washington Class Members
14 incorporate the foregoing allegations as if fully set forth herein.

15 1038. At all relevant times, Defendants developed, set up, managed, maintained,
16 operated, supervised, controlled, and benefited from Washington Plaintiffs' and
17 Washington Class Members' use of TikTok.

18 1039. Defendants owed Washington Plaintiffs and Washington Class Members a
19 duty to exercise reasonable care in TikTok's development, setup, management,
20 maintenance, operation, supervision, and control to protect its under-13 users' personal
21 information.

22 1040. Defendants also owed Washington Plaintiffs and Washington Class
23 Members a duty under COPPA not to collect, use, or disclose under-13 users' personal
24 information without notifying parents and obtaining verifiable parental consent.

25 1041. Washington Plaintiffs and Washington Class Members are within the class
26 of persons that COPPA was intended to protect.

27 1042. Defendants also owed a special relationship duty to Washington Plaintiffs
28 and Washington Class Members to protect them against harm caused by TikTok.
Washington Plaintiffs and Washington Class Members, as children, are comparatively

1 vulnerable and depend on Defendants for a safe environment on TikTok, and
2 Defendants have the superior ability and control over TikTok to provide that safety on
3 its app. The special relationship Washington Plaintiffs and Washington Class Members
4 have with Defendants substantially benefits Defendants through profits and growth in
5 users and user activity. Defendants could not successfully operate without the increase
6 in users and user activity generated by children.

7 1043. Defendants created TikTok and directed its activity through advertisements
8 to minor users, including users under 13 years old. This created a special duty to
9 exercise reasonable care to protect the minors from foreseeable harm while the minors
10 were on TikTok.

11 1044. Defendants have voluntarily undertaken a responsibility to keep children
12 safe on TikTok.

13 1045. Defendants are responsible not only for the result of their willful acts, but
14 also for injuries occasioned to Washington Plaintiffs and Washington Members by
15 Defendants' want of ordinary care and/or skill in the management of their property.

16 1046. Washington Plaintiffs and Washington Class Members were foreseeable
17 users of TikTok.

18 1047. Defendants operate a website or online service directed at children under
19 the age of 13, as defined by COPPA.

20 1048. Defendants had actual knowledge that children under the age of 13, such as
21 Washington Plaintiffs and Washington Class Members, were using and would use Full
22 Access Platform.

23 1049. Defendants invited, solicited, and encouraged fact, extent, and manner of
24 Washington Plaintiffs' and Washington Class Members' use of TikTok.

25 1050. Defendants had actual knowledge that the use of TikTok (as developed, set
26 up, managed, maintained, supervised, and operated by Defendants) would result in
27 Defendants collecting and using Washington Plaintiffs' and Washington Class
28 Members' personal information.

1 1051. At all relevant times, Defendants had actual knowledge that TikTok (as
2 developed, setup, managed, maintained, supervised, and operated by that Defendant)
3 posed unreasonable risks of harm to youth such as Washington Plaintiffs and
4 Washington Class Members through the collection, use, and/or disclosure of their
5 personal information. Those risks were known and knowable, including in light of the
6 multiple previous violations of minor children's privacy on TikTok in the last decade.

7 1052. Defendants had actual knowledge that their under-13 users would attempt
8 to create regular accounts instead of only trying to create Kids Mode accounts.

9 1053. Defendants had actual knowledge that when under-13 users created regular
10 accounts instead of Kids Mode accounts, their personal information would be treated
11 without the adequate protections warranted for personal information of under-13 users
12 online.

13 1054. Defendants had actual knowledge that its "age gate" features were not
14 reasonably adequate to protect the privacy of children's information on TikTok.

15 1055. Due to Defendants' control over how youth set up accounts on TikTok,
16 Defendants injured Washington Plaintiffs and Washington Class Members by violating
17 their privacy.

18 1056. Defendants had actual knowledge that it collected personal information as
19 defined by COPPA from users under the age of 13.

20 1057. Defendants could have avoided Washington Plaintiffs' and Washington
21 Class Members' injuries with minimal cost, including, for example, by providing direct
22 parental notice and requiring verifiable parental consent for its users.

23 1058. Imposing a duty on Defendants would benefit the community at large.

24 1059. Imposing a duty on Defendants would not be burdensome to them because
25 they have the technological and financial means to avoid the risks of harm to
26 Washington Plaintiffs and Washington Class Members.

27 1060. Defendants owed a heightened duty of care to youth users of TikTok
28 because children have a diminished capacity to understand how companies collect and

1 use their personal information and for what purpose. Additionally, Defendants owed a
2 heightened duty of care to youth users of TikTok because it interacts directly with
3 children out of the immediate oversight of their parents. Defendants were at all times the
4 more sophisticated party and better positioned to understand children's privacy rights
5 and their obligations to protect those rights adequately.

6 1061. Defendants breached their duty of care that they owed Washington
7 Plaintiffs and Washington Class Members through their affirmative malfeasance,
8 actions, business decisions, and policies in TikTok's development, setup, management,
9 maintenance, operation, supervision, and control. These breaches are based on
10 Defendants' own actions in managing their own property—TikTok—that they made
11 available to the public, independent of any actions taken by a third party. Those
12 breaches include, but are not limited to:

- 13 a. Facilitating use of TikTok by youth under the age of 13, including by adopting
14 protocols that do not ask for or verify the age or identity of users or by
15 adopting ineffective age and identity verification protocols,
- 16 b. Knowingly collecting personal information from youth under the age of 13 in
17 knowing or reckless disregard of the fact that direct notice had not been
18 provided to parents and verifiable consent had not been obtained from parents,
- 19 c. Willfully ignoring that significant numbers of under-13 users were
20 maintaining regular TikTok accounts in violation of TikTok's policies and the
21 2019 Consent Decree, and
- 22 d. Instructing employees not to take action to disable regular TikTok accounts
23 for users whom employees reasonably believed were under 13 years old.

24 1062. Defendants have breached their duty of care that they owed to Washington
25 Plaintiffs and Washington Class Members through their non-feasance, failure to act, and
26 omissions in the development, setup, management, maintenance, operation, supervision,
27 and control of TikTok. These breaches are based on the Defendants' actions in
28 managing their property—TikTok—that they made available to the public, independent

1 of any actions taken by a third party. Those breaches include:

- 2 a. Failing to implement effective protocols to block users under the age of 13,
- 3 b. Failing to implement effective protocols to prevent the collecting, sharing, and
- 4 selling of the personal information of users under the age of 13 without prior
- 5 affirmative authorization, and
- 6 c. Failing to implement effective parental controls.

7 1063. These breaches also violate COPPA since Defendants collect, use, and

8 disclose under-13 users' personal information without notifying parents and obtaining

9 verifiable parental consent.

10 1064. Defendants' violation of COPPA constitutes negligence per se.

11 1065. A reasonable company under the same or similar circumstances as

12 Defendants would have developed, set up, managed, maintained, supervised, and

13 operated its platforms in a manner that is safer for and more protective of youth users

14 like Washington Plaintiffs.

15 1066. At all relevant times, Washington Plaintiffs and Washington Class

16 Members used TikTok in the manner it was intended to be used.

17 1067. As a direct and proximate result of Defendants' breach of one or more of

18 its duties, Washington Plaintiffs and Washington Class Members were harmed by

19 Defendants' violation of Washington Plaintiffs' and Washington Class Members'

20 privacy and the loss of control over when, how, and for what purpose their personal

21 information is collected, used, and disclosed.

22 1068. The harm to the Washington Plaintiffs and Washington Class Members is

23 the type of harm that COPPA was intended to prevent.

24 1069. The Washington Plaintiffs and Washington Class Members do not allege

25 any harm or injury constituting a personal injury or emotional distress and do not seek

26 damages based on those types of injuries.

27 1070. Defendants' breach of one or more of their duties was a substantial factor

28 in causing harms and injuries to Washington Plaintiffs and Washington Class Members.

1 1071. But for Defendants’ violation of the applicable laws and regulations related
2 to COPPA, Washington Plaintiffs’ and Washington Class Members’ personal
3 information would not have been used, collected, or disclosed to third parties.

4 1072. As a direct and proximate result of Defendants’ negligence per se,
5 Washington Plaintiffs and Washington Class Members have been injured and are
6 entitled to damages in an amount to be proven at trial.

7 1073. Washington Plaintiffs demand judgment against Defendants for injunctive
8 relief and for compensatory, treble, and punitive damages, together with interest, costs
9 of suit, attorneys’ fees, and all such other relief as the Court deems proper.

10 **CLAIM 19 — WASHINGTON CONSUMER PROTECTION ACT, WASH. REV.**
11 **CODE. § 19.86.010 *ET SEQ.***

12 **(Against All Defendants by Plaintiffs K.F. and J.W., minors, by and**
13 **through their parents and guardians ad litem, and the Washington Class)**

14 1074. The Washington Plaintiffs re-allege and incorporate by reference herein all
15 of the allegations contained above.

16 1075. The Washington Plaintiffs, the Washington Class Members, and TikTok
17 are “persons” within the meaning of Wash. Rev. Code § 19.86.010(2).

18 1076. TikTok committed the acts complained of herein in the course of “trade” or
19 “commerce” within the meaning of Wash. Rev. Code § 19.96.010.

20 1077. TikTok engaged in consumer-oriented conduct by offering and promoting
21 its TikTok social media platform.

22 1078. Washington’s Consumer Protection Act, Wash. Rev. Code § 19.86.010 *et*
23 *seq.* (“CPA”) prohibits “unfair methods of competition and unfair or deceptive acts or
24 practices in the conduct of any trade or commerce.” Wash. Rev. Code § 19.86.020.

25 1079. The Washington CPA instructs that, in construing the Washington CPA,
26 the courts will be “guided by final decisions of the federal courts and final orders of the
27 federal trade commission interpreting the various federal statutes dealing with the same
28 or similar matters.” Wash. Rev. Code § 19.86.920.

1080. TikTok violated the Washington CPA by engaging in the “unlawful”

1 business acts and practices alleged previously, and as further specified below.

2 1081. TikTok engaged in “unfair” business acts and/or practices by violating
3 COPPA and the COPPA Rule.

4 1082. As outlined herein, TikTok represented that TikTok Kids Mode was
5 designed for children under 13 years old by representing to children who identified
6 themselves as being under 13 years old that the child is “about to access a TikTok
7 experience designed just for you.” In Kids Mode, a user can view videos, but cannot
8 upload videos, post information publicly, or message other users.

9 1083. Kids Mode is not designed to be legally appropriate for children under 13
10 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of children
11 under 13 years old, including by collecting and using their personal information without
12 providing direct notice to their parents or obtaining parental consent.

13 1084. TikTok violated Sections 312.3, 312.4, and 312.5 of COPPA, 16 C.F.R. §§
14 312.3-5, by collecting and using personal information from Washington Plaintiffs’ and
15 Washington Class Members without notifying their parents and obtaining verifiable
16 parental consent.

17 1085. TikTok’s business practices alleged herein are unethical, unscrupulous, and
18 substantially injurious to children, and thus constitute an unfair practice under the
19 Washington CPA. The harm these practices caused to Washington Plaintiffs’ and
20 Washington Class Members outweigh their utility, if any.

21 1086. As a direct and proximate result of TikTok’s unfair business acts and
22 practices, Washington Plaintiffs’ and Washington Class Members were injured and lost
23 money or property.

24 1087. First, as a direct and proximate result of TikTok’s unfair business acts and
25 practices, Washington Plaintiffs’ and Washington Class Members suffered “benefit-of-
26 the-bargain” injuries and damages. Washington Plaintiffs’ and Washington Class
27 Members did not receive the full benefit of the bargain, and instead received services
28 from TikTok that were less valuable than the services they would have received if

1 TikTok had abided by COPPA.

2 1088. Washington Plaintiffs' and Washington Class Members, therefore, were
3 damaged in an amount at least equal to the difference in value of the TikTok service that
4 Washington Plaintiffs' and Washington Class Members received (where TikTok
5 collected and used children's personal information without notifying parents or gaining
6 their parents' consent) and the value of the TikTok service that Washington Plaintiffs'
7 and Washington Class Members would have received if TikTok had abided by COPPA
8 (and not collected and used children's personal information without notifying parents or
9 gaining their parents' consent).

10 1089. Second, as a direct and proximate result of TikTok's unlawful and unfair
11 business acts and practices, Washington Plaintiffs' and Washington Class Members
12 suffered "right to exclude" injuries and damages.

13 1090. Washington Plaintiffs' and Washington Class Members have a property
14 interest in the personal information collected by TikTok. Washington Plaintiffs' and
15 Washington Class Members suffered an economic injury because they were deprived of
16 their right to exclude TikTok from their personal information.

17 1091. Washington Plaintiffs' and Washington Class Members' damages may also
18 be measured by the amount of monetary compensation that TikTok would have to
19 provide to parents to gain their consent to collect and use their children's personal
20 information.

21 1092. Washington Plaintiffs' and Washington Class Members seek restitution for
22 monies wrongfully obtained, disgorgement of ill-gotten revenues and/or profits,
23 injunctive relief, actual damages, treble damages, attorney's fees and other relief
24 allowable under Wash. Rev. Code § 19.86.090.

25 **IX. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiffs, individually and on behalf of themselves and the
27 proposed Classes, respectfully request relief as follows:
28

- 1 A. An order certifying this action as a class action, and certifying the Classes
2 defined herein, designating Plaintiffs, as described above, as the
3 representatives of the respective Classes defined herein, and appointing
4 Plaintiffs' counsel as counsel for the Classes;
- 5 B. An order declaring that Defendants' actions, as described above constitute: (i)
6 breaches of the common law claims of intrusion upon seclusion and
7 negligence set forth above; (ii) violations of the state consumer protection
8 statutes set forth above; (iii) a violation of the right to privacy under the
9 California Constitution, Article I, Section 1; and (iv) that Defendants were
10 unjustly enriched as a result of their actions.
- 11 C. A judgment awarding Plaintiffs and the Members of the Classes appropriate
12 relief, including actual, compensatory, and/or statutory damages, and punitive
13 damages (as permitted by law), in an amount to be determined at trial;
- 14 D. A judgment awarding any and all equitable, injunctive, and declaratory relief
15 as may be appropriate, including orders of disgorgement of Defendants'
16 unlawful gains, and restitution;
- 17 E. A judgment awarding injunctive relief as set forth above, non-restitutionary
18 disgorgement of profits and unlawful gains, and such other equitable relief as
19 the Court may deem proper;
- 20 F. A judgment awarding all costs, including experts' fees, attorneys' fees, and the
21 costs of prosecuting this action, and other relief as permitted by law;
- 22 G. Pre-judgment and post-judgment interest, as permitted by law; and
- 23 H. Grant such other legal and equitable relief as the Court may deem appropriate.

24 **X. DEMAND FOR JURY TRIAL**

25 Plaintiffs demand a trial by jury for all issues so triable.

26

27 Pursuant to Local Rule 5-4.3.4, by my signature below, I, Derek W. Loeser, attest
28 that all other signatories concur in the filing's content and have authorized this filing.

DATED this 8th day of December, 2025.

By: /s/ Derek W. Loeser
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Cari Campen Laufenberg (*pro hac vice*)
Nicandro Iannacci (*pro hac vice application*
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