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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 TATIANA BRODISKI and STEVEN BURDA,
12 Individually and on Behalf of All Others Similarly
13 Situated,

14 Plaintiffs,

15 v.

16 TIKTOK INC.; TIKTOK U.S. DATA SECURITY
17 INC.; and BYTEDANCE INC.

18 Defendants.

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	JURISDICTION AND VENUE	1
III.	PARTIES	2
A.	Plaintiffs	2
B.	TikTok Defendants	2
IV.	FACTUAL ALLEGATIONS	2
A.	COPPA prohibits collecting data from children under 13 where an online service operator does not notify parents and receive parental consent.	2
B.	Flouting COPPA, TikTok and its predecessor entity collected minors' Personal Information without parental notice or consent, resulting in a permanent injunction.	4
C.	Violating the permanent injunction, TikTok continues to collect and use children's Personal Information without parental notice or consent.	5
D.	TikTok Generates Revenue from its Unlawful Conduct.....	8
E.	Plaintiffs' Allegations	9
F.	Class Allegations	10
V.	CAUSES OF ACTION	12
	COUNT ONE — UNJUST ENRICHMENT	12
	COUNT TWO — INVASION OF PRIVACY.....	13
VI.	DEMAND FOR A JURY TRIAL	14
VII.	PRAYER FOR RELIEF.....	14

I. INTRODUCTION

1. Defendants operate TikTok, one of the largest social media platforms. TikTok routinely collects, stores, and processes data from its users, including millions of American children under the age of 13.

2. Defendants have knowingly collected data from children under 13 for years. Defendants know that children under 13 create and use TikTok accounts despite TikTok's terms of service requiring users to be at least 13 years of age. Turning a blind eye to TikTok's age requirement, Defendants have collected extensive data from children under 13 and have failed to comply with parents' requests to delete their children's accounts and personal information.

3. Defendants' conduct in knowingly collecting data from children under 13 without parental consent violates the Children's Online Privacy Protection Act of 1998 ("COPPA") and Children's Online Privacy Protection Rule ("COPPA RULE").

4. To stamp out TikTok's misconduct and protect the privacy of millions of American children, Plaintiffs Tatiana Brodiski and Steven Burda bring this lawsuit seeking injunctive relief, civil penalties, damages, and other relief as deemed appropriate by this Court.

II. JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction over this case under 28 U.S.C. § 1332(a) because the amount in controversy exceeds \$75,000, and Plaintiffs and Defendants are residents and citizens of different states.

6. The Court has personal jurisdiction over Defendants because they do business in the District of California and have sufficient minimum contacts with the District. Defendants intentionally avail themselves of the markets in this State through the promotion, marketing, and operations of their platforms at issue in this lawsuit in California, and by retaining the profits and proceeds from these activities, to render the exercise of jurisdiction by this Court permissible under California law and the United States Constitution.

7. Venue is proper in the District of California pursuant to 28 U.S.C. § 1391(b)(2) and (3) because a substantial part of the events or omissions giving rise to the claims at issue in this Complaint arose in this District and Defendants are subject to the Court's personal jurisdiction with respect to this

1 action.

2 III. PARTIES

3 A. Plaintiffs

4 8. Plaintiff Tatiana Brodiski is the mother of J.B. (age 13), a minor who used the TikTok
5 mobile application. Plaintiff Brodiski is a citizen of the state of Washington. At all relevant times,
6 Plaintiff Brodiski has been a resident of Renton, Washington.

7 9. Plaintiff Steven Burda is the father of Z.B. (age 9), I.B. (age 9), and C.B. (age 11), all
8 minors who used the TikTok mobile application. Plaintiff Burda is a citizen of the state of
9 Pennsylvania. At all relevant times, Plaintiff Burda has been a resident of Audubon, Pennsylvania.
10

11 B. TikTok Defendants

12 10. Defendant TikTok Inc. (“TikTok”) is incorporated in California and its principal place
13 of business is in Culver City, California. TikTok designs, develops, owns, markets, and operates the
14 TikTok social media platform, an application that is widely marketed by TikTok and available to youth
15 throughout the United States. TikTok is known as a video-sharing application, where users can create,
16 share, and view short video clips. TikTok has a valuation of at least \$50 billion. TikTok made nearly
17 \$4 billion in revenue in 2021 and an estimated \$10-12 billion in 2022.

18 11. Defendant TikTok U.S. Data Security Inc. (“TikTok USDS”) is a Delaware corporation
19 with its principal place of business shared with TikTok Inc.

20 12. Defendant ByteDance Inc. (“ByteDance”) is incorporated in Delaware and its principal
21 place of business is in Mountain View, California. ByteDance designs, owns, develops, markets,
22 and/or operates TikTok, and designs, owns, develops, markets, and/or operates the TikTok social
23 media platform.

24 IV. FACTUAL ALLEGATIONS

25 A. COPPA prohibits collecting data from children under 13 where an online service 26 operator does not notify parents and receive parental consent.

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

§312.3

14. The COPPA Rule applies to TikTok. TikTok is directed to children, and Defendants have actual knowledge that TikTok collects Personal Information from children.

15. COPPA imposes two requirements before an online service operator can collect Personal Information from children under 13.

16. First, an online service operator like TikTok must provide direct notice to parents, informing them of “what information it collects from children, how it uses such information and its disclosure practices for such information.” 16 C.F.R. §§ 312.3(a), 312.4.

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

18. Personal Information under the COPPA rule is individually identifiable information about an individual collected online, including:

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

16 C.F.R. § 312.2.

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

B. Flouting COPPA, TikTok and its predecessor entity collected minors’ Personal Information without parental notice or consent, resulting in a permanent injunction.

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

21. In 2016, the New York Times reported that many Musical.ly users appeared to be younger than 13 years old.¹ Through the New York Times’ reporting, an advertising agency CEO said that Musical.ly users were kids in “first, second, third grade.”²

22. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for nearly \$1 billion. This gave ByteDance access to the thousands of under 13-year-old users on Musical.ly. A year later, TikTok merged with Musical.ly and consolidated the accounts and data for both applications down into one.

23. Within two years of the TikTok and Musical.ly merger, Musical.ly Inc caught the attention of the U.S. Department of Justice (the “DOJ”). In February 2019, the DOJ filed a complaint against Musical.ly and Musical.ly, Inc., alleging Musical.ly violated the COPPA Rule by collecting and using Personal Information from children younger than 13 without parental notice or consent.

24. In March 2019, TikTok settled those claims by agreeing to pay what was then the largest civil penalty under COPPA and to several forms of injunctive relief, including permanent injunctive relief.³

25. As part of the permanent injunction, TikTok’s predecessor entities were enjoined from violating the COPPA Rule. In part, TikTok’s predecessors were barred from (1) “failing to make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives

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

² *Id.*

³ Lesley Fair, *Largest FTC COPPA settlement requires Musical.ly to change its tune*, FTC (Feb. 27, 2019), <https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune>.

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

4 26. In attempting to comply with the consent decree and COPPA, TikTok made available to
 5 users under 13 what it describes as a “limited, separate app experience.”⁴ The child version of TikTok
 6 restricts users from posting videos through the app. Children can still, however, record and watch
 7 videos on TikTok.⁵ For that reason, experts fear the app is “designed to fuel [kids’] interest in the
 8 grown-up version.”⁶

9 27. In 2019, after the injunction, Musical.ly was renamed TikTok Ltd and Musical.ly Inc
 10 was renamed TikTok Inc. Thereafter, the 2019 Permanent Injunctions’ obligations applied to TikTok.

11 28. But despite the 2019 Permanent Injunction and the COPPA Rule, TikTok continues to
 12 collect and Personal Information from children under 13 without parental notice or consent.

13 **C. Violating the permanent injunction, TikTok continues to collect and use children’s**
 14 **Personal Information without parental notice or consent.**

15 29. When a user creates a TikTok account, TikTok requires the user to input their birthday
 16 by day, month, and year.

17 30. The purpose of this “age gate” is to direct the user to the version and features of TikTok
 18 that are purportedly appropriate for their age.

19 31. Since at least March 2019, if a user enters a birthday that indicates they are 13 or older,
 20 then they are provided with a regular TikTok account.

21 32. On the other hand, if a user enters a birthday that indicates that they are younger than 13
 22 years old, then they are provided with a “TikTok For Younger Users” or “Kids Mode” account. A
 23 Child with a Kids Mode account can view videos but cannot post videos.

24 33. TikTok does not notify parents or obtain parental consent when a Child creates a Kids
 25

26 ⁴ Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, Verge (Feb. 27,
 27 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law>.

28 ⁵ *Id.*

⁶ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
<https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

1 Mode account. TikTok does not use any method to verify that users who acknowledge they are under
2 13 have the consent of their parents or legal guardians to use the platform.

3 34. TikTok’s “age gate” is insufficient. TikTok fails to verify a user’s age when the user
4 signs up for and creates an account. In other words, TikTok does not take any steps to ensure that the
5 birthday a user inputs is their actual date of birth.

6 35. TikTok and its employees have long known that children (including children under 13)
7 misrepresent their age to bypass TikTok’s age gate.

8 36. TikTok and its employees also know that despite other purported efforts to remove
9 children under 13 from the main TikTok platform, child users are ubiquitous.

10 37. In December 2016, one of TikTok’s founders, Alex Zhu, confirmed the company had
11 actual knowledge that “a lot of users, especially top users, they are under 13.”⁷

12 38. TikTok’s internal data confirms the young age of many of its users. TikTok’s records
13 classified 18 million of its 49 million daily users in the U.S. in 2020 as 14 years or younger.⁸

14 39. A former TikTok employee said other TikTok employees had flagged videos from
15 children who appeared to be younger than 13 who were allowed to remain on the main TikTok
16 platform for weeks.⁹

17 40. The existence of under 13 users on the main TikTok platform is also known to TikTok’s
18 human moderators who review flagged accounts that may belong to children. In January 2020, a
19 TikTok moderator recognized that Defendants maintain accounts of children despite the “fact that we
20 know the user is U13,” i.e., under the age of 13, so long as the child user’s profile does not explicitly
21 reference their age being under 13.

22 41. Another TikTok employee admitted that moderators were required to ignore “external
23 information” that a user under review is a child under 13.

25 ⁷ Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs*, TechCrunch
26 (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>; *see also*
27 TechCrunch, *From Brush to Canvas with Alex Zhu of Musical.ly* at 8:58–11:12, YouTube (Dec. 6,
2016), <https://www.youtube.com/watch?v=ey15v81pwII>.

28 ⁸ Raymond Zhong & Sheeta Frenkel, *A Third of TikTok’s U.S. Users May be 14 or Under, Raising Safety Questions*, New York Times (Aug. 14, 2020),
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

⁹ *Id.*

1 42. To try and identify a user's age solely based on their TikTok profile, TikTok uses an
2 algorithm to predict the user's age based on their behavior on TikTok. But TikTok refuses to use its
3 age-prediction algorithm to identify children under 13 and stop them from using regular TikTok
4 accounts.

5 43. In some instances, TikTok allowed users on the main platform without ever requiring
6 the user to input their birthday. From March 2019 to at least May 2022, TikTok allowed users to avoid
7 TikTok's age gate when creating an account by allowing users to use login credentials from third-party
8 online services like Instagram and Google. As such, children under 13 were allowed to create TikTok
9 accounts without entering their birthday if they used login credentials from Google. In turn, Google
10 allowed children under the age of 13 to create Google accounts without parental consent to use
11 Google.

12 44. TikTok's insufficient age verification practices have led millions of children under 13 to
13 gain access to regular TikTok accounts.

14 45. For children with regular TikTok accounts, TikTok collects Personal Information about
15 them including:

- 16 • First and last name;
- 17 • Age;
- 18 • Email address;
- 19 • Phone number;
- 20 • Persistent identifiers for the device(s) used to access TikTok;
- 21 • Social media account information and profile images;
- 22 • Photographs, videos, and audio files containing the user's image and voice, and the
23 metadata associated with such media;
- 24 • Usage information;
- 25 • Device information;
- 26 • Location data;
- 27 • Image and audio information; and
- 28 • Data from cookies and similar technologies that track users online activity across

different websites and platforms.

46. TikTok gathers this information without parental notice or consent.

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

48. Likewise, TikTok gathers this information without parental notice or consent.

49. Regardless of whether a child uses a regular TikTok account or a Kids Mode account, TikTok violates the COPPA Rule by collecting and using a child's Personal Information without parental notice and consent.

50. Additionally, ByteDance allows users to use TikTok without creating an account. TikTok allows users, no matter their age to "browse as [a] guest." It also allows users to watch TikTok's "For You" page. TikTok does not impose age restrictions on who can use TikTok without creating an account by browsing as a guest or watching the For You page. TikTok knows that children under 13 access TikTok in these ways. While users (including children under 13) watch the "For You" page, TikTok's algorithm collects data about that user and their viewing behavior.¹⁰

51. In August 2024, the DOJ filed another complaint alleging that TikTok violated COPPA and the COPPA Rule by (1) knowingly creating and maintaining accounts for children and collecting data from those children without first notifying their parents and obtaining verifiable parental consent; (2) failing to honor parents' requests to delete their children's accounts and information; and (3) failing to delete the accounts and information of users it knows are children.

D. TikTok Generates Revenue from its Unlawful Conduct

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

53. Specifically, TikTok sells advertising space to businesses to market their products and services to TikTok users.

¹⁰ *Browse as guest*, TikTok Inc., <https://support.tiktok.com/en/log-in-troubleshoot/log-in/browse-as-guest>.

1 54. As of January 2024, TikTok reported having nearly 170 million monthly active users in
2 the United States.

3 55. In 2023, TikTok reported earning \$16 billion in revenue in the United States. On
4 information and belief, the vast majority of this revenue derives from its advertising business.

5 56. TikTok uses the Personal Information collected from children (under 13) to target them
6 with advertising.

7 57. TikTok targets users with specific advertisements by collecting persistent identifiers
8 about the users and combining those identifiers with other information about the users. This
9 information is comprised of data TikTok collects from its platform including videos viewed, videos
10 “liked,” accounts followed, content viewed, content created, along with device and account settings
11 and device type.

12 58. By utilizing Personal Information to provide targeted advertisements to children,
13 TikTok’s advertising practices violate COPPA. In turn, a substantial portion of TikTok’s advertising
14 revenue is a direct and proximate result of TikTok’s COPPA violations.

15 **E. Plaintiffs’ Allegations**

16 59. Plaintiff Burda is the father of three minor child, Z.B (9), I.B. (9), and C.B. (11).

17 60. During the Class Period, Z.B., I.B., and C.B. created and used TikTok accounts while
18 under the age of 13 and viewed content on the TikTok platform.

19 61. Z.B. and I.B. created their respective TikTok accounts at approximately 6 years old.

20 62. C.B. created a TikTok account at approximately 8 years old.

21 63. During the Class Period, Defendants collected Z.B., I.B, and C.B.’s Personal
22 Information for the purpose of tracking their activity and utilizing targeted advertisements.

23 64. Defendants never obtained consent from nor notified Z.B., I.B., and C.B.’s parent and
24 legal guardian, Plaintiff Burda, at any point prior to or during its collection and use of Z.B., I.B., and
25 C.B.’s Personal Information.

26 65. Plaintiff Brodiski is the mother of J.B. (13).

27 66. During the Class Period, J.B. created and used TikTok accounts and viewed content on
28 the TikTok platform, in part while under the age of 13.

67. J.B. created a TikTok account at approximately 12 years old.

68. During the Class Period, Defendants collected J.B.'s Personal Information for the purpose of tracking their activity and utilizing targeted advertisements.

69. Defendants never obtained consent from nor notified J.B.'s parent and legal guardian, Plaintiff Brodiski, at any point prior to or during its collection and use of J.B.'s Personal Information.

70. 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.

F. Class Allegations

71. Plaintiffs bring this nationwide class action individually and on behalf of all similarly situated individuals under Rule 23(b)(2), 23(b)(3) and 23(c)(4) of the Federal Rules of Civil Procedure.

72. The Class that Plaintiffs seek to represent is defined as follows:

Nationwide Class

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

73. The Class Period is from March 1, 2019 through the present ("Class Period").

74. Excluded from the Class are the following individuals and entities: Defendants, Defendants' parents, subsidiaries, affiliates, officers and directors, and any entity that Defendant has a controlling interest in; any judge assigned to this litigation and their immediate family members.

75. Plaintiffs reserve the right to amend the definitions of the Class or add Classes or Subclasses.

76. **Numerosity.** The members of the Class are so numerous that joinder of all members is impracticable. While the exact number of Class Members is unknown to Plaintiffs at this time and such number is in Defendants' exclusive possession, upon information and belief, the Class consists of hundreds of thousands to millions of individuals.

77. **Commonality.** Common questions of law and fact exist as to all members of the Class

1 and predominate over questions affecting only individual members of the Class. The questions of law
 2 and fact common the Class include the following:

3 A. Whether TikTok collected and continues to collect Personal Information from
 4 users who were younger than 13 years old when they created and maintained a TikTok account
 5 without notifying the parents and obtaining verifiable parental consent beforehand;

6 B. Whether TikTok collected and continues to collect Personal Information from
 7 users who were younger than 13 years old who viewed TikTok content without signing up for
 8 an account, such as through browsing as a guest or watching the For You Page;

9 C. Whether TikTok used or uses Personal Information from users younger than 13
 10 without notifying their parents and obtaining verifiable parental consent beforehand;

11 D. Whether TikTok and its employees know its age gating systems are deficient
 12 and allow children under 13 to create and maintain “regular” TikTok accounts;

13 E. Whether TikTok and its employees know that children under the age of 13 are
 14 on the TikTok platform;

15 F. Whether TikTok earned advertising revenue from collecting and selling
 16 Personal Information of children under 13 to advertisers;

17 G. Whether TikTok’s practices violate COPPA and the COPPA Rule;

18 H. Whether TikTok engaged in unlawful business practices;

19 I. Whether TikTok engaged in unfair business practices;

20 J. Whether TikTok has unjustly received and retained monetary benefits from
 21 Plaintiffs’ minor children and Class Members by profiting from the use of their Personal
 22 Information; and

23 K. Whether the Class Members are entitled to damages and/or restitution, and if so,
 24 the method of computing damages and/or restitution.

25 78. Plaintiffs’ claims are typical of those of the other members of the Class because
 26 Plaintiffs’ minor children, like every other Class Member, were exposed to TikTok’s uniform conduct
 27 and now suffer from the same violations of law as all other members of the Class.

28 79. **Adequacy.** Plaintiffs will fairly and adequately represent and protect the interests of the

Class Members. Plaintiffs do not have any conflicts of interest that are antagonistic to other Class Members. Further, Plaintiffs have retained counsel experienced in complex class actions and data breach litigation. Both Plaintiffs and Plaintiffs' counsel intend to prosecute this action vigorously.

80. **Superiority and Manageability.** The class litigation is an appropriate method for fair and efficient adjudication of the Class's claims. Class action treatment is superior to other available methods for the fair and efficient adjudication of this controversy. A class action will allow a large number of Class Members to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence that thousands of individual actions would require. Moreover, class treatment promotes judicial economy and eliminates needless burden on the courts.

81. The litigation of the claims brought in this case is manageable. Defendants' uniform conduct, the violation of the same relevant laws, and the ascertainable identifies of Class Members based on Defendants' data demonstrates there would be no significant manageability problems with prosecuting this lawsuit as a class action.

82. Adequate notice can be given to Class Members directly using information maintained in Defendants' records and/or by communicating directly to Class Members via the TikTok app.

83. Unless a Class-wide injunction is issued, Defendants may continue to act unlawfully as described above.

84. Further, Defendants have acted on grounds that apply to the Class as a whole, meaning class certification, injunctive relief, and declaratory relief are appropriate on a class-wide basis.

V. CAUSES OF ACTION

COUNT ONE — UNJUST ENRICHMENT

85. Plaintiffs incorporate by reference all preceding paragraphs.

86. By obtaining and reselling Plaintiffs' and Class Members' Personal Information, Defendants received a monetary benefit. Defendants knew that they could sell or use the Personal Information for financial gain and retain the benefit.

87. Defendants have unjustly received and retained monetary benefits from Plaintiffs and Class Members—minor children—by profiting off the use of their Personal Information under unjust

1 circumstances such that inequity has occurred.

2 88. Defendants have knowingly obtained benefits from Plaintiffs and Class Members such
3 that it would be inequitable and unjust for Defendants to retain such benefits.

4 89. Defendants have knowingly enriched themselves by keeping revenues and profits it
5 received from unjustly and illegally collecting, using, and profiting from the Personal Information of
6 children under the age of 13 through their practice of building profiles and selling targeted
7 advertisements.

8 90. Defendants failed to obtain consent from Plaintiffs, Class Members, or their parents and
9 guardians to collect and use these minor children's Personal Information.

10 91. Defendants will be unjustly enriched if they are permitted to retain the benefits derived
11 from the illegal collection and use of Plaintiffs' and Class Members' Personal Information.

12 92. Plaintiffs and Class Members have no adequate remedy at law.

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

15 **COUNT TWO — INVASION OF PRIVACY**

16 94. Plaintiffs incorporate by reference all preceding paragraphs.

17 95. As minor children, Plaintiffs and Class Members had a legitimate expectation of
18 privacy in their Personal Information. Plaintiffs and Class Members were entitled to their Personal
19 Information being protected from disclosure to unauthorized third parties.

20 96. Defendants intentionally and unreasonably intrude upon the seclusion of minor
21 children, Plaintiffs and Class Members, without consent from their parents or guardians.

22 97. Defendants collected and sold the Personal Information of millions of minor children,
23 including Plaintiffs and Class Members, without the consent of their parents. Defendants collected and
24 profited from Personal Information including: names, ages, profile images, passwords, email
25 addresses, phone numbers, addresses, approximate locations, social media account information, phone
26 and social media contacts, messages sent to and received from other TikTok users, information in the
27 clipboard of a user's device, and payment card numbers.

28 98. Defendants intruded on private activities and information of minor children.

99. Defendants' intrusion was highly offensive to a reasonable person.

100. Defendants owed a duty to Plaintiffs and Class Members to keep their Personal Information confidential.

101. Defendants permitted the disclosure of Plaintiffs' and Class Members' Personal Information to unauthorized third parties.

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

103. By permitting the unauthorized collection and disclosure of Plaintiffs' and Class Members' Personal Information, Defendants acted with reckless disregard for Plaintiffs' and Class Members' privacy and with knowledge that such disclosure would be highly offensive to a reasonable person.

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

105. The disclosure of Plaintiffs and Class Members' Personal Information at issue was neither newsworthy nor of any service to the public interest.

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

VI. DEMAND FOR A JURY TRIAL

107. Plaintiffs demand a trial by jury.

VII. PRAYER FOR RELIEF

108. Plaintiffs, individually and on behalf of the Class, request the Court enter judgment as follows.

A. Entering an Order certifying the Class under Fed. R. Civ. P. 23 and naming Plaintiffs as Class Representatives and counsel for Plaintiffs as Class Counsel;

B. Entering an Order declaring that the conduct alleged herein violates the causes

of action referenced in this Complaint;

C. Entering an order finding in favor of Plaintiffs and Class Members on all counts asserted;

D. Entering an Order that Defendants are jointly and severally liable.

E. Enjoining Defendants from engaging in further actions causing or contributing to the violations of the causes of action as described herein; and

F. Awarding actual and compensatory damages;

G. Awarding punitive damages;

H. Awarding statutory damages in the maximum amount permitted by law;

I. Awarding reasonable attorneys' fees and costs of suit;

J. Awarding pre-judgment and post-judgment interest; and

K. Such other and further relief as the Court deems just and proper under the circumstances.

DATED this 27th day of February, 2025.

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I. PLAINTIFF(S)

Tatiana Brodiski and Steven Burda, Individually and on Behalf of All Others Similarly Situated,

County of Residence of First Listed Plaintiff: King County, WA

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)

Keller Rohrback L.L.P., 1201 Third Ave., Ste. 3400, Seattle, WA 98101, 206-623-1900

DEFENDANT(S)

TikTok Inc. et al.

County of Residence of First Listed Defendant:

Defendant's Attorney's Name and Contact Information (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ U.S. Government Plaintiff

☐ Federal Question (U.S. Government Not a Party)

☐ U.S. Government Defendant

☒ Diversity

III. CAUSE OF ACTION

Cite the U.S. Statute under which you are filing: (Use jurisdictional statutes only for diversity)

28 U.S.C. § 1332

Brief description of case: Wrongful collection and misuse of data from children

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury ☐ 362 Personal Injury -Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury – Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities–Employment ☐ 446 Amer. w/Disabilities–Other ☐ 448 Education PRISONER PETITIONS HABEAS CORPUS ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty OTHER ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee–Conditions of Confinement	☐ 625 Drug Related Seizure of Property 21 USC § 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC § 158 ☐ 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent–Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS–Third Party 26 U.S.C. § 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC § 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced & Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ Original Proceeding

☐ Removed from State Court

☐ Remanded from Appellate Court

☐ Reinstated or Reopened

☐ Transferred from Another District

☐ Multidistrict Litigation–Transfer

☐ Multidistrict Litigation–Direct File

VI. FOR DIVERSITY CASES ONLY: CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Plaintiff

Defendant

☐ Citizen of California

☒ Citizen of Another State

☐ Citizen or Subject of a Foreign Country

☐ Incorporated or Principal Place of Business In California

☐ Incorporated and Principal Place of Business In Another State

☐ Foreign Nation

VII. REQUESTED IN COMPLAINT

☒ Check if the complaint contains a jury demand.

☐ Check if the complaint contains a monetary demand. Amount:

☒ Check if the complaint seeks class action status under Fed. R. Civ. P. 23.

☐ Check if the complaint seeks a nationwide injunction or Administrative Procedure Act vacatur.

VIII. RELATED CASE(S) OR MDL CASE

Provide case name(s), number(s), and presiding judge(s).

See attachment

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2 (Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

- I. Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.
Attorney/Pro Se Litigant Information. Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.

- II. Jurisdiction.** Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:
 - (1) *United States plaintiff.* Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
 - (2) *United States defendant.* Applies when the United States, its agencies, or officers are defendants.
 - (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
 - (4) *Diversity of citizenship.* Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties’ citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.

- III. Cause of Action.** Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.

- IV. Nature of Suit.** Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.

- V. Origin.** Check one of the boxes:
 - (1) *Original Proceedings.* Cases originating in the United States district courts.
 - (2) *Removed from State Court.* Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
 - (3) *Remanded from Appellate Court.* Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
 - (4) *Reinstated or Reopened.* Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) *Transferred from Another District.* Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
 - (6) *Multidistrict Litigation Transfer.* Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
 - (7) *Multidistrict Litigation Direct File.* Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

- VI. Residence (citizenship) of Principal Parties.** Mark for each principal party *only* if jurisdiction is based on diversity of citizenship.

- VII. Requested in Complaint.**
 - (1) *Jury demand.* Check this box if plaintiff’s complaint demanded a jury trial.
 - (2) *Monetary demand.* For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
 - (3) *Class action.* Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
 - (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.

- VIII. Related Cases.** If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.

- IX. Divisional Assignment.** Identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.” Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.

Related Cases

Case Name	Case Number	Judge
<i>McKissick v. ByteDance, Inc.</i>	3:24-cv-08051-JD	Hon. James Donato
<i>R.W. v. ByteDance Inc.</i>	3:25-cv-01304-JD	Hon. James Donato
<i>J.O. v. ByteDance Inc..</i>	3:25-cv-01320-PHK	Hon. Peter H. Kang